



*Kern County*

# **SHERIFF**

## **Interoffice Memorandum**

**To:** All Sheriff's Office Personnel  
**From:** Chief Deputy Larry McCurtain  
**Date:** September 19, 2019  
**Re:** Personal Impact Weapons and Use of Force Reporting Directive

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Effective immediately, the following directive will be implemented:

- Deputies shall not resort to personal impact weapons (hands, elbows, knees, feet, etc.) unless the subject's actions suggest an imminent threat of death or serious injury to the deputy or others and no reasonable alternatives are available.
- As with other impact weapons, deputies shall avoid hitting/kicking a subject's head, neck, throat, spine, kidney or groin due to the potential for serious injury or death. Striking these areas shall be avoided unless the subject's actions suggest an imminent threat of death or serious injury to the deputy or others and no reasonable alternatives are available.
- A supervisor who is directly involved in or supervises a use of force incident shall review all associated reports, however, shall not approve the reports. After review, the reports shall be forwarded to the Section Lieutenant and Watch Lieutenant for approval.

### **IMPORTANT**

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

**Personal Impact Weapons and Use of Force Reporting Directive**



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**SHERIFF**

**ISSUE: 19-01**

**TRAINING BULLETIN**

**DATE: January 4, 2019**

**Senate Bill 1421 (SB 1421)  
Peace Officers, Release of Records**

Senate Bill 1421 (SB 1421) was signed into law effective January 1, 2019 and has changed the confidential status of certain records contained in peace officer and custodial officer personnel files. SB 1421 effects significant change with respect to the disclosure of certain categories of peace officer and custodial officer personnel files by way of the California Public Records Act (CPRA). Effective January 1, 2019, Penal Code 832.7 is amended and the following records are now subject to public disclosure under a CPRA request:

1. An incident involving the discharge of a firearm at a person by a peace officer or custodial officer
2. An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury
3. Any record relating to an incident in which a sustained finding was made by any law enforcement agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public
  - a. As used in this section, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.
  - b. As used in this section, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under color of authority. For purposes of this definition, the propositioning for, or commission of, any sexual act while on duty is considered a sexual assault.
4. Any record relating to an incident in which a sustained finding was made by a law enforcement agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer including, but not limited to, any

sustained finding of perjury, false statements, filing false reports, destruction, falsifying or concealing evidence

SB 1421 amends Penal Code section 832.7 to provide that these four (4) categories of records are subject to disclosure under the California Public Records Act. Specific records relating to any of these categories that must be disclosed include:

- a) Investigative reports
- b) Photographs
- c) Audio/video files
- d) Interview transcripts/recordings
- e) Autopsy reports
- f) All materials presented to the district attorney's office, or to any other entity charged with determining whether to file criminal charges against an officer in connection with an incident
- g) All associated administrative disciplinary records

When an incident involves multiple peace officers/custodial officers, records of sustained findings of sexual assault and dishonesty are not disclosable unless the record relates to a sustained finding against that officer. Factual information about that officer is disclosable if it is relevant to a sustained finding against another officer.

### **Redacting Information**

SB 1421 does provide for agencies to redact certain information from these four (4) categories of records. Information that may be redacted includes:

- Personal information including home addresses, phone numbers, identities of family members
- Information to preserve the anonymity of complainants and witnesses
- Medical, financial, or other information that is protected by law or that would cause an invasion of privacy that clearly outweighs the public interest in disclosure
- Information where there is a specific, articulable, and particularized reason to believe that disclosure of the records would pose a significant danger to someone

Agencies may also withhold records in these four (4) categories when there is an active criminal or administrative investigation in accordance with several requirements:

- Disclosure may be delayed up to 60 days from the date of the incident or until the district attorney determines whether to file criminal charges, whichever is sooner, so long as the agency indicates in writing that the interest in delaying disclosure clearly
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- outweighs the public interest in disclosure and includes the estimated date for disclosure.
- Disclosure can be delayed beyond these 60 days, up to 18 months, if disclosure can reasonably be expected to interfere with a criminal enforcement proceeding against the officer that used the force. The agency must provide updates at 180-day intervals on why disclosure would continue to interfere with the proceedings and includes an estimated date for disclosure. These same rules apply when the criminal proceeding is against someone other than the officer who used the force, except that the agency must show by clear and convincing evidence that the interest in preventing prejudice to the criminal proceeding outweighs the interest in prompt disclosure.
  - If criminal charges are ultimately filed, disclosure may be delayed until a verdict or plea is entered.
  - For administrative investigations into officer involved shootings and investigations into use of force incidents that result in serious bodily injury or death, disclosure may be delayed until the agency determines whether the shooting or use of force violated law or policy, up to 180 days after the incident/allegation of misconduct or 30 days after the close of any criminal investigation, whichever is later.

SB 1421 affects a significant change to the disclosure of certain types of peace officer personnel records. However, SB 1421 only applies to these four (4) categories subject to disclosure and does not affect other categories of records. The intent of this bill is to retroactively apply to all peace officer and custodial officer records that fall within the four (4) categories of personnel records. The ultimate effects of this legislation remain to be seen with respect to its interplay with Peace Officer Bill of Rights statutes. The Kern County Sheriff's Office is currently developing a means to notify personnel of any records that are disclosed and will be carefully reviewing all requests to protect confidentiality of all parties, as well as comply with the appropriate timeframes for notices, updates, and disclosures.

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*Kern County*

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**ISSUE: 19-02**

**TRAINING BULLETIN**

**DATE: January 9, 2019**

### **Department of Motor Vehicle Memorandums**

Please refer to the following State of California Department of Motor Vehicles Law Enforcement Information Memorandums:

- **LAW ENFORCEMENT INFORMATION MEMO: 18-21**  
New Ignition Interlock Device (IID) Laws and Revised Officer's Statement (DS367 *Age 21 and Older Officer's Statement* and DS367 M *Under Age 21 Officer's Statement*)
- **LAW ENFORCEMENT INFORMATION MEMO: 18-22**  
Electronic Report of Sale and Temporary License Plates Update
- **LAW ENFORCEMENT INFORMATION MEMO: 18-23**  
New Law Regarding Gender Categories: Male, Female, and Nonbinary



**LAW ENFORCEMENT INFORMATION MEMO: 18-21**  
**SUBJECT: New IID Laws and Revised**  
**Officer's Statement (DS 367 and DS 367 M)**  
**Memo Date: December 26, 2018**

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**Purpose**

To provide information to law enforcement (LE) regarding implementation of new ignition interlock device (IID) provisions and revisions to the DS 367 and DS 367 M.

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**Background**

Existing law mandates the Department of Motor Vehicles (DMV) to conduct an IID pilot program in the counties of Alameda, Los Angeles, Sacramento, and Tulare through December 31, 2018. This pilot program requires all driving under the influence DUI offenders convicted by a court in these counties, except for those who qualify for an exemption, to install an IID on all vehicles they own or operate for a specified period of time.

LE officers complete an *Age 21 and Older Officer's Statement* (DS 367) or an *Under Age 21 Officer's Statement* (DS 367 M) form upon an Administrative Per Se (APS) DUI arrest. LE officers are required to complete specific fields on the DS 367/DS 367 M to report all necessary observations in support of an APS licensing sanction.

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**New Information**

**New IID Laws** - Effective January 1, 2019, through December 31, 2025, new legislation (Senate Bill [SB] 1046, Hill, Ch. 783, Stats. 2016 and SB 611, Hill, Ch. 485, Stats. 2017) ends the current IID pilot program in four counties and establishes a new IID pilot program statewide. The new pilot program requires drivers who have been convicted of a first-time alcohol-involved DUI resulting in injury, or convicted of multiple alcohol-involved DUIs, to install and maintain an IID on all vehicles they operate.

SB 1046 and SB 611 also authorize courts to order IID installation for a wet-reckless offender convicted pursuant to Vehicle Code (Veh. Code) §23103.5.

Additionally, the new IID pilot program allows persons subject to APS/violation of probation sanctions who were age 21 or older and did not refuse a chemical test to apply for an IID-restricted driver license (DL).

Commercial drivers that are subject to mandatory IID installation are eligible for an IID-restricted DL provided they have completed any necessary period of commercial disqualification.

These individuals can immediately obtain an IID-restricted DL without serving any period of suspension or revocation by satisfying all necessary requirements.

**Revised Officer's Statement** - The DS 367 and DS 367 M have been revised due to new legislation and a recent Federal Supreme Court case.

Assembly Bill (AB) 2717 (Lackey, Ch. 177, Stats. 2018) amends Veh. Code §23612 based on the United States Supreme Court's decision in *Birchfield v. North Dakota* (2016;136 S. Ct. 2160), wherein the Court found that motorists may not be criminally punished for refusing to submit to a blood test based on state implied consent laws. This new law retains the criminal punishments for drivers who refuse to submit to a chemical test of their breath or urine, and removes existing enhanced penalties that a court is required to impose against a convicted driver who refused to submit to a chemical test. AB 2717 also retains existing APS law for a person who refuses to submit to a chemical test of their blood, breath, or urine.

The revised DS 367/DS 367 M is now available for ordering from DMV's warehouse following normal supply procedures. However, **LE officers should not begin using the revised forms until 12 AM on January 1, 2019.**

**This memo supersedes Law Enforcement Information Memos 16-09 and 18-03.**

## Contact

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Questions regarding the information contained in this memo or changes to the e-mail distribution list may be directed to the Justice and Government Liaison Branch at (916) 657-7732 or via e-mail at [jaglaw@dmv.ca.gov](mailto:jaglaw@dmv.ca.gov).

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SONIA HUESTIS  
Deputy Director  
Communication Programs Division

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**LAW ENFORCEMENT INFORMATION MEMO: 18-22**  
**SUBJECT: Electronic Report of Sale and**  
**Temporary License Plates UPDATE**  
**Memo Date: December 24, 2018**

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**Purpose**

To provide updated information to law enforcement regarding the new Electronic Report of Sale (ROS) and Temporary License Plates (TLP).

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**Background**

Assembly Bill 516 (Chapter 90, Statutes of 2016) requires the Department of Motor Vehicles (DMV), effective January 1, 2019, to develop a system that requires a dealer or lessor-retailer, wholesale dealers, and auto auctions to electronically submit the ROS of a vehicle and all dealers will be required to issue and attach TLPs to new or used vehicle which do not already display California license plates (California Vehicle Code §5201).

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**New Information**

On December 20, 2018, the DMV implemented the new TLP program. As a result, there may be vehicles displaying TLPs prior to the mandatory effective date.

All vehicles sold prior to January 1, 2019, are not required to display TLP; however, these vehicles will still require the Temporary Identification portion of the ROS form to be attached to the windshield. Vehicles only displaying the Temporary Identification may be on the road legally until March 30, 2019.

The TLP database is now accessible to authorized CLETS users.

**Reminder: The TLP database is separate from the database currently used to access vehicle registration information. Agencies that do not use CLETS must contact DMV at [CPDADU@dmv.ca.gov](mailto:CPDADU@dmv.ca.gov) or (916) 657-5582, and supply a valid requester code for the new programming requirements and data string layout to access the TLP database.**

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**Contact**

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**LAW ENFORCEMENT INFORMATION MEMO: 18-23**  
**SUBJECT: New Law Regarding Gender Categories: Male, Female, and Nonbinary**  
**Memo Date: December 28, 2018**

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<b>Purpose</b>	To inform law enforcement of the process for obtaining a driver license or identification (DL/ID) card with the new nonbinary gender category.
<b>Background</b>	Currently, the Department of Motor Vehicles (DMV) issues DL/ID cards with a gender category of male or female. In addition to the other requirements to obtain a DL/ID card, applicants seeking a gender change must submit a Medical Certification and Authorization (Gender Change) form DL 329 that has been signed and completed by a physician or psychologist licensed in the United States.
<b>New Information</b>	Effective January 1, 2019, in accordance with Senate Bill 179 (Atkins, Ch.853, Stats. 2017) also known as the "Gender Recognition Act," DL/ID card applicants will be able to self-certify to their chosen gender category of male, female, or nonbinary. The nonbinary gender category will be denoted on the new DL/ID card as an "X". Male will continue to be denoted as "M" and female as "F". The California Law Enforcement Telecommunications System (CLETS) will list the gender categories as follows:  M = MALE F = FEMALE X = NBINRY
<b>Contact</b>	Questions regarding the information contained in this memo or changes to the e-mail distribution list may be directed to the Justice and Government Liaison Branch at (916) 657-7732 or via e-mail at <a href="mailto:jaglaw@dmv.ca.gov">jaglaw@dmv.ca.gov</a> .

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**ISSUE: 19-03**

**TRAINING BULLETIN**

**DATE: January 11, 2019**

### **ARIETIS update due to AB 2710**

California Assembly Bill 2710 went into effect this year and has eliminated the requirement to be sworn in over the phone before submitting a Search Warrant to a Judge for approval in an electronic system. ARIETIS has been updated to include a check box near the "Sign and Submit" button. This box is the oath acknowledgement by the deputy submitting the search warrant and needs to be checked prior to submitting a Search Warrant.

For Search Warrants that do not need to be immediately reviewed, you may submit the Search Warrant without calling to speak to a Judge. The system will be checked at least twice a day (on court days) by the duty Judge.

For Search Warrants requiring immediate review, you may submit the Search Warrant but should notify a Judge (duty or on-call Judge) that you have submitted a Search Warrant.

The Judges have been notified of the changes but if there are any concerns, please do as requested by the Judge and notify Sergeant David Hubbard via email at [hubbard@kernsheriff.org](mailto:hubbard@kernsheriff.org).



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**ISSUE: 19-04**

**TRAINING BULLETIN**

**DATE: January 18, 2019**

**Department of Justice Bulletin: New and Amended Firearms/Weapons Laws**

Please read the following Information Bulletin Number 2019-BOF-01 from the California Department of Justice, Division of Law Enforcement, Bureau of Firearms concerning new and amended firearms/weapons laws. The bulletin provides a brief summary of California firearms/weapons bills that take effect on January 1, 2019, unless otherwise noted.

<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Kevin Gardner, Chief</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> <b>New and Amended Firearms/Weapons Laws</b></p>	<p><i>No.</i> 2019-BOF-01</p> <p><i>Date:</i> 01/03/2019</p>	<p><i>Contact for information:</i> <b>Bureau of Firearms (916) 227-7527</b></p>

**TO: All California Criminal Justice and Law Enforcement Agencies, Centralized List of Firearms Dealers, Manufacturers, Exempted Federal Firearms Licensees, and California Ammunition Vendors**

This bulletin provides a brief summary of California firearms/weapons bills that take effect January 1, 2019, unless otherwise noted. This bulletin is for informational purposes only. Because it is a summary, it does not cover every aspect of the bills addressed below. You can access the full text of the bills at <http://leginfo.legislature.ca.gov/>.

### ***BILLS SIGNED INTO LAW IN 2018 THAT BECOME EFFECTIVE IN 2019***

#### **AB 1192 (Stats. 2018, ch. 63) – Firearms: Retired Peace Officers**

- Redefines the term “honorably retired” for purposes of certain exceptions to the law involving the carrying of firearms by a retired peace officer. The term “honorably retired” now includes a retired reserve officer who has met specified length-of-service requirements.

#### **AB 1872 (Stats. 2018, ch. 56) – Firearms: Unsafe Handguns**

- Adds the following to the list of exempt agencies and individuals who are allowed to purchase unsafe handguns (as defined by Penal Code section 31910): harbors and port districts and other entities employing peace officers described in subdivision (b) of Penal Code section 830.33, the San Diego Unified Port District Harbor Police, the Harbor Department of the City of Los Angeles, and the sworn members of these entities who meet specified training requirements. Prohibits resale by these agencies, officers, and employees to a person who is not exempt from the requirements of Penal Code section 32000.

#### **AB 1968 (Stats. 2018, ch. 861) – Mental Health: Firearms**

- On or after January 1, 2020, this bill imposes a lifetime firearm prohibition on a person who has been taken into custody, assessed, and admitted to a designated facility twice within a one-year period because he or she is a danger to self or others as a result of a mental health disorder.
- Allows a person subject to this lifetime firearm prohibition to request a hearing every 5 years to show that he or she can use firearms in a safe and lawful manner. At this hearing, the burden of proof is on the People of the State of California (represented by District Attorneys) that the person should remain prohibited.

- Existing law requires the facility to provide a person subject to the prohibition with a form to request a hearing and to forward the form to the Superior Court if the person requests a hearing. This bill requires the form to include an authorization for the release of the person's mental health records, upon request, to the appropriate District Attorney, solely for use in the hearing.

**AB 1993 (Stats. 2018, ch. 184) – Secondhand Goods: Tangible Personal Property: Dealers**

- Reduces the 30-day period that secondhand dealers were required to hold tangible personal property to a seven-day period (and in certain circumstances, a five-day period), except for firearms. Firearms must still be held for 30 days, beginning on the date the report of its acquisition was made electronically to the Department of Justice by the secondhand dealer.

**AB 2103 (Stats. 2018, ch. 752) – Firearms: License to Carry Concealed**

- Requires that the training for applicants for a license to carry a concealed weapon (CCW) shall be no less than eight hours and no more than sixteen hours in length, and specifies safe handling and shooting proficiency requirements.
- Requires that the training include live-fire shooting exercises on a firing range and a demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm the applicant will be licensed to carry.
- Requires the licensing authority to establish, and make available to the public, standards for live-fire shooting exercises that include, without limitation, a minimum number of rounds to be fired and minimum passing scores at specified firing distances.

**AB 2176 (Stats. 2018, ch. 185) – Firearms**

- Requires that a receipt given by an officer who takes custody of a firearm or other deadly weapon at the scene of a domestic violence incident, when serving a protective order, or when serving a Gun Violence Restraining Order, shall include the name and residential mailing address of the owner of the firearm or other deadly weapon.
- Extends civil liability to a person who authorizes a minor's acquisition of tear gas by signing a statement of consent or accompanying the minor at the time of acquisition.

**AB 2222 (Stats. 2018, ch. 864) – Crime Prevention and Investigation: Informational Databases**

- Requires all law enforcement agencies in California to enter information regarding each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation, into the DOJ's Automated Firearms System (AFS) within seven days of being notified of the precipitating event.
- Requires all law enforcement agencies in California to enter information for firearms that are illegally possessed, have been used in a crime, or are suspected to have been used in a crime, into the AFS within seven days of the agency having possession of the information.
- Defines "law enforcement agency," as used for these reporting requirements, as meaning a police or

sheriff's department, or any department or agency of the state or any political subdivision thereof that employs any peace officer as defined in Penal Code section 830, including but not limited to the Department of the California Highway Patrol, Department of Fish and Wildlife, the University of California or California State University Police Departments, and the police department of any school district, transit district, airport, and harbor, port, or housing authority.

**AB 2526 (Stats. 2018, ch. 873) – Temporary Emergency Gun Violence Restraining Orders**

- Allows a judicial officer to issue a temporary emergency Gun Violence Restraining Order (GVRO) orally, based on the statements of a law enforcement officer. A temporary GVRO may be obtained in writing, if time and circumstances permit.
- Requires an officer who requests a temporary emergency GVRO to sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and to memorialize the order of the court, if the request is made orally.

**AB 2930 (Stats. 2018, ch. 880) – Unlawful Detainer: Nuisance: unlawful weapons and ammunition**

- Extends authority, until January 1, 2024, for two nuisance-eviction pilot programs that conditionally allow city attorneys and prosecutors in authorized cities to bring eviction proceedings against tenants for committing nuisance violations involving unlawful weapons or controlled substances.

**AB 3129 (Stats. 3129, ch. 883) – Firearms: Prohibited Persons**

- Prohibits a person from ever possessing a firearm, if that person is convicted on or after January 1, 2019, of a misdemeanor violation of Penal Code section 273.5, regarding the willful infliction of corporal injury resulting in a traumatic condition upon a spouse, cohabitant, or other specified person.

**SB 746 (Stats. 2018, ch. 780) – Firearms and Ammunition: Prohibited Possession: transfer to licensed dealer**

- Authorizes a person who is temporarily prohibited from owning, purchasing, receiving, or possessing a firearm or ammunition, to transfer his or her ammunition to a licensed ammunition vendor for the duration of the prohibition. Beginning July 1, 2019, the release of stored ammunition shall be handled similar to the release of stored firearms, and therefore must be returned by a firearms dealer or an ammunition vendor in accordance with the procedures set forth in Penal Code section 30370 et seq.
- Requires a new resident to the state, within 60 days of arrival, to apply for a unique serial number or other identifying mark for any firearm the resident wishes to possess in the state that the resident previously manufactured or assembled, or a firearm the resident owns, that does not have a unique serial number or other mark of identification.
- On July 1, 2020, makes the procedure for a court or law enforcement agency to return a seized firearm also applicable to ammunition feeding devices and ammunition.
- On July 1, 2020, makes certain provisions regarding ammunition also applicable to “ammunition feeding devices,” as defined.

**SB 1100 (Stats. 2018, ch. 894) – Firearms: Transfers**

- Prohibits the sale, supplying, delivery, or giving possession or control of any firearm by a licensed dealer, except as specifically exempted, to any person under 21 years of age per Penal Code section 27510. The exemptions apply to the sale, supplying, delivery, or giving possession or control of a firearm that is not a handgun to a person 18 years of age or older and who:
  - Possesses a valid, unexpired hunting license issued by the Department of Fish and Wildlife;
  - Is an active peace officer, as described in Chapter 4.5 (commencing with section 830) of Title 3 of Part 2 of the Penal Code, who is authorized to carry a firearm in the course and scope of his or her employment;
  - Is an active federal officer or law enforcement agent who is authorized to carry a firearm in the course and scope of his or her employment;
  - Is a reserve peace officer, as defined in section 832.6 of the Penal Code, who is authorized to carry a firearm in the course and scope of his or her employment as a reserve peace officer;
  - Provides proper identification of his or her active membership in the United States Armed Forces, the National Guard, the Air National Guard, or active reserve components of the United States; or
  - Provides proper identification that he or she is an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or active reserve components of the United States.
- Requires any person who wishes to manufacture or assemble a firearm, and who applies to the DOJ for a unique serial number or identifying mark, as required by law, be at least 21 years of age, for any firearm. If the application is made before February 1, 2019, that application may be granted for an applicant who is at least 18 years of age but less than 21 years of age, for a firearm that is not a handgun.

**SB 1200 (Stats. 2018, ch. 898) – Firearms: Gun Violence Restraining Orders**

- Expands the definition of “ammunition,” for the purposes of the Gun Violence Restraining Order (GVRO) law, to include a “magazine.”
- Requires a law enforcement officer, when serving a GVRO, to verbally ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control.
- Requires a court that issues a temporary emergency GVRO (issued on the basis of a law enforcement officer’s attestation) to hold a hearing within 21 days to determine if the GVRO should be extended to one year.

**SB 1346 (Stats. 2018, ch. 795) – Firearms: Multiburst Trigger Activators**

- Clarifies that the definition of “multiburst trigger activator” includes a bump stock, bump fire stock, or other similar devices that are attached to, built into, or used in combination with a semiautomatic firearm to increase the rate of fire of that firearm.

**SB 1382 (Stats. 2018, ch. 94) – Firearms: Vehicle Storage**

- Authorizes locking a handgun in a locked toolbox or utility box, when leaving a handgun in an unattended vehicle.
- Defines “locked toolbox or utility box” as a fully enclosed container that is permanently affixed to the bed of a pickup truck or vehicle that does not contain a trunk, and is locked by a padlock, keylock, combination lock, or other similar locking device.

***BILLS SIGNED INTO LAW IN 2017 THAT BECOME EFFECTIVE IN 2019***

**AB 1525 (Stats. 2017, ch. 825) – Firearms Warnings**

- Requires, on or after January 1, 2019, additional specified warnings to be included at the premises of a licensed firearms dealer.
- Requires, on and after January 1, 2019, a specified warning to be given to a person who takes the firearms safety certificate examination and requires the applicant to acknowledge receipt of the prescribed warning prior to the issuance of the firearms safety certificate.
- Requires, on and after January 1, 2019, the Department to update the testing material at least once every five years and requires the Department to update a referenced Internet Web site to reflect current laws and regulations.

***BILLS SIGNED INTO LAW IN 2016 THAT BECOME EFFECTIVE IN 2019***

**AB 857 (Stats. 2016, ch. 60) – Firearms: Identifying Information**

- Under this bill, and as of July 1, 2018, prior to manufacturing or assembling a firearm, a person manufacturing or assembling a firearm has been required to follow the Unique Serial Number Application (USNA) process.
- By January 1, 2019, and subject to certain exceptions, any person who, as of July 1, 2018, owns a firearm that does not bear a serial number must apply to the Department for a unique serial number or other mark of identification.

**SB 1235 (Stats. 2016, ch. 55) – Ammunition & Proposition 63 (Approved by the Voters on Nov. 8, 2016) – Safety For All Act**

- Commencing July 1, 2019, with specified exceptions, ammunition can be sold only to: a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition; a person who has a current certificate of eligibility issued by the Department; or a person who obtains Department approval for a purchase or transfer of ammunition in a single transaction. Ammunition purchasers and transferees will be charged a per-transaction fee not to exceed \$1.
- Ammunition can be sold to a person who was approved by the Department to receive a firearm from a licensed firearms dealer if the ammunition is delivered to the person in the same transaction as the firearm.
- Commencing July 1, 2019, an ammunition vendor shall electronically submit to the Department information regarding ammunition sales and transfers. The Department shall retain this information in a database to be known as the Ammunition Purchase Records File. This information shall remain confidential and may be used by the Department and those entities specified in, and pursuant to, subdivision (b) or (c) of Penal Code section 11105, through the California Law Enforcement Telecommunications System, only for law enforcement purposes. The ammunition vendor shall not use, sell, disclose, or share the information for any other purpose other than the submission required by this subdivision without the express written consent of the purchaser or transferee.
- As authorized by the bill, the Department is currently drafting regulations that will specify additional rules applicable to the purchase or transfer of ammunition.

If you have any questions regarding this Information Bulletin, please contact the Department of Justice, Bureau of Firearms, at (916) 227-7527.



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**ISSUE: 19-05**

**TRAINING BULLETIN**

**DATE: 01/18/2019**

### **New Policy F-0900: Use of Impact Munitions**

Section F-0900, Use of Impact Munitions, has been added to the Department Policies and Procedures Manual. This policy provides information on training, deployment, and documentation of the less lethal 40mm impact munition launchers. Refer to the attached policy for further information.

**<<INSERT POLICY LINK HERE>>**

Reading of the attached policy is mandatory for all employees of the Sheriff's Office. A "Sign In" link is located on the last page of the policy for employees to acknowledge that they read the document. The completion date by which the document is to be read and acknowledgement submitted is February 1, 2019.



*Kern County Sheriff's Office*

**Policies and Procedures**

<b>TITLE: USE OF IMPACT MUNITIONS</b>		<b>NO: F-900</b>	
<b>APPROVED: Donny Youngblood, Sheriff-Coroner</b>			
<b>EFFECTIVE:</b> January 18, 2019	<b>REVIEWED:</b> 1/17/2019	<b>REVISED:</b>	<b>UPDATED:</b>

**POLICY**

The department utilizes less-lethal impact munitions that are designed for deployment with 40mm impact munition launchers. Impact munitions are not intended to produce deadly effects; however, just as with other impact weapons such as batons, these projectiles can cause serious injury or death if not used appropriately.

The term “impact munitions” refers to a group of projectiles that have a low probability of causing serious bodily injury or death when they strike a human target. Even though these munitions are considered less-lethal, they are not to be considered non-lethal.

Deputy Sheriffs are permitted to use impact munitions to subdue subjects when the officer is acting within the guidelines of P.C. 835a and DPPM F-100, and the use of impact munitions reasonably appears necessary to effect an arrest, prevent escape, or overcome resistance.

**DIRECTIVE A**

Only deputies trained in the proper use of impact munitions are authorized to deploy them during actual field or custody-related operations. The department’s Firearms Range Instructor and the SWAT Team Specialty Impact Munitions Instructor are responsible for training and certifying deputies in the proper deployment of impact munitions.

**DIRECTIVE B**

When used during actual incidents, impact munitions should be part of an overall plan to safely take a combative or resistive suspect into custody. When possible, this plan should include:

- Presence of a supervisor on-scene to coordinate the situation.
- A coordinated plan including assigning those responsible for deploying impact munitions, providing verbal commands, providing lethal coverage, and applying restraints.
- Nothing in this policy shall prevent the deployment of impact munitions when the situation is dynamic, and it reasonably appears there is insufficient time to develop a complete, coordinated plan as described above.

**PROCEDURE**

The officer who has used impact munitions on a subject will:

- Follow the reporting procedure in F-200.
- Transport the suspect to a medical facility for medical clearance prior to booking.
- Advise any transporting officer that a specialty impact projectile was used.

Any officer transporting an arrested person against whom specialty impact projectiles have been used will:

- Advise detention facility personnel or medical personnel of the fact.
- Advise detention facility personnel or medical personnel of any medical or first aid treatment given.
- Comply with any requests by detention facility personnel for further medical treatment prior to booking.

**<<INSERT MANDATORY READ LINK HERE>>**

<b>EFFECTIVE:</b> January 18, 2019	<b>REVIEWED:</b> 1/17/2019	<b>REVISED:</b>	<b>UPDATED:</b>
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*Kern County*

**SHERIFF**

**DONNY YOUNGBLOOD**  
Sheriff-Coroner

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

**ISSUE: 19-06**

**TRAINING BULLETIN**

**DATE: January 23, 2019**

### **New Policy C-0520: Alcohol and Drug Testing**

Section C-0520, Alcohol and Drug Testing, has been added to the Department Policies and Procedures Manual. This policy is implemented for Kern County Sheriff's Command Association (KCSCA) and Kern Law Enforcement Association (KLEA) bargaining unit employees as of January 1, 2019. Refer to the attached policy for further information.



*Kern County Sheriff's Office*  
**Policies and Procedures**

<b>TITLE:</b> Alcohol and Drug Testing		<b>NO:</b> C-0520	
<b>APPROVED:</b> Donny Youngblood, Sheriff-Coroner			
<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>

### **BARGAINING UNITS**

This policy is implemented for Kern County Sheriff's Command Association (KCSCA) and Kern Law Enforcement Association (KLEA) bargaining unit employees as of January 1, 2019. Kern County Detentions Officer Association (KCDOA) and Service Employees International Union (SEIU) bargaining unit employees will continue to adhere to DPPM C-0500 Employee Drug Testing.

### **POLICY**

Employees of law enforcement agencies are highly visible representatives of government and are entrusted with the responsibility of ensuring the safety and wellbeing of the community they serve, as well as delivery of effective police services. The Kern County Sheriff's Office has a duty and responsibility to the residents and visitors of Kern County to ensure its officers and employees perform their duties without impairment due to abuse of controlled substances and/or alcohol. The Kern County Sheriff's Office also has a duty to provide all its employees with a healthy, safe, and drug free work environment.

Employment in the field of law enforcement imposes upon persons attracted to it, responsibilities and limitations on freedom of action which do not exist in other callings. Sworn members may be armed, required to drive county vehicles, required to drive with due regard under emergency and high stress conditions in the performance of their duties, carry out law enforcement functions in both public settings or detention facilities, and make decisions under high stress conditions. Therefore, it is necessary to hold sworn members of the Sheriff's Office to the highest standard of conduct possible.

The Kern County Sheriff's Office has determined that pre-employment, reasonable suspicion, and random drug testing is necessary to accomplish its compelling governmental interests of maintaining public safety and law and order in the community and maintaining security within courts and detention facilities under its control. Therefore, the Kern County Sheriff's Office shall conduct pre-employment, reasonable suspicion, and random drug and alcohol testing of applicants and employees.

Employees who have a positive result from a drug or alcohol analysis may be subject to

appropriate disciplinary action up to and including termination of employment.

All aspects of this drug testing program that may be applied to employees shall be on County time and paid consistent with any applicable Memorandum of Understanding.

**DIRECTIVE A:**

No employee of the Kern County Sheriff's Office shall be under the influence of, or otherwise engage in the use, possession, transport, purchase, sale, or other distribution, of a controlled substance, or alcohol at any time, while on duty:

- No employee shall report for duty within (8) eight hours after the consumption of any alcoholic beverage, or report for duty with a blood alcohol concentration of .04 BAC, or higher, unless one of the following conditions exists:
- The possession occurs lawfully because of an on-duty seizure in the performance of official duties, or processing of evidence as part of a criminal investigation, or in the performance of any other official duties;
- The employee came under the influence of a controlled substance because of an accidental contamination;
- The employee is an undercover peace officer who was performing essential on-duty activities during the performance of assigned duties.

**DIRECTIVE B:**

No employee shall report for duty under the influence of a medication prescribed to the employee and, due to the medication, the employee is unable to safely or effectively perform assigned duties.

Use of medically prescribed medications and drugs is not by itself a violation of this policy. However, an employee who is taking medication, which could foreseeably interfere with the safe and effective performance of duties or the operation of County equipment, must inform his/her supervisor before beginning work. It is the employee's responsibility to know the impairing effects of a prescribed medication. Failure to inform one's supervisor of a potential impairment relating to the employee's use of prescription medication can result in discipline, up to and including dismissal. If there is a question about an employee's ability to safely and effectively perform duties while using medications, the clearance from a qualified physician may be required.

**DIRECTIVE C:**

Any employee witnessing a possible violation of this policy shall immediately report the suspected violation to their immediate supervisor. If the possible violation is by the immediate supervisor the witnessing employee shall immediately report the violation to the next superior officer in their chain of command, or any other ranking officer within the Sheriff's Office.

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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**PRE-EMPLOYMENT DRUG TESTING:**

The Kern County Sheriff’s Office has a duty to provide professional law enforcement services and operate its courts and detention facilities in a safe and secure manner including the prevention of contraband (including drugs) from entering the jails.

The Kern County Sheriff’s Office has a duty to safeguard the confidentiality of criminal justice information contained in the California Law Enforcement Telecommunications System (“CLETS”) and the Criminal Offender Records Information (“CORI”) system, the breach of which could hamper the Sheriff’s ability to maintain law and order.

The Kern County Sheriff’s Office has compelling governmental interests in these areas and has determined that pre-employment drug testing is necessary in accomplishing these objectives. Therefore, the Kern County Sheriff’s Office shall conduct pre-employment drug testing of applicants for positions involving the following activities:

- All positions involving the use of firearms and all positions directly engaged in drug interdiction.
- All positions with access to prisoners or unsupervised access to contraband (including drugs).
- All positions with access to the California Law Enforcement Telecommunications System (“CLETS”) or the Criminal Offender Records Information (“CORI”).

Pre-employment drug testing will be conducted as part of the background process for all newly hired employees, and county employees who transfer in or promote to specified positions in the Sheriff’s Office from other county departments. Notwithstanding the foregoing, pre-promotional drug testing will not be conducted on Sheriff’s employees who have previously passed a county pre-employment drug test and seek promotion within the Sheriff’s Office.

**DEFINITIONS**

Controlled Substances: Any drug or other substance, defined as a “controlled substance” by California Health and Safety Code Sections 11053 – 11057, which is either: (1) not legally obtainable by the applicant, or (2) which has not been legally obtained by the applicant for prescribed medical purposes, or (3) which has been legally obtained by the applicant, but which has been (a) abused for non-medical purposes, or (b) which may impair the applicant’s ability to safely or effectively perform assigned duties.

**DIRECTIVE A**

Pursuant to Civil Service Rule 307.10.02, applicants shall be disqualified from employment if reliable evidence is discovered, during the application process or background investigation, that the applicant is currently using illegal drugs. In addition, pursuant to Civil Service Rule 307.10.03, applicants shall be disqualified for failing the pre-employment drug test described in this policy.

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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**PROCEDURE**

The background investigator will:

- Cause the applicant to respond to National Toxicology Laboratories or a County approved vendor for a drug test for the following positions:
  - Sheriff
  - Undersheriff
  - Chief Deputy Sheriff
  - Sheriff’s Commander
  - Sheriff’s Lieutenant
  - Sheriff’s Sergeant
  - Senior Deputy Sheriff
  - Deputy Sheriff
  - Detentions Deputy Lieutenant
  - Detentions Deputy Sergeant
  - Detentions Senior Deputy
  - Detentions Deputy
  - Detentions Officer
  - Detention Officer Food Specialist
  - Coroner Division Chief
  - Administrative Coordinator
  - Crime Prevention Coordinator
  - Crime Prevention Specialist
  - Confidential Administrative Assistant
  - Sheriff’s Records Administrator
  - Sheriff’s Senior Support Specialist
  - Sheriff’s Support Specialist
  - Sheriff’s Support Technician
  - Human Resources Manager
  - Office Services Assistant
  - Sheriff’s Civil Litigation Coordinator
  - Sheriff’s Property Control Officer

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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- Technology Services Manager
- Technology Services Supervisor
- Computer Programmer
- Senior Information Systems Specialist
- Senior Administrative and Fiscal Officer
- Sheriff's Aide
- Warehouse Supervisor
- Structural Maintenance Superintendent
- Detention Officer Maintenance Worker
- Maintenance Worker I/II/III/IV
- Maintenance Supervisor
- Maintenance Plumber
- Air Conditioner Mechanic
- Maintenance Electrician
- Fleet Manager
- Auto Mechanic I/II
- Aircraft Pilot
- Aircraft Mechanic
- Sheriff's Dispatch Supervisor
- Sheriff's Senior Dispatcher
- Sheriff's Dispatcher
- Sheriff's Dispatch Assistant
- Sheriff's Program Specialist
- Sheriff's Program Technician
- Supervising Sheriff's Report Technician
- Sheriff's Report Technician
- Evidence Technician
- Identification Technician
- Light Vehicle Driver
- Deputy Public Administrator
- Autopsy Assistant

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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- Medical Transcriptionist
- Property Control Officer
- Coroner Manager
- Supervising Deputy Coroner
- Deputy Coroner
- Network Systems Administrator
- Public Information Officer
- 911 Coordinator
- Groundskeeper
- Volunteer/Intern

- The background investigator will obtain the results of the drug test from National Toxicology Laboratories or a County approved vendor.
- The background investigator will notify the applicant of any positive drug testing results.
- The background investigator will cause the results of the drug test to be filed in the applicant’s background file.

**REASONABLE SUSPICION DRUG TESTING:**

Managers and supervisors may request that an employee submit to a drug or alcohol test when a manager or supervisor has a reasonable suspicion, based on articulable facts, that an employee is under the influence of drugs or alcohol while on the job or on stand-by.

**DEFINITIONS:**

“Reasonable suspicion” is a belief based on objective facts sufficient to lead a supervisor or manager to suspect that an employee is under the influence of drugs or alcohol such that the employee’s ability to perform the functions of the job is impaired or the employee’s ability to perform his/her job safely is reduced.

**FOR EXAMPLE**, any of the following, alone or in combination, **MAY** create reasonable suspicion:

1. Slurred or incoherent speech;
2. The odor of an alcoholic beverage on the breath;
3. Unsteady walking and movement;
4. An accident involving County property (including motor vehicle accidents) where the influence of drugs or alcohol cannot immediately be ruled out as a contributing factor;
5. Unusual appearance (e.g. glassy or bloodshot eyes);

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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- 6. Unusual or irrational behavior;
- 7. Possession of alcohol or drugs in the workplace;
- 8. Information received from a reliable person with personal knowledge.

**DIRECTIVE A:**

Any manager or supervisor requesting an employee to submit to a drug or alcohol test **SHALL** document in writing, the facts which caused their reasonable suspicion that the employee in question was intoxicated or under the influence of drugs. Said documentation shall be maintained by the manager/supervisor’s department for use if disciplinary or legal action becomes necessary.

**DIRECTIVE B:**

Testing may be done on an employee only when there is reasonable suspicion, based on articulable facts that:

- The employee is under the influence, or otherwise engaging in the use, possession, transport, purchase, sale, or other distribution of alcohol, or any controlled substance while on duty;
- The employee has violated Sheriff’s Office policies governing reporting to work under the influence of a prescribed medication;
- The employee has violated Sheriff’s Office policies governing being under the influence of, or otherwise engaging in the use, possession, purchase, or sale of alcohol or controlled substances, while on duty.

An employee may request testing if he has been exposed to a controlled substance capable of being involuntarily absorbed into the body, including those situations in which an employee believes he or she has been contaminated. An employee’s failure to request such testing shall not create a presumption or implication that a positive test for a controlled substance is not attributable to such an exposure.

**PROCEDURE**

**Reasonable Suspicion Testing**

Any supervisor or command officer who becomes aware of any of the above will:

- In all cases where the employee is under the influence, or possibly under the influence of prescribed medication, alcohol, or controlled substances:
- Keep employee in location away from public and other officers;
- Maintain intermittent observation of the employee;
- If accidental exposure, take steps necessary to protect the employee’s health and safety;

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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- For possible prescribed medication, or controlled substances violations, obtain a blood or urine sample in accordance with accepted drug influence evaluation techniques. Any sample obtained will be processed and submitted in accordance with the Kern County District Attorney’s Crime Lab procedures and Sheriff’s Office procedures for booking evidence.
- If the employee is suspected of being under the influence of alcohol, the employee shall submit to a Preliminary Alcohol Screening Test. A trained operator at the direction of a supervisor will conduct the test. This test will be for administrative purposes only;
- If the employees on duty conduct violates Sheriff’s Office policy and/or law:
  - o Notify appropriate Lieutenant, Commander, or Chief Deputy immediately;
  - o Take steps necessary to protect public and employee’s health and safety.

For the purpose of determining whether an employee is under the influence the Sheriff has adopted the quantitative drug levels listed in the County of Kern Alcohol and Drug Policy, Exhibit C (Refer to page 10 of this policy). These quantitative drug levels are for administrative purposes only.

If the employee’s off-duty conduct violates Sheriff’s Office policy and/or law:

- Prepare written report in memo form;
- Forward through the chain of command to the appropriate Chief Deputy;
- If immediate action is necessary to protect the public, or employee’s health and safety, follow steps as if on duty;

If the employee’s actions are suspected to be criminal in nature, a Lieutenant, Commander, or Chief Deputy upon receiving such information will:

- Contact the Special Investigations Division (SID) Commander, or in his/her absence the SID O.I.C., and assign the investigation to a narcotics investigator. If the possible criminal activity involves the use of alcohol, the Watch Commander will assign an appropriate investigator from this agency or any other law enforcement agency in the State of California.

The assigned narcotics investigator will:

- Investigate the matter following accepted narcotics investigation techniques;
- If probable cause does not exist and no criminal case can be pursued, send the investigative package through the chain of command to the Sheriff-Coroner.

The assigned investigator for possible alcohol related criminal activity will:

- Investigate the matter following accepted investigation techniques.

In all cases alleging violations of this section:

- An Internal Affairs Investigation will be initiated.

In all such cases, the assigned Internal Affairs investigator will:

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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- Conduct a thorough investigation following accepted and lawful Internal Affairs investigation practices.

**DIRECTIVE A:**

If a drug screen is positive, the employee must provide, within 24 hours of request, proof of a current prescription for the drug identified in the drug screen. The prescription must be in the employee’s name. If the employee does not provide acceptable proof of a prescription, or if the prescription is not in the employee’s name, or if the employee has not previously told his or her supervisor of potential impairment due to use of medication, the employee will be subject to disciplinary action, up to and including termination of employment.

**DIRECTIVE B:**

The Sheriff, Undersheriff, Chief Deputy Sheriffs, Sheriff’s Commanders, Sheriff’s Lieutenants, Sheriff’s Sergeants, Senior Deputy Sheriffs, Deputy Sheriffs, Detentions Deputy Lieutenants, Detentions Deputy Sergeants, Detentions Senior Deputies, Detention Deputies, Coroner Division Chief, Coroner Manager, Supervising Deputy Coroners, and Deputy Coroners are subject to random drug testing. Sheriff’s Aides assigned to secured facilities and Property Room are also subject to random drug/alcohol testing.

There will be (2) two random selection processes conducted per calendar year at the discretion of the Sheriff. The selection will include three percent (3%) of staff covered in each law enforcement bargaining unit, Kern County Sheriff’s Command Association (KCSCA), Kern Law Enforcement Association (KLEA), the Kern County Detentions Officer Association (KCDOA), and Service Employees International Union (SEIU). The Sheriff, Undersheriff and Chief Deputies will be placed into the selection process with the members of KCSCA. Members subject to testing may be ordered to submit to a drug test whenever randomly selected, up to two (2) times in a twelve (12) month period.

Employees will be subject to random, unannounced drug and alcohol testing. The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety employees. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made. (The County approved random selection process company will be utilized for this purpose).

Random drug/alcohol tests conducted under this policy are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed. A covered employee shall only be randomly tested for drug/alcohol misuse while the employee is performing their duties. A covered employee may be randomly tested for prohibited drug and alcohol use anytime while on duty. A selected employee will be notified of the test at the beginning of their work shift and depending on the employee’s work schedule, a selected

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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employee will have four (4) hours to respond to National Toxicology Laboratories or a County approved vendor upon being notified of the test.

**DIRECTIVE C:**

All testing will be conducted in accordance with this policy (including the option for blood test rather than urine) and Schedule D, section 10.0 (Drug Testing Procedures) of the County of Kern Alcohol and Drug Abuse Policy.

<https://www.kerncounty.com/CAO/policy/default.aspx?tab=0>

**DIRECTIVE D:**

Laboratory analysis of samples shall be restricted to those tests authorized by this policy to detect drug abuse. They shall not be used for other purposes such as genetic testing, analysis of psychological states, medical conditions, and detection of diseases (e.g., pregnancy, AIDS or cancer therapy). The test will be for administrative purposes only.

**TESTING FOLLOWING MOTOR VEHICLE ACCIDENT:**

Employees shall submit to blood alcohol content testing (by breath, blood or urine test) and controlled substance testing (by blood or urine test) following any motor vehicle accident in a county vehicle or in the course and scope of Kern County Sheriff’s Office business if:

1. The investigating law enforcement agency requests testing during their investigation.
2. The supervisor has reasonable suspicion, based on articulable facts listed under the Reasonable Suspicion Drug Testing section of this policy.

**COUNTY of KERN ALCOHOL and DRUG POLICY, EXHIBIT C**

All drug testing conducted by the Sheriff’s Office will be capable of detecting the following drugs or drug groups at the listed screening and confirmation levels (in NG/ML by each method):

	<b>CONFIRMATION</b>	<b>SCREENING</b>
• AMPHETAMINES	300	260
• Amphetamine/Methamphetamine		
• MDMA/MDA (Ecstasy)	1000	260
• BARBITURATES	300	100
Amobarbital		
Boutalbarbital		
Butalbital		
Pentobarbital		
Phenobarbital		
Secobarbital		

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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• BENZODIAZEPINES	300	100
• CANNABINOIDS	20	10
Marijuana (THC)		
• COCAINE	300	150
Benzoylacognine		
• OPIATES	300	150
Codeine/Morphine		
Heroin		
Hydrocodone/Hydromorphone		
• METHADONE	300	100
• METHAQUALONE	300	300
• PHENCYCLIDINE	25	25
• PROPOXYPHENE	300	300
Norpropoxyphene		
• OXYCODONE	100	100

**CONFIRMATORY TEST:**

- All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry techniques. All confirmations shall be by quantitative analysis.
- Concentrations, which exceed the linear region of the standard curve, shall be documented in the laboratory record as “greater than highest standard curve value.”

**RETEST PROCESS:**

Employees who test positive for one or more drugs will be given the opportunity to have a portion of the sample (urine or blood) retested by another laboratory as specified in Schedule D, section 10.0 (Drug Testing Procedures) of the County of Kern Alcohol and Drug Abuse Policy.

<b>EFFECTIVE:</b> January 1, 2019	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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*Kern County*

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**ISSUE: 19-07**

**TRAINING BULLETIN**

**DATE: February 1, 2019**

### **New Detention Bureau Policy C-2300: TRUST / TRUTH Act Compliance**

The changes listed below have been made to the Detentions Bureau Policy and Procedure Manual and will be effective as of February 1, 2019.

The new policy is 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 kept in the facilities will be maintained and updated from this source.

Please note: This update bulletin provides only a summation of the new policy. Staff members assigned to the Detentions Bureau are directed to review the full policy to ensure that you are familiar with it.

#### **C-2300: TRUST / TRUTH ACT COMPLIANCE**

This is a new policy, which formalizes TRUST / TRUTH Act procedures which were previously communicated through directives.

This policy outlines specific clerical, deputy and Shift Supervisor responsibilities related to TRUST /TRUTH Act compliance including:

- Procedures for staff regarding requests from ICE to interview inmates requests from ICE for notice of pending release of an inmate and making the requested notification of pending release;
- Specific instructions for identified staff related to completion of the TRUTH Act Notification Form;
- Identification of specific staff for data entry of TRUST / TRUTH Act tracking information;
- Documentation requirements for subsequent ICE detainment of a released inmate.
- [Attachment A - TRUTH Act Notification Form](#);
- [Attachment B – ICE Release Notification Form](#);
- [Attachment C – TRUTH Act Notification Letter](#).

#### **IMPORTANT**

Please [SIGN IN](#) to acknowledge your reading after reviewing the Training Bulletin 19-07

**New Detention Bureau Policy C-2300: TRUST / TRUTH Act Compliance**



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*Kern County*

**SHERIFF**

**ISSUE: 19-08**

**TRAINING BULLETIN**

**DATE: February 8, 2019**

## **CRITICAL INCIDENT STRESS MANAGEMENT (CISM)**

During a career in Law Enforcement it is likely that you will experience a traumatic event or a critical incident (any incident that causes emergency service personnel to experience unusually strong emotional reactions which have the potential to interfere with their ability to function, either at the scene or later).

The Kern County Sheriff's Office has a team of trained Critical Incident Stress Management personnel. In the event of a traumatic event a member of the CISM team will reach out to you to offer support and resources.

For most incidents, a debrief session with a licensed therapist will be scheduled within 72 hours. Attendance and participation is completely voluntary. The information discussed during the session is not to be discussed outside of the meeting and by participating, all attendees agree to keep all discussions confidential. Department policy J-400 specifically states such sessions are confidential and the information shared will not be disclosed to the department or others unless required by policy or law.

This session is not a tactical debrief, and concerns related to the legality of someone's actions are not discussed. The session will focus on what happened and how it is affecting you.

Critical incident stress manifests itself physically, cognitively, and emotionally. Everyone has a unique reaction to stress, and each incident poses its own particular challenges. You may experience some, all, or none of the reactions. The reactions may occur immediately or may be delayed.

Even though the event may be over, you may now be experiencing (or may experience later), some strong emotional or physical reactions. It is very common, in fact quite normal, for people to experience emotional aftershocks when they have passed through a traumatic event.

Sometimes the emotional aftershocks (or stress reactions) appear immediately after the traumatic event. Sometimes they may appear a few hours or a few days later. And, in some cases, weeks or months may pass before the stress reactions appear.

In most instances these symptoms will subside in a matter of weeks. However, many of those affected by such stress may suffer permanent, emotional trauma that will adversely affect their personal and professional lives. Therefore, having immediately

deployable resources at hand can assist employees in need and can greatly benefit the recovery of those employees.

The members of the CISM and Peer Support team are always available to assist anyone in need. Team members are specially trained and chosen for their ability to keep things confidential. If you have any questions, please visit the Peer Support and CISM page on SheriffNet at:

[http://sharepoint/IVB/PersonnelDivision/Peer\\_Support\\_and\\_CISM/default.aspx](http://sharepoint/IVB/PersonnelDivision/Peer_Support_and_CISM/default.aspx)

(SheriffNet: Investigative Bureau tab< Personnel Division< Peer Support & CISM)

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*Kern County*

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**ISSUE: 19-09**

**TRAINING BULLETIN**

**DATE: February 8, 2019**

### **Update to Detention Bureau Policy C-0550: Strip and Body Cavity Searches**

The changes listed below have been made to the Detentions Bureau Policy and Procedure Manual and are effective as of February 11, 2019.

The new policy is 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 kept in the facilities will be maintained and updated from this source.

Please note: This update bulletin provides only a summation of the new policy. Please review the policy to ensure that you are familiar with it.

#### **C-0550: Strip and Body Cavity Searches**

The Strip and Body Cavity search policy has been updated pursuant to the 2017 California Attorney General opinion that the term 'sex' as used in Penal Code section 4030 (k) in reference to the gender of a person being searched, includes that person's gender identity and gender expression.

This means that the gender search preference of individuals identifying as transgender or intersex is applicable when undergoing a strip search or visual body cavity search.

This policy has been revised as follows:

- Updates to titles and current terminology;
- References to F-100, F-200 and P-410 added;
- Definition of Clothing Exchange revised for clarity;
- Definition added for Forced Clothing Removal;
- Directive 3 revised to specify that transgender or intersex inmates will be strip searched by staff of the gender indicated on their Gender Search Preference form;
- Directive 3 revised to clarify that strip and/or visual body cavity searches will not be video recorded unless for safety reasons, they must be conducted in an area already under video surveillance;
- Procedure 'B', Directive B-2 revised to specify that facility Administrative Sergeants will scan and e-mail completed Strip Search/Visual Body Cavity Search Authorization forms to the Compliance Section SST for archiving.





*Kern County*

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**ISSUE: 19-10**

**TRAINING BULLETIN**

**DATE: February 13, 2019**

## **Department of Motor Vehicles Memorandum: Driver License and ID Card Renewal**

Please refer to the following State of California Department of Motor Vehicles Law Enforcement Information Memorandum 19-04 concerning a delay in issuing Driver License and Identification Card renewals.



**LAW ENFORCEMENT INFORMATION MEMO: 19-04**  
**SUBJECT: DRIVER LICENSE AND IDENTIFICATION**  
**CARD RENEWALS**

**Memo Date: February 08, 2019**

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**Purpose** To provide information to law enforcement agencies regarding a delay in driver license (DL) and identification (ID) card renewals.

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**Background** The California Department of Motor Vehicles (DMV) recently encountered an issue with the Driver License and Identification Card Internet Renewal Application and Renewal by Mail. These customers will have an expiration date of January 20, 2019 through March 31, 2019. A follow up memo will be sent if this effort takes longer than estimated and/or when the issue has been resolved

In an attempt to give Californians more time to prepare to apply for a REAL ID and book an appointment to visit a field office, the DMV began mailing out DL/ID renewal notices 90-120 days ahead of customers' expiration date beginning in September, and then 120-150 days in advance starting in November.

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**New Information** New programming to expand customer service created unforeseen complications in renewals conducted online and by mail that resulted in the new DL/ID card not being issued and the transaction not appearing on the customer's DL/ID record.

Because of these issues, law enforcement is encouraged to exercise flexibility and discretion when reviewing DL/ID records. DMV is working to fix the issue and is taking specific steps to help customers who are experiencing delays and prevent any more customers from having similar issues.

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**Contact** Questions regarding the information contained in this memo or changes to the email distribution list may be directed to the Justice and Government Liaison Branch at (916) 657-7732 or via email at [jaglaw@dmv.ca.gov](mailto:jaglaw@dmv.ca.gov).

SONIA HUESTIS  
Deputy Director  
Communication Programs Division



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**SHERIFF**

**ISSUE: 19-11**

**TRAINING BULLETIN**

**DATE: February 21, 2019**

### **California Values Act's Database Guidance – Senate Bill 54**

California Government Code section 7284.4, subdivision (f): "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

Federal, state, or local law enforcement agencies shall not use any non-criminal history information for purposes of immigration enforcement, as defined in California Government Code section 7284.4, subdivision (f), with respect to an individual who does not possess a criminal history. Individuals who have a criminal history include those with a prior criminal arrest or conviction. This restriction does not impact persons with criminal records within California Justice Information (CJI) systems. Users are also not prohibited or restricted from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities information regarding a person's immigration status, maintaining such information, or exchanging such information with any other federal, state, or local government entity, pursuant to 8 U.S.C. §§ 1373 and 1644.

For more information regarding Senate Bill 54, you can reference DOJ Information Bulletin 18-10-CJIS at the following link:

<http://sharepoint/IVB/PersonnelDivision/Training/SiteAssets/18-10-CJIS.pdf>

### **IMPORTANT**

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

**19-11 California Values Act's Database Guidance – Senate Bill 54**



*Kern County*

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**ISSUE: 19-12**

**TRAINING BULLETIN**

**DATE: March 1, 2019**

### **Driver License Requirements for Towing Horse or Stock Trailers**

Please refer to the following California Highway Patrol (CHP) Bulletin 241 concerning driver license requirements for towing horse or stock trailers.



# INFORMATION BULLETIN

*for Allied  
Agencies*

February 5, 2019

## BULLETIN NUMBER 241

### DRIVER LICENSE REQUIREMENTS FOR TOWING HORSE OR STOCK TRAILERS

This Allied Agency Information Bulletin (AIB) provides clarification regarding the operation of specified horse and stock trailers, and other vehicles which are subject to the requirement of holding a Class A commercial driver license (CDL) or a restricted Class A driver license (DL). Questions have arisen as to the applicability for a California licensed driver, who operates a vehicle when towing horse or stock trailers with a gross vehicle weight rating (GVWR) or a gross vehicle weight (GVW) of more than 10,000 pounds, to meet the requirement of obtaining or holding a Class A CDL.

The following California Vehicle Code (CVC) sections classify DL and CDL requirements for California residents when towing horse or stock trailers in excess of 10,000 pounds GVWR or GVW.

**Class A CDL:** Section 12804.9(b)(1)(A) CVC allows the operation of a combination of vehicles when the vehicle being towed has a GVWR or GVW of more than 10,000 pounds. Most horse, stock, and other trailers may be operated using this class of license.

**Class A Restricted (noncommercial) DL:** Section 12804.12(a) CVC allows the operation of combinations of vehicles with a **restricted** Class A DL, also known as a noncommercial Class A DL, when towing a **trailer coach** exceeding 10,000 pounds GVWR, and a **fifth-wheel travel trailer** exceeding 15,000 pounds GVWR, when the towing of the trailer is not for compensation (**not for-hire or commercial use**). This DL is **not applicable** to horse and stock trailers. Additionally, Section 12804.14(a) CVC allows the operation of combinations of vehicles with a **restricted** Class A DL when towing a livestock trailer exceeding 10,000 pounds, but **not exceeding 15,000 pounds** GVWR or GVW, if **all of the following conditions are met:** the vehicle is controlled and operated by a **farmer**; the vehicle is used to transport livestock **to or from a farm**; the vehicle is not used in the operations of a common or contract carrier (**not for-hire or commercial use**); and the vehicle is used **within 150 miles of the person's farm**. This DL is **not applicable for recreational use**.



**Class C DL:** Section 12804.9(b)(3)(F)(ii) CVC allows the operation of combinations of vehicles with an endorsement (shown as a restriction 41) when towing a **trailer coach** exceeding 10,000 pounds GVWR, and a **fifth-wheel travel trailer not** exceeding 15,000 pounds GVWR, when the towing of the trailer is not for compensation (**not for-hire or commercial use**). This endorsed (restricted) DL is **not applicable** to horse and stock trailers. Additionally, Section 12804.9(b)(3)(G) CVC allows the operation of vehicles, weighing less than 26,000 pounds in combination, by **farmers or ranchers**, including their employees, or instructors credentialed in agriculture as part of an instructional program **exclusively** in the conduct of **not for-hire agricultural** operations, with a Class C DL. This DL is **not applicable for recreational use**.

**Operators of horse or stock trailer combinations with a trailer over 10,000 pounds GVWR or GVW used in a recreational capacity** do not meet the provisions of Sections 12804.9(b)(3)(G), 12804.9(b)(3)(F)(ii), or 12804.14(a) CVC, and **will be required to hold a valid Class A CDL**. A restricted (noncommercial) Class A or Class C DL will not be sufficient.

The Department of Motor Vehicles considers a horse or stock trailer originally equipped with, or with the later addition of, a “living quarters” configuration as a property-carrying vehicle. The addition of “living quarters” does not permanently alter that vehicle for human habitation. A “living quarters” configuration is secondary and incidental to the primary function of a vehicle which is designed for transporting property, in this case — animals. These “living quarters” trailers **do not qualify as a travel trailer for the purpose of driver’s licensing requirements** or trailer registration.

Horse trailers and stock trailers are usually configured with a bumper pull or a gooseneck hitch, which utilize a ball-type connection and, therefore, are **not included** in the definition of a fifth-wheel travel trailer (Section 324 CVC). Conversions to a fifth-wheel type configuration may not alter these trailers to meet the design criteria for a “recreational vehicle” or a travel trailer under Section 18010 of the California Health and Safety Code. Therefore, using a restricted Class A DL to operate noncommercial “living quarters” horse or stock trailer combination vehicles, as provided by Section 12804.12(a) CVC, does not apply, even after a fifth-wheel conversion kit is fitted.

A trailer coach (Section 635 CVC) is **designed for human habitation or human occupancy for industrial, professional, or commercial purposes**, for carrying property on its own structure. These trailers are not considered recreational and require a Class A CDL when the GVWR or GVW exceeds 10,000 pounds.

Information widely available from Internet sources and, anecdotally, from out-of-state drivers, who are allowed to drive these specified combinations with “regular” noncommercial DLs issued by a state other than California, has resulted in confusion and misunderstanding. Nonresident drivers may be able to operate these combination vehicles legally under their home state and federal law. Federal law allows states to set their own standards for noncommercial DL requirements and exempts them from CDL requirements contained in Title 49, Code of Federal Regulations (CFR), Part 383.



The CFR allows individual states to regulate resident DL requirements more strictly than the federal requirements, at the state's discretion. **California has chosen to exercise this option for horse and stock trailers, as well as for recreational trailers.** In these cases, out-of-state drivers are allowed to operate certain vehicle combinations, weighing 26,000 pounds or less, in California with a noncommercial DL due to reciprocity agreements or DL compacts between states. In contrast, resident California DL holders are required to meet more stringent requirements under state statute.

The Federal Motor Carrier Safety Administration (FMCSA) has provided additional specific information related to the interstate operation of both commercial and nonbusiness transportation of horses on the FMCSA Web site. The FMCSA provides exceptions to certain federal regulations for nonbusiness use of these vehicle combinations; however, it should be noted that the information refers to interstate operations and the California Highway Patrol will enforce state CDL requirements for California residents regardless of operation in an interstate capacity.

Using these types of vehicle combinations for any commercial purpose, such as having sponsorship or other use for the furtherance of a commercial enterprise or business (with exceptions for **exclusive** agricultural use), or for use in a for-hire capacity, may cause these vehicles to be subject to commercial regulations at any time. It is imperative for enforcement officials to conduct thorough and comprehensive field interviews to determine the status of these carriers.

Additional questions involving medical exam certificates; specific vehicle configurations; scale or roadside inspection requirements; log books (hours-of-service and electronic logging devices); for-hire and private carrier information related to motor carrier of property permits; and display of California carrier assigned (CA) or Department of Transportation (DOT) numbers and company name or trademark may be addressed on a case-by-case basis.

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

OFFICE OF THE COMMISSIONER

OPI: 062

DISTRIBUTION: Allied Agency List





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**ISSUE: 19-13**

**TRAINING BULLETIN**

**DATE: March 1, 2019**

### **Updated Detention Bureau Policy G-600: Religious Services**

The changes listed below have been made to the Detentions Bureau Policy and Procedure Manual and are effective as of March 4, 2019.

The new policy is 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 kept in the facilities will be maintained and updated from this source.

Please note: This update bulletin provides only a summation of the new policy. Please review the policy to ensure that you are familiar with it.

#### **G-600: Religious Services**

This policy has been revised as follows:

- Updates to titles and current terminology;
- References to RLUIPA Act and DBPPM I-200 added;
- Definitions of religious services (general non-denominational and specific religion) and religious publications added for clarity;
- Directives added for general and specific religious services;
- Directive added specifying instances in which an individual would be restricted from attending services in the interest of facility security, safety, order and discipline;
- Procedures added for processing requests for specific religious services and facilitating approved requests;
- Procedure added to outline process for requests for religious publications.



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**ISSUE: 19-14**

**TRAINING BULLETIN**

**DATE: April 2, 2019**

### **Detentions Bureau Manual Policy Updates: P-100, P-200, and P-300**

The changes listed below have been made to the Detentions Bureau Policy and Procedure Manual and are effective as of March 20, 2019.

The new policy is 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 kept in the facilities will be maintained and updated from this source.

Please note: This update bulletin provides only a summation of the new policy. Please review the policy to ensure that you are familiar with it.

#### **P-100: Zero Tolerance of Sexual Abuse and Sexual Harassment**

- Policy statement section reorganized for readability;
- Definitions updated to mirror verbatim language of PREA standards;
- Directive 3 revised to clarify that criminal acts will be submitted for prosecution / non-criminal sexual activity whether consensual or not will result in facility disciplinary sanctions.

#### **P-200: Prevention and Detection of Sexual Abuse**

- Definitions of Strip Search and Visual Body Cavity Search revised to mirror the definitions in DBPPM C-550: Strip and Body Cavity Searches;
- Headings revised from Procedure to Directives for ease of reading;
- Directive #1 updated to reflect current accurate partner entity name;
- Directive #3 updated to include documentation of changes to staffing levels in Shift Supervisor log book and IOI e-mail;
- Directive #5 updated to reflect use of PIPE system / Max-Med supervisor responsibilities;

- Directives #6 and #7 revised to mirror language of DBPPM K-400: Administrative Segregation.

**P-300: Employee Training and Inmate Education**

- Updated to reflect current titles and terminology;
- Minor verbiage changes throughout for clarification purposes.

Employee Training and Inmate Education

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**ISSUE: 19-15**

**TRAINING BULLETIN**

**DATE: April 4, 2019**

**Updated Policy and Procedure: [K 0300 Uniform Specifications – Clothing 2019](#)**

Effective March 11, 2019, the above listed policy has been updated authorizing a change to the Class A Uniform cover for all sworn personnel. The new Class A Campaign style cover cannot be worn prior to June 1, 2019, and the old Class A cover cannot be worn after December 31, 2019. Effective January 1, 2020, the new Class A Campaign style cover will be the only cover authorized for wear. All KCSO Authorized uniform vendors have been notified of the change. Due to the influx of personnel ordering new covers, it is expected there may be a delay in ordering new covers. Please plan accordingly.

**IMPORTANT**

Please [SIGN IN](#) to acknowledge your reading of  
**Training Bulletin 19-15 Updated Policy and Procedure:**  
**K 0300 Uniform Specifications – Clothing 2019**



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ISSUE: 19-32

**TRAINING BULLETIN**

DATE: July 3, 2019

## DOMESTIC VIOLENCE FOR FIRST RESPONDERS

Kern County Sheriff's Office personnel will make every attempt to identify the dominant aggressor and determine if a domestic violence related crime has been committed. Deputies should pay close attention to the relationships of the involved parties, as there have been changes.

**PC 273.5(a)** - Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a **felony**, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to \$6000.00, or by both that fine and imprisonment.

- (b) Subdivision (a) shall apply if the victim is or was one or more of the following:
  - Spouse or former spouse;
  - Cohabitant or former cohabitant;
  - **Fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship;**
  - The mother or father of offender's child.

In this section, traumatic condition means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by physical force.

Officers **shall** make an arrest when there is probable cause to believe a felony has occurred.

**PC 243(e)(1)** – When a battery is committed against a spouse, a person with whom the defendant is cohabitating, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding \$2000.00, or by imprisonment in the county jail for a period of not more than one year, or by both that fine and imprisonment.

A battery is any willful and unlawful use of force or violence upon the person of another.

**An officer may arrest the suspect of PC 243(e)(1) without a warrant even though the misdemeanor offense did not occur in the officer's presence under PC 836(d).**

- **PC 836(d)** – Notwithstanding paragraph (1) of subdivision (a), if a suspect commits an assault or battery upon a current or former spouse, fiancé, fiancée, a current or former cohabitant as defined in Section 6209 of the Family Code, a person with whom the suspect is currently having or has previously had an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243, a person with whom the suspect has parented a child, or is presumed to have parented a child pursuant to the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12 of the Family Code), a child of the suspect, a child whose parentage by the suspect is the subject of an action under the Uniform Parentage Act, a child of a person in one of the above categories, any other person related to the suspect by consanguinity or affinity within the second degree, or any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship, a peace officer may arrest the suspect without a warrant where **both** of the following circumstances apply:
1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
  2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

Officers considering releasing the suspect on a citation shall evaluate the likelihood of that person continuing an offense, which is one of the statutory conditions under which a field release is not appropriate. Any one of the following may support the likelihood of a continuing offense:

- Whether the suspect has a prior history of arrests or citations involving domestic violence;
- Whether the suspect is violating a criminal court issued stay away order;
- Whether the suspect has previously violated, or is currently violating, valid temporary restraining orders;
- Whether the suspect has a prior history of other assaultive behavior;
- Statements from the victim expressing fear or retaliation or further violence, should the suspect be released;
- Statements or demeanor of the suspect.

**Note from District Attorney's Office:** When both subjects are arrested in a domestic violence incident, they both have the Fifth Amendment right to **not** testify. Deputies should make every effort to determine the dominant aggressor; otherwise, the case cannot be filed.

A written report **will** be completed for all incidents involving domestic violence. There are mandatory questions which need to be asked and mandatory information which needs to be provided (PC 13700/PC 13701/PC 13730). The following information **will** be documented in your report:

- Alcohol or drugs involved?
-

- Any prior domestic violence incidents? *Reported or unreported.*
  - If victim has an injury from a past date, deputies should document the prior incident and take photographs of existing injuries. Question the suspect about the prior incident and document.
- Possession or access of firearms/weapons? Discovered?
- Were children present? *Document locations.*
- Did children witness verbal/physical abuse? (*District Attorney's Office will file PC 273a(b) for a child witness to a domestic violence incident.*)
- Were children hurt?
- Does victim want confidentiality pursuant to GC 6254?
- Emergency Protective Order (EPO)?
- Provide a Medical Release Form (whether or not medical treatment was obtained at the time of incident);
- Provide victim with a Marsy's card containing victim's rights and resource information.

In addition to the above information, deputies **shall** complete the following if applicable:

- Photograph injuries (of all involved parties). *Complete a field identification marker to be included in photograph with name of subject/case number/date;*
- If victim is transported to the hospital, attempt to speak to the examining physician to determine extent of injuries and document in report.
  - If deputy is unable to speak to physician, attempt to speak to nurse or victim to determine the treatment received or treatment to be received (i.e. stitches, casts, scans).
- If suspect fled the scene prior to deputies' arrival, attempt to confirm identity of suspect with one of the following, and document in report:
  - Collect personal photograph of suspect as evidence;
  - Take photograph of mobile device photo of suspect and upload as evidence;
  - If no photograph is available, attempt to locate and confirm identity in Cogent;
  - Collect **specific** personal identifiers of suspect.
- Document if there was a previous response to location of incident involving victim or suspect.

### **PC 18250 – Temporary Taking of Weapon at Domestic Violence Scene**

- **(a)** – If any of the following persons is at the scene of a domestic violence incident involving a threat to human life or a physical assault, is serving a protective order as defined in Section [6218](#) of the Family Code, or is serving a gun violence restraining order issued pursuant to Division 3.2 (commencing with Section [18100](#)), that person *shall take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search* as necessary for the protection of the peace officer or other persons present:
-

- **(1)** – A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer of a city, as defined in subdivision (a) of Section [830.1](#).

**PC 18255 – Receipt for Confiscated Firearm**

- **(a)** – Upon taking custody of a firearm or other deadly weapon pursuant to this division, the officer shall give the owner or person who possessed the firearm a receipt.
- **(b)** – The receipt shall describe the firearm or other deadly weapon and list any identification or serial number on the firearm.
- **(c)** – The receipt shall indicate where the firearm or other deadly weapon can be recovered, the time limit for recovery as required by this division, and the date after which the owner or possessor can recover the firearm or other deadly weapon.
- *Refer to DPPM H-500 for further information.*

**PC 1524 – Grounds for Issuing Search Warrant**

- **(a)** – A search warrant may be issued upon any of the following grounds:
- **(9)** – When the property or things to be seized include a firearm or any other deadly weapon at the scene of, or at the premises occupied or under the control of the person arrested in connection with, a domestic violence incident involving a threat to human life or a physical assault as provided in Section [18250](#). This section does not affect warrantless seizures otherwise authorized by Section [18250](#).

**Related Charges:**

**PC 136.1(c)(1)** – Dissuading a victim from reporting, using threats of force or fear. **(Felony)** *See Penal Code for further.*

**PC 273a(a)** – Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years. **(Felony)**

- *District Attorney's Office **will** file if child is in the middle of the incident even if the child is not injured, especially when a weapon is involved.*

**PC 273a(b)** – Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a **misdemeanor**.

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Children are often present and are witnesses to domestic violence incidents. To interview children, you need to keep in mind their age and mental ability. If they are under fourteen years of age, you may need to Voir Dire the child. **ALWAYS** quote a child's statements in your report and ask about what they have seen in the past. The prosecutor will re-interview the child and they do not want a deputy's interpretation of what the child said.

In the event there was a violation of a restraining order which was given based on claims of domestic violence, and falls under **PC 273.6(a)** or **PC 166(c)(1)**, a report **will** be written. An arrest **will** be made when there is probable cause to believe the subject of the restraining order has violated the order *whether or not* in the presence of the officer (in accordance with PC 836(c)(1)), and any **one** of the following conditions is met:

- The existence of the order and proof of service on the suspect has been verified by the deputy;
- The complainant produces a valid copy of the order bearing the file stamp of the court and a proof of service on the subject;
- The existence of the order has been verified by the deputy. No proof of service is required if the order reflects the suspect was personally present in court when the order was made;
- The existence of the order has been verified, and there is proof the suspect has previously been admonished by an officer.

When determining the correct court order violation, the officer needs to be aware of the following:

- **PC 273.6(a)** is a domestic violence restraining order given in either family or civil court and may be in effect with or without a criminal complaint;
- **PC 166(c)(1)** is a domestic violence restraining order which is ordered by the judge during criminal proceedings, and may also be part of the suspect's parole or probation terms.

### **Stalking vs. Criminal Threats:**

**PC 646.9(a)** is any person who willfully, maliciously, and repeatedly (at least two times) follows or willfully and maliciously harasses another person. That person must make a credible threat with the intent to place that person in reasonable fear for his/her safety, or the safety of his/her immediate family.

**PC 422(a)** – Threats made to commit a crime, and that if committed would result in death or great bodily injury (GBI), and causes the victim to feel sustained fear for themselves or their immediate family.

- The threat level for Stalking is a reasonable fear for his/her safety or the safety of his/her immediate family. The threat level for Criminal Threats is fear of death or great bodily injury to him/her or immediate family.

### **Penal Codes Prohibiting Certain Offenders from Owning or Possessing Firearms:**

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**PC 29800(a)(1)** - Any person who has previously been convicted of a felony, or who is addicted to the use of any narcotic drug (**Felony**).

**PC 29805** – Certain misdemeanor convictions within the past 10 years including **Penal Codes 243, 273.5, 273.6, 417, 422, and 646.9**. This 10 year restriction on possession of firearms is changed to a lifetime restriction for misdemeanor domestic violence convictions January 1, 2019 or later.

**Strangulation:**

**Strangulation** is a form of asphyxia (lack of oxygen) characterized by closure of the blood vessels and/or air passages of the neck as a result of external pressure on the neck. Absence of visible injury is common, while symptoms of internal injuries may be present. Some common signs and symptoms include: voice changes, difficulty breathing/swallowing, redness on the neck, scratch marks, bruises (may not appear immediately), tiny red spots (Petechiae) found anywhere above the area of constriction, blood red eyes, and swelling of the neck.

**Note from the District Attorney's Office:** Victims of strangulation will often refer to being "choked" rather than strangled. Deputies should use the same language as the victim during an interview and document their exact words in reference to the offense (i.e. choked, strangled, punched, slapped, hit, etc.).

Questions officers should ask if strangulation was involved:

1. Describe how you were strangled. *Was it one or two hands, forearm, object, etc.?*
  2. What did suspect say before, during and after the strangling?
  3. Did the suspect shake or move you about during the strangulation?
  4. Were you thrown or held against a wall, the floor or the ground? *Describe how and what happened. Describe the surface area.*
  5. How long did the strangling last?
  6. How many times were you strangled? *Describe each incident and method.*
  7. How much pressure was used on a scale of 1-10 and was it continuous?
  8. What were you thinking about when you were being strangled?
  9. What caused the suspect to stop?
  10. Any difficulty breathing during the assault or breathing changes now?
  11. Describe any voice changes, pain in throat, coughing or trouble swallowing.
  12. Did the victim involuntarily defecate, urinate or vomit?
  13. How did you feel during the assault? *Dizzy, nauseous, loss of consciousness, etc.*
  14. How do you feel now?
  15. Did you experience any visual changes during the strangling?
  16. Was the suspect wearing any rings or other jewelry? *Look for marks of these objects.*
-

17. Were you able to do anything to stop the assault? Will the suspect have any injuries?
18. Are there any prior incidents of strangulation? *Document details.*
- Indicators of loss of consciousness include:
    - Loss of memory;
    - Standing and then waking up on the floor;
    - Unexplained bump on head;
    - Bowel or bladder incontinence;
    - Loss of time.
  - If the victim loses consciousness during the assault, **PC 664/187** is appropriate.

**When strangulation is involved in a domestic violence incident, in addition to the narrative, it shall also be documented in the Mobile system as follows:**

- Fill in all applicable boxes on the "Detail" tab, then click the "Offenses" tab at the top of the report.
- Click "New" and select the appropriate statute code.
  - \*If you do not choose a violent crime for the offense, i.e. PC 273.5, PC 243(e)(1), etc., you will not be presented with the option to describe the type of force used.
- Use the drop down menus to select the circumstances from the crime.
- Click the "WEAPON INFO" box near the bottom of the screen.
- Use the drop down menus to select the weapon(s) used in the crime. Choose up to three weapons per crime. Prioritize the most injurious types of force (strangulation, suffocation, firearm) if more than three are used.
- Click "OK" inside the "WEAPON INFO" box and save the offense by clicking the small blue save icon in the offense tab.
- If the incident involves more than one violent offense, repeat this process to create additional offenses, making sure to fill out the "WEAPON INFO" tab for each offense.

**Emergency Protective Orders (EPO):**

An EPO may be issued by a judicial officer after a law enforcement officer asserts reasonable grounds to believe any of the following:

- Domestic Violence cases;
- Child Abuse cases;
- Elder Abuse cases;
- Sexual Assault cases;
- Criminal Threats and Stalking cases.

Deputies **shall** serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody.

**Note from the District Attorney's Office:** Deputies are reminded to obtain as much contact information as possible from all parties (i.e. home/cell phone, work

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address/phone, email address). If the victim leaves with a friend or family member, obtain subject's contact information.

**Updates to Marsy's Cards:** In accordance with P.C. 13701(c)(9), the Sheriff's Office Marsy's card has been updated to include an entire section on domestic violence. The Marsy's card includes information on what is considered domestic violence, what victims may petition the court for, and local resources. Basic information on strangulation and sexual assault is also provided. Be sure to refer domestic violence victims to this area of the Marsy's card.

**Domestic Violence Lethality Risk Assessment for First Responders:** California Senate Bill 1331 has included the assessment of lethality or signs of lethal violence in domestic violence situations in peace officer training. This bill amended P.C. 13519(c)(6). While investigating domestic violence incidents, deputies should thoroughly evaluate the risk to victims of future violence and offer appropriate resources. California P.O.S.T. has provided a form (Domestic Violence Lethality Risk Assessment for First Responders) that deputies may choose to utilize in determining a victim's risk for future being the victim of further violence. If this form is used, it should be scanned and attached to the Mobile report.

**IMPORTANT**

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

**Training Bulletin 19-32 DOMESTIC VIOLENCE FOR FIRST  
RESPONDERS**

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**DOMESTIC VIOLENCE LETHALITY RISK  
ASSESSMENT FOR FIRST RESPONDERS**

1. OFFICER	2. DATE	3. CASE#	4. ARRESTED <input type="checkbox"/> YES <input type="checkbox"/> NO
VICTIM INFORMATION		ABUSER INFORMATION	
5. VICTIM NAME	9. ABUSER NAME		
6. DOB	10. DOB		
7. ADDRESS	11. ADDRESS		
8. PHONE (     )     -	12. PHONE (     )     -		

**To the first responders:** The Lethality Assessment should be administered to all victims of domestic violence to assess the level of danger and/or the severity of the situation. Law enforcement personnel or victim advocates should use their judgement to interpret the information which the victim provides. More “yes” answers to the Lethality Assessment questions indicate that the victim is more likely to experience continued violence, be severely injured, and/or killed. It is important to use the results of this assessment in a constructive way to help the victim plan for her/his safety and to make referrals to resources matching to the specific circumstances of the victim’s situation. We recommend this completed assessment be attached to the incident or crime report.

**To be read to the victim of domestic violence:** “Domestic violence (DV) has many forms including physical, sexual, emotional and psychological abuse, stalking, and financial abuse. DV can be inflicted by a current or former partner. We are concerned about you because DV can affect your and your loved ones’ (including your children) immediate safety, as well as short and long term physical and mental health. Furthermore, several risk factors have been associated with serious injury and homicide. We would like to ask you some questions about your current risks and history of abuse with the person who has abused you today. The goal of this assessment is to help us learn more about your current risk of future serious harm by your abuser.”

**Check here if the victim refused to participate in the assessment.**

1. Has the abuser ever been arrested or convicted of domestic violence, hostage taking, stalking or abduction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
2. Does the abuser have a history of domestic violence, hostage-taking, stalking, or abduction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
3. Do you know whether the abuser has any violent history towards others?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
4. Has the abuser expressed thoughts or threats to harm or kill you, children, a loved one (family, friend, new partner, etc), or himself/herself?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
5. Does the abuser have access to firearms or ever used or threatened to use a firearm against you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
6. Has the abuser ever threatened to use or used another weapon or object to harm you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
7. Does the abuser have a criminal history of the use of weapons (guns, knives, etc.)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
8. Has the abuser ever used his/her hands or an object to choke, strangle, or suffocate you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
9. Does the abuser have a history of arson or threats of arson?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
10. Does the abuser express jealousy or ownership over you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered

**DOMESTIC VIOLENCE LETHALITY RISK  
ASSESSMENT FOR FIRST RESPONDERS**

Page 2 of 2

11. Does the abuser accuse you of infidelity?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
12. Does the abuser monitor or control your activities, where you go, who you interact with, or what you do? (“If I can’t have you no one else can,” “Death before divorce,” etc.)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
13. Does the abuser isolate you from family, friends and community life?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
14. Is the abuser severely depressed, (seeing little hope to live life)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
15. Is the abuser unemployed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
16. Has there been a recent escalation of the abuser’s violence or risk behavior?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
17. Does the use of alcohol or drugs by the abuser exacerbate the violence or abuse?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
18. Has the abuser ever threatened or tried to commit suicide?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
19. Has the abuser been violent outside the home or in a public place?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Answered
After advising the victim of the “high danger” assessment, was the victim offered assistance, referred to a victim advocate, or other resources (i.e. alternative shelter)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

**Note:** *The questions above and the criteria for determining the level of risk a victim faces are based on the best available factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence the risk for lethal violence that are not captured by this assessment. Most domestic violence victims who are assessed as being involved in a “high danger” situation would not be expected to be killed. However, these victims face a much higher risk than that of other victims of intimate partner domestic violence.*

## CASE INFORMATION

**Deputy Name:**

**Sheriff's Report Number:**



**DONNY YOUNGBLOOD**  
**SHERIFF-CORONER/PUBLIC ADMINISTRATOR**

## California & National Resources

California Attorney General's Victim Services Unit

1-877-433-9069 [www.ag.ca.gov/victimservices](http://www.ag.ca.gov/victimservices)

California Department of Corrections & Rehabilitation Office of Victim & Survivor Rights & Services

1-877-256-OVSS(6877) [www.cdcr.ca.gov/victim\\_services](http://www.cdcr.ca.gov/victim_services)

Rape, Abuse, Incest, National Network

1-800-656-HOPE <http://www.rainn.org/>

Victims of Crime Resource Center Pacific/McGeorge School of Law

1-800-842-8467, 1-800-victims [www.1800victims.org](http://www.1800victims.org)

National Center for Victims of Crime

1-800-FYI-CALL, 1-800-394-2255 [www.ncvc.org/national](http://www.ncvc.org/national)

National Domestic Violence Hotline

1-800-799-SAFE(7233) [www.ndvh.org](http://www.ndvh.org)

California Partnership to End Domestic Violence

1-800-524-4765 [www.cpedv.org](http://www.cpedv.org)

For more information contact your local Victim Witness Assistance Center or:

Victim Compensation & Government Claims Board

1-800-777-9229 [www.victimcompensation.ca.gov](http://www.victimcompensation.ca.gov)

*\*The definition of victim under the Victim Compensation Program may differ from the definition under the California Constitution.*

## Kern County Sheriff's Office

**1350 Norris Road**  
**Bakersfield, CA 93308**

**Phone: 661-391-7500**

**Fax: 661-391-7515**

**E-mail: [sheriff@kernsheriff.org](mailto:sheriff@kernsheriff.org)**

**[www.kernsheriff.org](http://www.kernsheriff.org)**

Visit our website at [www.kernsheriff.org](http://www.kernsheriff.org) for information on:

- Reporting crime online
- View reported crime in your area
- View registered sex offenders in your area
- Inmate search

*The Kern County Sheriff's Office is committed to work in partnership with our community to enhance the safety, security, and quality of life for the residents and visitors of Kern County through professional public safety services.*

## Sheriff's Office Contact Information



**ALL EMERGENCIES: 9-1-1**

**Dispatch (Non-emergency 24 Hr.) 661-861-3110**

**Toll-free (from Kern County only) 800-861-3110**

**Sheriff's Headquarters: 661-391-7500**

TDD: 661-327-8068

Civil Section: 661-635-1300

Coroner's Office: 661-868-0100

Crime Reports: 661-391-7623

Jail Information: 661-868-6850

Property Room: 661-868-5642

Secret Witness: 661-322-4040

Volunteer Services: 661-392-6066

## Substations:

Buttonwillow Substation 661-764-5613

Delano Substation: 661-721-3800

East Bakersfield Substation: 661-868-1500

Frazier Park Substation: 661-245-3440

Kern Valley Substation: 760-549-2100

Lamont Substation: 661-868-5750

Mojave/Boron Substation: 661-824-7130

Ridgecrest Substation: 760-384-5919

Rosamond Substation: 661-256-9700

Taft Substation: 661-763-8550

Tehachapi Substation: 661-823-6060

Volunteer Services: 661-392-6066

Wasco Substation: 661-758-7266

## RESOURCES

**ALATEEN** 661-322-1102

**Aging and Adult Services** 800-510-2020

**Alliance Against Family Violence & Sexual Assault**

1921 19<sup>th</sup> Street Bakersfield CA 93301, 661-322-0931

24-Hour Crisis Line 661-327-1091

Toll Free 800-273-7713, Outside Bakersfield 800-273-0931

**Bakersfield Homeless Center**

1600 East Truxtun Avenue, Bakersfield, 661-322-9199

**Bakersfield Rescue Mission**

816 East 21st Street, Bakersfield, 661-325-4565

**Child Protective Services** 24-Hour Hotline 661-631-6011

**Code Compliance** 661-862-8603, 800-552-5376, Option 7

**Environmental Health** 661-862-8740

**Greater Bakersfield Legal Assistance** 661-325-5943

**Haven Counseling Center**

316 H Street Bakersfield, CA 93304, 661-377-3077

**Kern Coalition Against Human Trafficking** (24 hrs)

888-3737-888

**Kern County District Attorney's Office** 661-868-2340

**Kern County Family Justice Center**

2101 Oak Street Bakersfield, CA 93301, 661-868-8410

**Kern County Behavioral Health & Recovery Services**

661-868-8000, Outlying areas 800-991-5272

**Kern County Veteran's Services** 661-868-7300

**LGBTQ Crisis Hotline** 661-332-1506

**Narcotics Tip Line** 661-868-5902

**National Human Trafficking Hotline** (24 hrs) 888-373-7888

**National Suicide Prevention Hotline** 800-273-8255

**Pregnant Teens (AFLP)** 661-324-0293

**Public Health** 661-321-3000

**Runaway Hotline** 1-800-HIT-HOME, 1-800-448-4663

**Victim Services** 661-868-2305

**Women's Center—High Desert** 760-371-1969

## The Victim's Bill of Rights Act of 2008

### Marsy's Card & Resources

#### To Provide Victims with Rights to Justice and Due Process

California Constitution, Article 1, Section 28(b)—In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and person acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of the confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, to the charges file, the determination whether to extradite the defendant, and upon request, to be notified of an informed before any pretrial dispositions of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. To a speedy trial and prompt and final conclusion of the case and any related post-judgment proceedings.

10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution:
  - A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
  - B. Restitution shall be ordered from the convicted wrong doer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
  - C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. To the prompt return of property when no longer needed as evidence.
15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified upon request, of the parole or other release of the offender.
16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. To be informed of the right enumerated in paragraphs (1) through (16).

***A victim is defined under the California constitution as "a person who suffers from direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or a delinquent act." (Cal. Const., art 1, §28(e).)***

## DOMESTIC VIOLENCE INFORMATION

Domestic violence may be inflicted by a spouse or a partner. A partner may be married, separated or dating; heterosexual, gay, LGBTQ+; living together or apart. Domestic violence is a crime. Domestic violence may begin with angry words, a shove or a slap. Without some kind of intervention, violent behaviors usually do not stop. In fact, the behaviors usually become more frequent and severe. Domestic violence can be physical, sexual, and/or psychological abuse towards the victim, children, pets, and property. Children who witness domestic violence are greatly affected. They may suffer from emotional and developmental harm.

\*The victim of domestic violence may ask the District Attorney to file a criminal complaint.\*

In domestic violence cases, you may petition the court for any of the following orders of relief:

- Abuser to stay away from you, your children, your home, your workplace
- Abuser to move out of home
- Custody or visitation orders
- Child support or debit payments
- Abuser to stay away from children in custody of victim
- Either or both parties participate in counseling

***EVEN IF AN ARREST IS MADE OR THE ABUSER IS IN CUSTODY, HE/SHE MAY BE RELEASED AT ANY TIME. VISIT [WWW.KERNSHERIFF.ORG](http://WWW.KERNSHERIFF.ORG) TO CONDUCT AN INMATE SEARCH***

### STRANGULATION

Strangulation is serious and can cause internal injuries, brain damage, and/or delayed health issues such as strokes, thyroid problems, miscarriage, and/or death. Research shows that if you are strangled even one time, you are 750% more likely to be killed by your partner. We strongly encourage you to seek immediate medical attention and to ask for support from a victim assistance agency.

### SEXUAL ASSAULT

A sexual assault may be by a stranger or a person known to the victim, including a spouse or a partner. A partner may be married, separated or dating; heterosexual, gay, LGBTQ+; living together or apart. Sexual assault is a crime. Victims should notify law enforcement immediately. A law enforcement officer will take a report and collect evidence. Victims should keep all clothing worn during the assault and keep all other evidence such as bed sheets. Law enforcement will transport victims to the hospital for a medical exam to preserve evidence. Victims should not shower or douche before the exam.

## DOMESTIC VIOLENCE

**As a victim of domestic violence, you have the right to:**

- An Emergency Protective Order issued by the law enforcement officer which is good for up to five (5) business days, allowing enough time for the victim to obtain further restraining orders issued by the court.
- Contact Superior Court at 661-868-5393 or on the web, [www.kern.courts.ca.gov](http://www.kern.courts.ca.gov) and file a petition an no charge to you requesting a domestic violence restraining order.
- File a civil suit against the perpetrator for losses suffered as a result of domestic violence.
- Kern County Family Justice Center can assist victims in filing these documents.
- Alliance Against Family Violence & Sexual Assault can assist victims in filing these documents.

For further information about other services in the community, where available, you may contact:

**Kern County Family Justice Center**  
2101 Oak Street Bakersfield, CA 93301  
661-868-8410

For further information about a shelter you may contact:

**Alliance Against Family Violence & Sexual Assault**  
661-322-0931, 24-Hour Crisis Line 661-327-1091  
1921 19th Street Bakersfield CA 93301  
Toll Free 800-273-7713  
Outside Bakersfield 800-273-0931

**Alpha House, serving Taft:** 661-763-4357

**Women's Center—High Desert Incorporated, serving High Desert & Eastern Kern County:**  
Mojave & Tehachapi Office: 661-917-8116  
Lake Isabella Office: 760-223-2777  
24-Hour Domestic Violence 760-375-7525  
24-Hour Sexual Assault 760-375-0745

**Victim Services:** 661-868-2305



Kern County

**SHERIFF**

DONNY YOUNGBLOOD  
Sheriff-Coroner

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

ISSUE: 19-34

**TRAINING BULLETIN**

DATE: July 12, 2019

### Medication Assisted Treatment Plan

The Sheriff's Office, in partnership with Kern Medical, recently implemented a Medication Assisted Treatment (MAT) program to help inmates combat their opioid addiction. This program provides inmates a single dose of Vivitrol, a medication that reduces a person's craving for opioids, immediately prior to release from custody. Once released, participants are connected with services to continue their treatment in the community.

In order to properly enroll inmates into the program and prepare for initiation of the treatment during the release process, the following procedure has been implemented:

- Medical staff will pre-screen inmates for possible MAT participation as part of the medical clearance process during booking. Inmate program staff will also screen inmates who attend classes for possible MAT participation.
  - If an inmate requests a MAT referral, please refer them to medical staff or program staff.
- Medical staff will schedule an on-site medical appointment(s) to enroll eligible inmates into the program. If an inmate is enrolled into the MAT program, medical staff will deliver two items to clerical staff:
  - A blue "Special Medical Hold" form that is to be stapled to the front of the inmate's file (sample attached below).
  - An envelope containing a set of Vivitrol "dog tags" and/or a bracelet (shown to the right with a card the inmate will receive later in the process).
  - This envelope is to be placed in the outer pocket of the inmate's personal property pouch so it is visible from the outside of the pouch. The envelope is also to be affixed to the pocket with a binder clip to ensure it does not fall out.



- Medical staff will also enter a medical hold into CJIS, which medical staff must clear prior to the inmate's release.
- When initiating the release process for an inmate with a "Special Medical Hold" form stapled to the front of his/her file, clerical staff will notify medical staff of the inmate's pending release.
  - Vivitrol must be removed from refrigerated storage 30 minutes prior to use. Clerical staff's notification gives medical staff time to thaw the medication so the release process is not unnecessarily delayed.
- When approving the release of an inmate with a "Special Medical Hold", the shift supervisor will ensure that the inmate is taken to the clinic/infirmary prior to release. The supervisor will sign the form and ensure it is delivered to medical staff along with the inmate.
  - Medical staff will administer the Vivitrol injection and give the inmate a special card (see the picture above) that provides information to any future medical personnel about when the Vivitrol was administered. Medical staff may also provide the participant with a bus pass to help them get to future appointments in the community.
- Medical staff will sign, collect, and file the "Special Medical Hold" form at this time. They will also clear the CJIS hold at that time, which will allow the inmate to be released from CJIS.
- When returning the inmate's personal property at the end of the release process, the releasing deputy will give the inmate the envelope that is affixed to the outer pocket of the property pouch.
  - The "dog tags" and/or bracelet in the envelope are an important part of the MAT treatment because it tells medical personnel that the individual has been treated with Vivitrol. This is vital information for anyone providing medical treatment in the future, especially if the person is unconscious.
- The inmate may be released normally once these steps have been completed.

The MAT program is a valuable part of Sheriff's Office efforts to reduce recidivism and combat the opioid epidemic. By completing the steps described above, staff assigned to jail facilities play a vital role in those efforts. If staff have questions about the MAT program, please direct them to the Detentions Bureau, Compliance Section via your chain of command.

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## Sample – Special Medical Hold Form

Date: \_\_\_\_\_

To: Shift Supervisor

From: Correctional Medicine

**Subject:**

**ALERT: SPECIAL MEDICAL HOLD  
RECOMMENDATIONS REGARDING DETAINEE PRIOR TO  
RELEASE FROM CUSTODY**

Name:	Booking#:
-------	-----------

**Special Recommendations:**

- Please escort inmate to Infirmary to speak with Charge Nurse on duty.
- Before release Charge Nurse is to check chart entry dated: \_\_\_\_\_ for reason why inmate has a hold.
- Upon release from custody, please return a copy of this form to Correctional Medicine Supervisor, Justice Facility office.

\_\_\_\_\_  
Charge Nurse

\_\_\_\_\_  
Shift Supervisor

Original is to be filed in Inmate Medical Chart



**DONNY YOUNGBLOOD**  
Sheriff-Coroner

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

*Kern County*

**SHERIFF**

**ISSUE: 19-36**

**TRAINING BULLETIN**

**DATE: August 8, 2019**

## **RELEASE PROTOCOL OF CORONER REPORTS – DETAINED SIBLINGS IN JUVENILE COURT**

The purpose of this protocol is to define the barriers and obtain agency cooperation associated with releasing Coroner reports when a deceased child has siblings under the jurisdiction of Juvenile Court.

### **Assumptions**

1. CPS is required to report information to the court and provide discovery to parents. The documents are released within the context of confidential proceedings. Parents in dependency cases are entitled to due process in dependency cases just as criminal defendants are entitled to due process in criminal cases.
2. The statutory mandate is for the dependency case to reach the dispositional hearing within six months of the initial detention hearing.
3. Civil Code § 56.10(b)(8) and (c)(6) prohibits the Coroner from releasing medical information provided by a medical provider to any third parties absent a court order or a signed authorization. Therefore, without one of these, Coroner reports have redacted third-party pre-death medical information. However, medical information obtained from an autopsy is not redacted.
4. Coroner previously claimed the exemption that an open investigation prevented the release of reports. However, this applies to general, public record requests. The Coroner is prohibited from withholding completed reports to CPS in dependency hearings pending finalization of investigation by Law Enforcement or review by the District Attorney.
5. Law Enforcement and District Attorney believe this will hinder a criminal case until the investigation is completed and a review is made by District Attorney.

### **Timeline**

1. The Coroner completes an examination within a week of the death.
2. The Coroner role is to determine cause/manner of death. If a homicide is suspected and/or if the circumstances suggest possible criminal action, the cause of death is frequently determined to be “pending” until all testing, further investigation, etc., is completed. This is established immediately after examination.

3. Coroner determines cause/manner of death, about 60-120 days after autopsy.
4. After cause/manner of death is determined, the reports are finalized about 1-3 weeks later.
5. Coroner has three (3) reports that are part of their public record: 1) Coroner Report, 2) Autopsy Report, and 3) Toxicology Report. None of the reports are released separately. The reports cannot be released until the case is officially closed upon supervisor review.
6. After cause/manner of death is established, Coroner protocol is to notify law enforcement and the parents of the determination and amend the death certificate.
7. When the cause of death is determined to be a homicide and the suspect is the parent(s), significant other, etc., law enforcement typically has other interviews to conduct before concluding their investigation and submitting to the District Attorney for review.
8. At times, law enforcement will place Evidence Code 1040(b) hold on the Coroner information if the nature of the investigation is critical and interviews must be completed before cause of death is released. Cause of death is a public record. If a hold has been established, the Coroner does not amend the death certificate, does not contact parents with determination of cause/manner of death, cannot finalize reports, and cannot close the case. No information about case or reports is releasable when a hold has been placed by law enforcement.
9. If reports are not finalized and case not closed due to Evidence 1040(b) hold, then the District Attorney cannot review the case and the criminal investigation is delayed.

**PROTOCOL RECOMMENDATIONS:**

1. The Coroner, Law Enforcement, and District Attorney all agree to make investigations/reviews a priority when siblings are detained as a result of a child death. This is a small number of cases and does not include all child deaths.
  2. CPS will notify Coroner of court dates and time lines when scheduled. Coroner will make Law Enforcement and District Attorney aware of dates.
  3. CPS will request a court order for unredacted reports at time of detention hearing. CPS will submit court order to Coroner and the action notifies Coroner the case has priority status.
  4. Priority status for the Coroner includes: 1) notification to Forensic Pathologist for purposes for priority closure [typically cases are closed in order received] and 2) Deputy Coroner/Supervisor are notified the case has priority closure. Supervisor ensures the case is finalized and closes as soon as possible.
  5. Priority status for Law Enforcement includes: 1) timely follow up and completion of interviews as soon as possible after autopsy is completed and 2) reserving the use of 1040(b) hold for extreme circumstances.
-

6. Law Enforcement, District Attorney, and Coroner/Pathologist agree to meet after 30 – 45 days to exchange any pertinent information that might be relevant in determining cause/manner of death and that might assist in expediting the closure/review process.
7. If a 1040(b) hold is placed by Law Enforcement, the Coroner agrees to a special circumstance to provide relevant information to the District Attorney for review prior to closure of case.
8. The District Attorney agrees to a priority status for review of the case when siblings are detained by the court.
9. When a hold is in place, the District Attorney and Law Enforcement will formally notify the Coroner after 30 days about the status of the review and/or decision so that Coroner can prioritize final closure of the case.



Kern County

SHERIFF

DONNY YOUNGBLOOD  
Sheriff-Coroner

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

ISSUE: 19-39

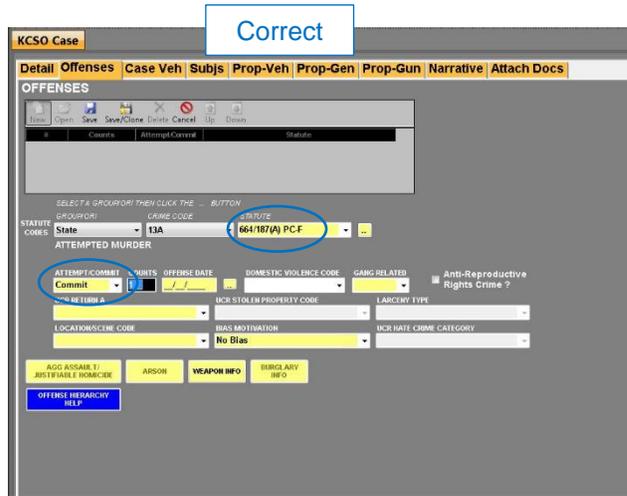
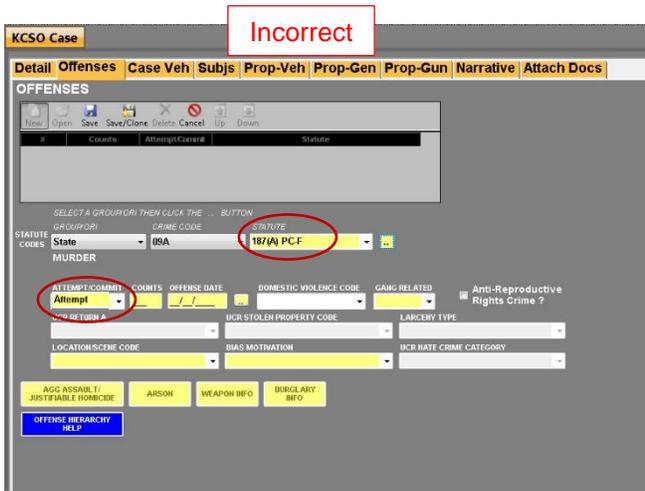
TRAINING BULLETIN

DATE: August 19, 2019

### Attempt or Commit Selection when Adding Statute/Offense in Mobile

When adding a statute/offense select the "Commit" option from the dropdown menu in Mobile. Please take note that the "Attempt" option will no longer be available as of August 30, 2019.

The "Attempt" option is being removed as it has been used inaccurately on several cases (see examples below).



The "Commit" selection is correct for attempt statutes/offenses, such as 664/187(A) PC-F, as the subject had the intent to commit a crime, even though they were unsuccessful in completing the criminal act.

Using the correct statute/offense is essential for determining the correct number of crimes that have occurred, and ensures that they are being reported correctly.



*Kern County*

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**ISSUE: 19-40**

**TRAINING BULLETIN**

**DATE: August 29, 2019**

### DPPM K-820 Dress – Training Courses

In preparation for the upcoming Advanced Officer Training sessions, the Training Section would like to remind all personnel to be mindful of Department Policy and Procedure *K-820: Dress – Training Courses*. As a refresher, all personnel must read the attached policy and sign-in to acknowledge you have by September 19, 2019.

All uniform policies can be found in Section K of our Department Policy and Procedures Manual, or by following this link:

<http://sharepoint/ProcedureManual/Table%20Of%20Contents/Forms/SectionK.aspx>



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*Kern County*

**SHERIFF**

**ISSUE: 19-41**

**TRAINING BULLETIN**

**DATE: October 30, 2019**

### **“In God We Trust” Decal**

The purpose of this training bulletin is to provide information as to the process to have an “In God We Trust” decal placed on your assigned vehicle or removed from an assigned vehicle. The placement of the “In God We Trust” decal on an employee’s assigned vehicle is strictly voluntary. In addition, there is only one “In God We Trust” decal approved for placement on an employee’s assigned vehicle.

All employees’ wanting to have an “In God We Trust” decal placed on their assigned vehicle shall contact the Fleet Management Unit for the installation of the decal. The Fleet Management Unit has a supply of the decals and shall be responsible for installation or removal of all decals.

The below “In God We Trust” decal is the only approved decal to be installed on Sheriff’s Office vehicles.



Employee’s shall complete the attached form when requesting a decal be placed on their assigned vehicle that does not have the decal, have the decal remain on a newly assigned vehicle that contains the decal or request for the decal to be removed and replaced with a United States Flag decal. Once the form is completed, forward the form to the Fleet Management Unit. Contact the Fleet Management Unit for installation or removal of a decal. The Fleet Management Unit will have the forms available in their office.

Please contact the Fleet Management Unit for any questions at [sheriffleet@kernsheriff.org](mailto:sheriffleet@kernsheriff.org).

HRV/PPV  
"In God We Trust" Authorization Form

Use this form to Request to Place, Continue to Display or Remove the  
"In God We Trust" decal

Instructions:

1. To **participate** in placement of the below approved "In God We Trust" decal on an approved HRV/PPV.
2. To **NOT participate** in the placement of an "In God We Trust" decal on an approved HRV/PPV that has an "In God We Trust" decal on an approved HRV/PPV.
3. Sign the form. This participation form requires your original signature.
4. Forward the signed form to the Fleet Management Unit.

(Required for HRV and PPV Participants)

I, \_\_\_\_\_, County ID # \_\_\_\_\_, CAD ID# \_\_\_\_\_,  
(Print Name and Title) (Example: 999-##-####)

VEHICLE # \_\_\_\_\_

Voluntarily request to:  
(Check appropriate box)

- Place an "In God We Trust" decal on my assigned HRV/PPV
- CONTINUE to DISPLAY an "In God We Trust" decal on my assigned HRV/PPV that already contains the decal
- REQUEST REMOVAL of an "In God We Trust" decal currently on my assigned HRV/PPV

My work assignment is \_\_\_\_\_  
(Substation or Unit) (City of Work Assignment)

Employee's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's name (printed): \_\_\_\_\_

Submit form to the Fleet Management Unit. If you are requesting to have an "In God We Trust" decal be placed or removed from a vehicle contact fleet at [sheriff@kernsheriff.org](mailto:sheriff@kernsheriff.org) to make arrangements for the placement or removal.





*Kern County*

# **SHERIFF**

## **Interoffice Memorandum**

**To:** All Sheriff's Office Personnel  
**From:** Chief Deputy Doug Jauch  
**Date:** October 30, 2019  
**Re:** Code-9 Directive

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### **Effective immediately, the following directive will be implemented:**

The deputy assigned to a call for service that is initially designated or entered under a crime code that would require a mandatory report **shall** complete a report unless the deputy obtains Code-9 approval from the shift supervisor (Sergeant or above). If the shift supervisor authorizes the Code-9, the deputy **shall** enter the approving supervisor's name and a brief synopsis in the notes of the call.

#### **Example:**

A deputy is dispatched to a P.C. 273.5 in progress. When deputies arrive, the investigation reveals a husband and wife were in a verbal argument and there is no evidence of any other criminal activity. The primary deputy on scene **shall** contact the shift supervisor and provide him/her with the details of the incident and request permission to Code-9 the incident.

DPPM L-100 states the following:

"All written reports communicated on a Sheriff's Office Form (crime reports, property record, FI card, etc.) will be in compliance with the Sheriff's Report Writing Manual."

The Report Writing Manual states the following:

### **Mandatory Report/Code 8 Case Number Assignment**

A report **will** be written under the following circumstances:

- o All felony crimes.
- o All missing persons.
- o All crimes involving domestic violence.
- o All crimes requiring follow-up investigation.
- o Any incident requiring a report as mandated by KCSO policy and procedure.
- o Custodial arrests, including detoxification.
- o Warrant arrests without unusual circumstances will not require a report.
- o Any incident where physical force is used upon any person by a member of this Agency.
- o Any incident where property is seized and booked into a Property Room.
- o All reported crimes that will be forwarded to the District Attorney for a formal criminal complaint.

- o Any incident in which a report will be forwarded to another department or allied agency.
- o Any incident unusual in nature or one that may require documentation for future reference.
- o When directed by a supervisor or ranking officer.
- o When any search warrant is completed and no other report exists for the incident giving rise to the issuance of the search warrant (i.e., a controlled buy).

The Sheriff's Office has identified several additional incidents that require a mandatory report in addition to the current list located in Report Writing Manual.

- o Found Juveniles, regardless if previously reported missing.
- o Any crime of violence, including battery.
- o Any sex crime, including misdemeanors.
- o Any report of brandishing of a weapon.
- o Any reported child abuse, neglect, endangerment, etc.

## **IMPORTANT**

**Please [SIGN IN](#) to acknowledge your reading after reviewing  
the Training Bulletin**



*Kern County*

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**ISSUE: 19-43**

**TRAINING BULLETIN**

**DATE: October 31, 2019**

## **GUIDANCE IN CROSS-GENDER AND TRANSGENDER PAT SEARCHES**

Sworn staff with the Sheriff's Detention Bureau are required to view the "Guidance in Cross-Gender and Transgender Pat Searches" video and sign off on the mandatory view by Thursday, November 14, 2019.

The mandatory view video is approximately 30 minutes in duration and provides an overview of PREA Cross-Gender and Transgender Pat Searches; personnel are required to follow the Kern County Sheriff's Office Policy and Procedures when conducting searches.

You can access the video on the SheriffNet main page by clicking on the iMag icon, clicking on "Mandatory Virtual Training", and clicking on the "Guidance in Cross-Gender and Transgender Pat Searches" icon, or you may click the link below:

[http://sharepoint/ASB/PersonnelDivision/Training/videos/SiteAssets/Guidance\\_in\\_Cross-Gender\\_and\\_Transgender\\_Pat\\_Searches.html](http://sharepoint/ASB/PersonnelDivision/Training/videos/SiteAssets/Guidance_in_Cross-Gender_and_Transgender_Pat_Searches.html)

If you have any questions, please contact Detentions PREA Compliance Sergeant Stephen Harris at (661) 391-7850.

### **IMPORTANT**

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



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*Kern County*

**SHERIFF**

**ISSUE: 19-44**

**TRAINING BULLETIN**

**DATE: November 12, 2019**

## **WORKPLACE HARASSMENT**

The Kern County Sheriff's Office is committed to enforcing a policy that maintains a workplace environment free from hostile working conditions, unlawful discrimination, unwelcome sexual advances and behavior against any employee(s) and/or the citizens we contact. "Unlawful discrimination" is discrimination based on the person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Employee conduct, whether intentional or not, that results in discrimination or harassment of other employees, is illegal and will not be tolerated. All supervisory and command staff shall ensure that no employee is subjected to discrimination or harassment.

References to any individual or group in a derogatory manner based on the above will not be tolerated. Retaliation against individuals who report unlawful discrimination or harassment will also not be tolerated. Supervisors and command personnel are to ensure strict compliance with this policy.

As law enforcement officers, there may be times when touching another employee may be reasonably necessary for maintaining the safety of all involved. A common practice utilized by law enforcement agencies across the nation is to teach touching other employees to maintain a tactical advantage in conditions requiring silence and stealth. These techniques are generally utilized when conducting building searches and other situations where silence is needed for officer safety. Another example is getting an employee's attention when other forms of communication are not practical. Touching, at times, can be reasonable and absolutely necessary during the performance of your duties. In addition, unique sounds or hand gestures might be needed to communicate with other officers during situations where normal means of communication are not available or practical.

There are many other instances where touching another employee falls within the scope of your employment and is vitally necessary; however, reasonable, widely accepted industry standard touching tactics should never be mistaken for touching that is unwelcome or unnecessary. The following is a small list of examples that can and will be considered as harassing behaviors. Some forms of harassment are unique and are considered on a case by case situation.

## **Examples of Different Types of Harassment**

When investigating harassment claims, each situation can be different, and the totality of the circumstances will be evaluated.

### **Examples of Hostile Working Environment:**

Verbal or physical conduct, workplace bullying and/or, cyber bullying.

### **Examples of Sexual Harassment:**

Unwanted sexual advances, an offer of employment benefit(s) in exchange for sexual favor(s) and/or, actual or threatened reprisals after a negative response to sexual advances.

### **Comments that may constitute Harassment:**

Foul or obscene language, making or using derogatory comments, gender-specific epithets and monikers, slurs, explicit discussions about sexual activities/behaviors, comments about another person's physical attributes, spreading rumors about another person's sexual activities/conduct and/or partners and/or, jokes.

### **Actions that may cause Harassment:**

Leering/staring, making sexual gestures, hugging, massaging/touching/grabbing, whistling/catcalls, kissing, coercing another person to participate in sexual behaviors, impeding or blocking movements and/or any physical interference with normal work or movement.

Individuals who believe that they have been victims of sexual harassment or individuals who believe they have been subjected to a hostile working environment shall inform their immediate supervisor, another supervisory employee in the individual's department or as an alternative, the Equal Employment Opportunity Division of the Personnel Department in accordance with Civil Service Rules 1800 et seq. Below are the Hostile Working Environment and Sexual Harassment Policies that clearly outline what is not acceptable. The expanded contents of each policy can be found by accessing the provided links:

### **Hostile Working Environment Policy**

"It is the policy of the County of Kern to provide for its employees a work environment free from hostile and offensive conduct. For this reason, the County is committed to promoting and maintaining a pleasant and productive workplace for all its employees and as such, each and every person conducting business for or with the County should be treated with dignity and respect. Therefore, any and all forms of conduct which enable or create a hostile work environment are expressly prohibited."

### **[Hostile Work Environment Policy](#)**

**County of Kern Sexual Harassment Policy**

“It is the policy of the County of Kern to provide employees a workplace free from any form of sexual harassment. Sexual Harassment in any manner or form is expressly prohibited. All employees and applicants for employment are to be treated with respect and dignity.”

[Sexual Harassment Policy](#)

**Discrimination Policy C-300**

“It is the policy of the Kern County Sheriff’s Office to provide a workplace free from unlawful discrimination and/or discriminatory harassment. “Unlawful discrimination” is discrimination based on the person’s race, religious creed, color, national origin, ancestry, physical disability, mental disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Employee conduct, whether intentional or not, that results in discrimination or harassment of other employees, is illegal and will not be tolerated. All supervisory and command staff shall ensure that no employee is subjected to discrimination or harassment.”

[Discrimination Policy](#)

**IMPORTANT**

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*Kern County*

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**ISSUE: 19-46**

**TRAINING BULLETIN**

**DATE: December 18, 2019**

### **Assembly Bill 392 – Revised Use of Force Policies**

Assembly Bill 392, the act to amend Sections 196 and 835a of the Penal Code, relating to peace officer use of force was signed into law on August 19, 2019. Deputies are required to adhere to these amendments as of January 01, 2020. Assembly Bill 392 has redefined the circumstances under which a homicide by a peace officer is deemed justifiable. The amended Sections also identify the circumstances under which a peace officer is authorized to use force to effect an arrest, to prevent escape, or to overcome resistance.

As a result of the new law, the Sheriff's Office revised DPPM F-0100 Use of Force – General and DPPM F-0700 Use of Force - Deadly Force policies to include the new changes. **These revised policies will go into effect on January 1, 2020.**

Read the attached policies to see how the changes to the laws have affected our DPPM Sections. The changes are in red ink. There is also a short video on the [SheriffNet home page](#) that personnel can watch for more information on the changes to the Penal Code sections.

For further information regarding Assembly Bill 392, refer to the below listed link.  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB392](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB392)

### **IMPORTANT**

Please [SIGN IN](#) to acknowledge your reading after reviewing the Training Bulletin 19-46 Assembly Bill 392 – Revised Use of Force Policies



**Kern County Sheriff's Office**  
**Policies and Procedures**

<b>TITLE: USE OF FORCE - GENERAL</b>		<b>NO: F-100</b>	
<b>APPROVED: Donny Youngblood, Sheriff-Coroner</b>			
<b>EFFECTIVE:</b> August 1, 1990	<b>REVIEWED:</b> 12/17/2019	<b>REVISED:</b> 12/17/2019	<b>UPDATED:</b> 12/17/2019

## **DEFINITIONS**

When used in this policy, “law enforcement officers,” or “officer” shall include sheriff’s deputies and detentions deputies.

“Force” means physical contact with a person by hand or instrumentality to gain control of that person when verbal command is unavailing, inappropriate, or futile in the circumstances.

- Force shall not mean or include routine or incidental physical contact with a person as is necessary to take the person into actual, physical custody during a routine arrest situation when the arrestee does not offer physical resistance. Similarly, force does not mean or include the application of a wrist lock or control hold to handcuff an inmate, prior to movement for security reasons, when there is no physical resistance by the inmate.

“Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm. (Penal Code 835a(e)(1))

The term “Deliberate Indifference” means the conscious or reckless disregard of the consequences of one's acts or omissions. It entails something more than negligence, but something less than acts or omissions intended to cause harm or undertaken with knowledge that harm will result.

## **RELATIONSHIP WITH LAW**

This policy does not have the effect of law and is not intended to have the effect of law. The law is contained in the federal and state constitutions, statutes, and court decisions. Ultimate liability of law enforcement officers under law can only be determined by the courts. Violation of this policy does not and is not intended to mean that the involved law enforcement officers are liable under the law.

## SHERIFF'S OFFICE PHILOSOPHY

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

Law enforcement officers must have an understanding of the extent of their authority; particularly with respect to overcoming resistance from and gaining and maintaining control over those with whom they come in official contact.

The Kern County Sheriff's Office recognizes and respects the **sanctity** of human life and dignity without prejudice to anyone. It is also understood that officers have the authority to use reasonable force, including deadly force, to protect the public and carry out their duties.

## POLICY

The purpose of this policy is to provide officers of the Sheriff's Office with guidelines on the reasonable use of force. It is the policy of the Sheriff's Office that law enforcement officers, in the performance of their duties, shall use reasonable force, given the facts and circumstances known or reasonably believed by the officer at the time of the event, to effectively prevent escape, overcome resistance, or effect arrest.

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force. (Penal Code Section 835a(a)(4))

Force used within the Sheriff's Office Facilities shall never be for the purpose of maliciously or sadistically causing harm (Johnson v. Glick (1973) U.S Court of Appeals, Second Circuit) and (Whitley v. Albers (1986) U.S. 312). Officers shall never be "deliberately indifferent" to the rights, health or safety of inmates. The 8<sup>th</sup> and 14<sup>th</sup> Amendments of the United States Constitution protect inmates against cruel and unusual punishment.

Law enforcement officers of the Sheriff's Office, in the performance of their duties, are permitted to use reasonable force to prevent escape, overcome resistance and effect arrests. The use of such force by officers shall conform to Penal Code Section 835a and the policies and procedures set forth in this manual and any applicable sections in the Detentions Bureau Manual.

In addition to Penal Code Section 835a, law enforcement officers in a custodial assignment, may

F-100-2

EFFECTIVE: August 1, 1990	REVIEWED: 12/17/2019	REVISED: 12/17/2019	UPDATED: 12/17/2019
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use reasonable force in establishing and maintaining custody of prisoners to maintain the safety and security of the facility. The use of such force by officers shall conform to Penal Code Section 831.5(f) and the policies and procedures set forth in this Manual and any applicable sections in the Detentions Bureau Manual.

Nothing in this policy is intended to hinder or prevent an officer from using deadly force immediately to protect or defend themselves, another officer or any other person from a significant threat of death or serious bodily injury.

California Penal Code Section 835a provides that:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use **objectively** reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose their right to self-defense by the use of **objectively** reasonable force to effect the arrest or to prevent escape or to overcome resistance. **“Retreat” does not mean tactical repositioning or other de-escalation tactics.**

California Penal Code Section 831.5 (f) provides that:

Law enforcement officers in a custodial assignment may use reasonable force in establishing and maintaining custody of prisoners to maintain the safety and security of the facility. No policy can realistically predict or cover every possible situation an officer might encounter. Each officer, therefore, must be entrusted with discretion in determining the force necessary in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury or allow physical injury to any other person before using reasonable force.

Any use of force, including deadly force, by a member of the Kern County Sheriff’s Office, must be judged by the standard of “reasonableness.” When determining whether to use force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. Those factors include, but are not limited to:

- The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- Officer/subject/inmate factors (age, size, relative strength, skill level, injury/exhaustion, number and location of officers vs. subjects).
- Influence of drugs/alcohol (mental capacity).

F-100-3

<b>EFFECTIVE:</b> August 1, 1990	<b>REVIEWED:</b> 12/17/2019	<b>REVISED:</b> 12/17/2019	<b>UPDATED:</b> 12/17/2019
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- Proximity of weapons of any kind.
- Whether or not the subject/inmate has been searched.
- Whether the subject/inmate poses an immediate threat to the safety of officers or others and the seriousness of the threat.
- Seriousness of the suspected offense or reason for contact with the individual.
- Seriousness of the inmate’s facility rule violation.
- Whether the subject/inmate is resisting arrest by force.
- Whether the subject/inmate is evading arrest by flight.
- Whether efforts were made to temper the severity of the force used.
- Training and experience of the officer.
- Potential for injury to citizens, officers, subjects, and inmates.
- Number of subjects/inmates involved in the event.
- How organized the subjects/inmates in the disturbance appear to be.

At times, officers are called upon to make split-second decisions. In such cases, the amount of time available to evaluate and respond to changing circumstances may impact an officer’s decision. When judging an officer’s decision, this fact shall be given due consideration and weight.

Each officer is expected to use **objectively** reasonable force under the circumstances at the time to prevent escape, overcome resistance, effect arrests, restore order, and maintain the safety and security of the facility and inmates.

The decision to use force rests with each officer. While there is no way to specify what force is reasonable in advance, each officer is expected to use these guidelines to make this decision in a professional, impartial, and safe manner.

**DIRECTIVE**

Use of force by a member of the Sheriff’s Office shall be reported to the member’s immediate supervisor and documented in an Incident Report in accordance with the procedures set forth in F-200. Members shall also document all use of force incidents in the Use of Force Reporting System.

F-100-4

<b>EFFECTIVE:</b> August 1, 1990	<b>REVIEWED:</b> 12/17/2019	<b>REVISED:</b> 12/17/2019	<b>UPDATED:</b> 12/17/2019
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*Kern County Sheriff's Office*  
**Policies and Procedures**

<b>TITLE: USE OF FORCE – DEADLY FORCE</b>		<b>NO: F-700</b>	
<b>APPROVED: Donny Youngblood, Sheriff-Coroner</b>			
<b>EFFECTIVE: August 1, 1990</b>	<b>REVIEWED: 12/17/2019</b>	<b>REVISED: 12/17/2019</b>	<b>UPDATED: 12/17/2019</b>

**Reference:** Detentions Bureau Policy and Procedures Manual, Section O-100

**DEFINITIONS**

“Force” means physical contact with a person by hand or instrumentality to gain control of that person when verbal command is unavailing, inappropriate, or futile in the circumstances.

“Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

**POLICY**

It is the policy of the Kern County Sheriff's Office to permit Sheriff's Deputies and those Detentions Deputies authorized by Section O-100 of the Detentions Bureau Policy and Procedure Manual to use deadly force, including the use of a firearm **only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:**

- To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

**A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.**

**DIRECTIVE #1**

- Shots fired into the air or ground in an attempt to cause a fleeing suspect to stop or surrender are prohibited.
- **Subject to the limitations on the use of deadly force described in the policy above,** shots may be fired when intended to stop a threatened attack upon an officer or innocent victim or prisoners by persons engaged in riot **and only after giving due consideration to public safety.**
- **Subject to the limitations on the use of deadly force described in the policy above,** shots may be fired for the purpose of summoning aid when more conventional communication is not effective **and only after giving due consideration to public safety**
- Firing at or from moving vehicles is generally ineffective and extremely hazardous and is prohibited in all but the gravest of circumstances and only then after giving due consideration to public safety **and subject to the limitations on the use of deadly force described in the policy above.**
- Killing animals, which are seriously injured or pose a real threat to the safety of humans, by use of firearms is approved when no other disposition is practical **and only after giving due consideration to public safety**
- As a general rule, officers shall not remove a firearm from the holster or display weapons unless there is sufficient justification.
- In effecting the arrest of felony offenders, suspected felony offenders, or misdemeanor(s) in possession of a weapon, a deputy may display a weapon for the purpose of obtaining and maintaining control of the arrestee.
- Officers **should** not surrender their firearms. Surrender of a weapon rarely de-escalates a serious situation and can, in fact, put an officer and innocent persons in jeopardy.

F-700-2

<b>EFFECTIVE:</b> August 1, 1990	<b>REVIEWED:</b> 12/17/2019	<b>REVISED:</b> 12/17/2019	<b>UPDATED:</b> 12/17/2019
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