

**RECORDS SECTION
CRIME REPORTS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: GENERAL GUIDELINES FOR RELEASE OF REPORTS NO. D-100

EFFECTIVE DATE : 03-23-06	REVISED : 10-31-19
APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR	
REFERENCE : TNG Order, Gov. Code 6254(f), PC 11167.5, W&I 15633m and W&I 5328.01	REVIEWED : 10-31-19

POLICY : In Government Code 6250, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. This chapter is known as the California Public Records Act.

Government Code Section 6254(f) of the Public Records Act states police agencies **shall** release certain information about specific crimes unless disclosure would endanger the safety of a person or endanger the successful completion of an open investigation.

Records exempted from release are also defined in Government Code 6254.

Subsection (b) – *No release of records pertaining to litigation to which our agency is a party until the pending litigation or claim has been adjudicated or settled.*

Subsection (c) – *No release of personal, medical or similar facts, the disclosure of which would constitute an unwarranted invasion of personal privacy.*

Subsection (f) – *Exempts records of complaints or investigation conducted by state or local police agency or any investigatory files compiled by local police agency, **except** law enforcement agencies **shall** disclose the names and addresses of persons involved in the incident, the description of any property involved, the date, time and location of the incident, all diagrams, statements of involved parties, and witnesses **to the victim** of an incident, or an authorized representative of the victim, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss as a result of arson, burglary, fire, explosion, larceny, robbery, car jacking, vandalism, vehicle theft, or a crime of violence as defined by subdivision (c) of Section 13960, unless disclosure would endanger the safety of a witness or other person involved, or*

endanger the successful completion of the investigation or related investigation.

*Law enforcement agencies **shall** release per a public request: the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident and a general description of any injuries, property, or weapons involved.*

Due to the need to guard the confidentiality and security of case files, access to information contained in case files in the Crime Reports Unit shall be limited to items stated in GC 6254(f). Access shall be granted only to those authorized, who have first established their identity and have “the right to know” and “the need to know.” Personnel releasing documents must have knowledge of the laws regarding the release of information, and release of information shall be based solely on those laws. Annotations of each release shall be made on each case file jacket. This procedure covers release of crime reports only. Refer all requests for arrest information to Arrest Records.

DIRECTIVE : REPORTS SHALL NOT BE RELEASED ON THE FOLLOWING:

- **Juvenile suspects:** A petition must be filed with the juvenile court to obtain a copy, per the TNG order. Once the petition has been filed in juvenile court we can release to the juvenile’s parents, guardian, or attorney.
- **Juvenile abuse:** A petition must be filed with the juvenile court to obtain a copy, per Penal Code 11167.5. Refer to Penal Code 11167.5 order for exceptions.
- **Adult suspects:** Refer to the District Attorney or Public Defender’s Office to obtain a copy through the discovery process.
- **Elder – Dependant Adult Abuse:** The report may be obtained by court order per Welfare and Institution Code 15633.5.
- **Sex Crimes:** The report may be released to the **victim only**.
- **Homicides:** The report may be obtained by court order, per Government Code 6254(f).
- **5150 (Mental Disorders, suicide):** The report may be obtained by court order, per Welfare and Institutions Code 5328.
- **Asset Forfeiture Information:** All portions of the report are releasable as per applicable laws except for information specific to the asset forfeiture

information. This information is *usually* contained within one supplemental and that supplemental will specify that it should not be released.

PROCEDURE :

I. DETERMINE IF THE REQUESTOR IS AUTHORIZED TO RECEIVE A REPORT OR IF THEY ARE ONLY AUTHORIZED TO RECEIVE LIMITED INFORMATION.

- A. Provide the requestor with an "Application of Release of Information" form. (Example A)
 - 1. The form shall be completed by the person requesting the information and either placed with the case file after release if the report is pulled from the file room or the form can be shredded after the information from the form has been placed in the Report Tracking field if the report is pulled from LERMS. (See step II, F, 2)
 - 2. Each form shall be reviewed before the report is pulled as to the identity of the person requesting the report.
- B. Crime reports are released to the victim of the crime or their designee only.
- C. All other requests shall be restricted to information available in a "call for service." (See step IV)

II. VICTIMS OR THEIR AUTHORIZED AGENTS

- A. **Victims or their authorized agents** may receive a copy of a report on the following types of crimes, provided the release of the information **will not** endanger the safety of any person or endanger the successful completion of an investigation, per Government Code 6254(f).
 - 1. Arson
 - 2. Burglary
 - 3. Fire
 - 4. Explosion
 - 5. Larceny
 - 6. Robbery

7. Vandalism
 8. Vehicle Theft
 9. Crime of Violence
- B. All other information in a crime or incident report must be obtained through legal channels.
- C. Access LERMS to determine if the case is still under investigation.
1. If status says **active**, contact the detective assigned to that case to ensure release will not hinder the investigation.
 2. If status says **closed**, proceed to next step.
- D. Redact all identifying information not allowed by the California Public Records Act.
1. Date of birth.
 2. Social security number.
 3. Drivers license number.
 4. Telephone numbers.
 5. Confidential informants.
 6. Juvenile information.
- E. Use a large copy stamp on the front of each document released to show authorization. **A copy stamp must appear on each subsequent page.**
- F. Make a notation of the reason for release, located on the inquiry sheet printed on each case jacket (Example B) or complete the Report Tracking field in LERMS.
1. The following must be completed for the inquiry sheet.
 - a. The name and/or Agency of the person receiving the report.
 - b. The date of release.
 - c. The reason for release.

- d. The initials of the person releasing the report.
 - e. If the request for information was received by mail from the victim or their designee (insurance agency or attorney), the written request shall be attached to the original report.
2. To complete the Report Tacking field:
- a. In the Reason field select one of the options that best fits the requesting party.
 - b. In the Intended Recipients field, state who the requestor is in relation to this report (i.e., victim, public, property owner, etc.) and as much information as you have collected. (requester name, agency, fax #, mailing address, ect.)
 - c. Then click OK and the report will automatically generate in another window.
 - d. Complete Report Request log.
 - e. Once the information has been placed in the Report Tracking field, you may place the Application for Release of Crime Report in a shred bin.

III. RELEASE TO LAW ENFORCEMENT AND OTHER COUNTY AGENCIES

- A. Law enforcement and state or county agencies in the scope of their official duties are allowed full copies of the report for investigative purposes.
- B. Phone requests from law enforcement or state or county agencies require a fax or email from the agency.
- C. Make a notation of the reason for release, located on the inquiry sheet printed on each case jacket (Example B) or complete the Report Tracking field in LERMS.
 - 1. The following must be completed for the inquiry sheet.
 - a. The name and/or Agency of the person receiving the report.
 - b. The date of release.
 - c. The reason for release.

- d. The initials of the person releasing the report.
2. To complete the Report Tracking field:
 - a. Repeat steps 2a-2d under II, F.

IV. PUBLIC RELEASE

- A. Per Government Code 6254, information collected in the normal course of business, and to the extent recorded, must be released upon request from the public.
 1. Date, time, and location of all complaints or requests for assistance, and the nature of the department's response.
 2. Date and time of report and factual circumstances surrounding the incident.
 3. General descriptions of injuries.
 4. Property or weapons involved.
 5. Victim information, name and age of victim, except victims of specific abuse, sex crimes or violent offenses.
- B. You may use a "Call For Service" report (Example C) **or** the face sheet of a crime report (Example D) for a public release.
 1. **Call for Service** - The following information must be redacted:
 - a. Dates of birth.
 - b. Any phone numbers.
 - c. Reporting party's name, if it is not the person requesting the call for service.
 - d. Any other names if not the requesting person.
 - e. Any vehicle license or VIN numbers.
 - f. Any California Driver's License or ID numbers.
 2. **Face Sheet of a Crime and Incident Report** – The following information must be redacted:

- a. All information outlined in step C above.
- b. All juvenile information needs to be removed completely.
- c. Remove all contact information completely.
- d. Remove all reporting party information completely.
- e. Remove all witness information completely.

**RECORDS DIVISION
CRIME REPORTS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: RECEIVED INSURANCE/VICTIM REQUESTS

NO. D-120

EFFECTIVE DATE : 08-29-94

REVISED : 11-19-19

APPROVED BY : NATALIE MCGILL, RECORDS ADMINSTRATOR

REFERENCE :

REVIEWED : 11-19-19

POLICY : Personnel assigned to the Public Counter will process all insurance/victim requests received in the daily mail for copies of crime reports. Reports must be processed within ten days of receiving.

DIRECTIVE : All documents are to be date stamped when received in Crime Reports. The date stamp machine is located on the black, lateral filing cabinets, in front of the Records Administrator's door.

PROCEDURE :

I. PROCESSING INSURANCE AND VICTIM REQUESTS

- A. Each request is to be date stamped.
- B. Requests are to be processed in the order in which they were received. (Note: all pending insurance request must be filed in the insurance request folder by the date it was received)
- C. If no case number is referenced,
 - 1. Check LERMS to try to obtain it.
 - 2. If unsuccessful, return to the requestor with a memo stating that more specific information is needed in order to process request. (Example A)
- D. Review each report located for the subject and compare it to the report request to determine if they correspond.
- E. Review each case as to the type of report and investigative status.

- F. If the case is currently under investigation in Detectives, check with the detective assigned to make sure that release would not hinder the investigation.
- G. If report is a substation case,
 - 1. Contact the substation sergeant to check that the release would not hinder their investigation.
 - 2. If the request release is denied, return the request stating reason for the denial using form memo as stated above.
- H. If any request is questionable as to whether it can be released, consult your supervisor or the Records Administrator.

II. PRINT OR MAKE COPIES OF REPORTS

- A. If an insurance company request, print or copy only the face sheet and loss portion of report.
- B. If victim request, print or copy entire report.
 - 1. If juvenile information, suspects, witnesses, or contacts are listed,
 - a. Redact all identifying information such as social security and driver's license numbers, telephone numbers and addresses.
 - b. If juvenile suspect, the name must be redacted as well.
- C. Stamp front page with large copy stamp and fill in necessary information.
- D. Stamp all additional pages with small copy stamp.

III. COMPLETE RECORD INQUIRIES ENTRY ON CASE FILE WITH APPROPRIATE INFORMATION OR FILL OUT REPORT TRACKING FIELD IN LERMS.

- A. If report was pulled from file room, complete the record inquiry on front of jacket using the following information:
 - 1. The name and/or Agency of the person receiving the report.
 - 2. The date of release.
 - 3. The reason for release.

4. The initials of the person releasing the report.
- B. If you pulled the report from the file room, ensure it is re-filed in its proper place.
 - C. If report was printed from LERMS, complete the Report Tracking field as follows:
 - a. In the Reason field select one of the options that best fits the requesting party.
 - b. In the Intended Recipients field, state who the requestor is in relation to this report (i.e., victim, public, property owner, etc.) and as much information as you have collected. (requester name, agency, fax #, mailing address, ect.)
 - c. Then click OK and the report will automatically generate in another window.
 - d. Complete Insurance Request log.
 - D. Re-file original report.

IV. MAILING THE REQUESTED REPORT

- A. Stuff envelope with copy of report and original request form.
 1. If no envelope is provided, you **MUST** type appropriate address onto a KCSO envelope.
- B. Stamp envelope in upper left hand corner with KCSO stamp, if needed, for return address.
- C. Seal all envelopes before mailing
- D. Place sealed envelopes in red tray labeled "Outgoing Mail" located on the law enforcement counter.

**RECORDS SECTION
CRIME REPORTS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: REPORT REQUEST FOLDER

NO. D-125

EFFECTIVE DATE : 01-25-07	REVISED : 11-19-19
APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR	
REFERENCE : Crime Reports D-100, General Guidelines for Release of Reports	REVIEWED : 11-19-19

POLICY : In the scope of Crime Reports' duties, it is necessary to disseminate information pertaining to criminal activity or other law enforcement contacts to other law enforcement agencies; local, state, and federal agencies; or authorized representatives of the victim of a crime. Such requests can be necessary for insurance purposes (when the victim has suffered a loss), criminal background checks for pre-employment screenings, or civil/criminal court proceedings.

To ensure that each request is processed in the order in which it was received, all such incoming written requests are placed in a "Report Request Folder" in chronological order. This will ensure that all requests are processed in a timely manner.

DIRECTIVE : Requests marked "ASAP," "Urgent," in-custody requests, requests from the Kern County District Attorney's Office or from FBI-NICS should be completed first. All other requests **MUST** be processed within 10-days of receipt.

PROCEDURE :

I. INCOMING REPORT REQUESTS

- A. Report requests are primarily received by fax, mail, or email.
 - 1. If received by fax, check that the date and time of receipt are printed somewhere on the page. If not, use the electronic date/time stamp with the current date and time.
 - 2. If received by mail, date stamp the request at the time of receipt.
 - 3. Place new requests on top of the brown accordion request folder. ,

II. CHECK THE STATUS OF REPORTS

- A. Often the party requesting the report does not know the case number.
 - 1. Using the information the requestor provides, research the case number.
 - 2. There are several ways to search, including name searches in both the Records Management System (LERMS) and CJIS and address searches in LERMS.
 - 3. If unsuccessful, return to the requestor with a memo stating that more specific information is needed to process request (Example A).

- B. Once you have located the case number, check to see if the report has been completed and is available for release from our office.
 - 1. If the report originated from LERMS, ensure the original and all supplemental reports have been merged. If not, the report cannot be printed until all supplemental reports have been merged.
 - 2. If the report originated on paper, check to see if the report is on the shelf.
 - 3. If the report is available, review the contents and determine what portions are releasable to the party requesting the report. (Refer to D-100, General Guidelines for Release of Reports for further information.)
 - a. Release the entire contents of a case (including photocopies, property sheets, etc.) to the Kern County District Attorney's Office and the Coroner's Office. These agencies work closely with our agency and they have the "need to know" and the "right to know."
 - b. If you have questions or concerns about releasing a report, review the report with a supervisor.
 - 4. If the report has not been merged, determine which unit the report originated with.
 - a. If a substation or specialty unit report, fax the request to the substation or specialty unit to handle.

- b. If a Metro report, make a note indicating the status of the report (i.e., WIP, Submitted, Rejected, or M-Rejected), the date, and your initials and attached it to the request.
- 5. Upon receiving a report request, if the report has not been merged,
 - a. Contact the deputy and their Sergeant advising we have a pending report request for their report. Make a notation on the report request advising the same.

III. RELEASING REQUESTED REPORTS

- A. Copy or print the report.
 - 1. If victim request, print or copy entire report in compliance with applicable laws (see P&P D-100, General Guidelines for Release of Reports for further information).
 - a. Redact all identifying information such as social security and driver's license numbers, telephone numbers and addresses.
 - b. Redact any juvenile information as well. If in doubt, refer to your supervisor.
- B. Make a notation of the reason for release on the inquiry sheet printed on each case jacket or complete the Report Tracking field in LERMS.
 - 1. The following must be completed for the inquiry sheet.
 - a. The name and/or Agency of the person receiving the report.
 - b. The date of release.
 - c. The reason for release.
 - d. The initials of the person releasing the report.
 - 2. To complete the Report Tracking field:
 - a. In the Reason field select one of the options that best fits the requesting party.

- b. In the Intended Recipients field, state who the requestor is in relation to this report (i.e., victim, public, property owner, etc.) and as much information as you have collected. (requester name, agency, fax #, mailing address, etc.)
 - c. Then click OK and the report will automatically generate in another window.
 - d. Complete Report Request log.
 - C. Use the appropriate copy stamp on the report.
 1. Use the red "Copy for the Exclusive Use of _____" stamp for all copies and stamp each additional page with the blue "Copy" stamp. (Note: Only stamp if report was printed. For emailed requests, no stamps are necessary.)
 2. If the request specifically states "Certified" copy is required, stamp the first page of the report with the blue "I hereby certify..." stamp and stamp each additional page with the blue "Copy" stamp. Requests wanting certified reports will need to be mailed.
 - D. If faxing to the requesting agency, fill out a fax coversheet.
 - E. Place items in the following order to be faxed: coversheet on top, followed by the request, then the copy of the report.
 - F. If mailing the report, take the following steps:
 1. If no envelope is provided, you must type the address of the intended recipient onto a Kern County Sheriff's Office envelope.
 2. Stamp envelope in upper left hand corner with Kern County Sheriff's Office stamp, if needed, for return address.
 3. Seal all envelopes before mailing.
 4. Place sealed envelopes in red tray labeled "Outgoing Mail" located on the law enforcement counter.

**RECORDS SECTION
CRIME REPORTS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

**TITLE: RELEASE OF RECOVERED, IMPOUNDED
OR STORED VEHICLES**

NO. D-130

EFFECTIVE DATE : 9-20-94	REVISED : 11-20-19
APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR	
REFERENCE : VC 4000(a), VC 22651(p), VC 16020 VC 14602.6, VC22850.5, VC 22852, Kern Co. Ord. 4.32.040, KCSO PP J-2700	REVIEWED : 11-20-19

POLICY : It is the responsibility of Crime Reports personnel to assist in the release of vehicles which have been recovered, impounded or stored by our agency. Personnel will verify all documentation presented involving the vehicle.

DIRECTIVE :

1. **REQUESTING PARTY MUST BE THE REGISTERED OWNER OR HAVE AUTHORITY FROM THE REGISTERED OWNER.**
2. **THE REGISTRATION MUST BE CURRENT PER CVC 4000(A)(1).**
3. **REQUESTING PARTY MUST PROVIDE PROOF OF CURRENT INSURANCE.**
4. **THE PERSON WHO WILL BE DRIVING THE VEHICLE MUST HAVE A VALID DRIVER'S LICENSE PER CVC 22651(P).**

PROCEDURE:

- I. **PRIOR TO THE RELEASE OF ANY VEHICLE THAT HAS BEEN RECOVERED, IMPOUNDED, OR STORED BY OUR AGENCY, THE FOLLOWING STEPS MUST BE TAKEN:**
 - A. The Request for Vehicle Release form must be filled out by the person requesting the release (Example A).
 - B. Collect the requestor's driver's license and any applicable paperwork regarding the vehicle and review all information. This includes proof of current insurance.

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1. Keep the driver's license in your possession at all times.
 2. If the requestor does not have a driver's license, they will still need to present valid photo identification or if arrested in our county, Arrest Records can verify identity by fingerprints.
Note: A paper license issued by DMV is acceptable as long as you verify through CLETS-Driver's License. (Refer to Example B for a list of acceptable identification cards.)
- C. Run the license plate or VIN of the vehicle in CLETS under REG. Print both the SVS inquiry and the DMV registration information.
1. If the SVS inquiry shows the vehicle was entered on behalf of another Sheriff's Office Substation, refer the requestor to that substation or contact the substation for approval.
 2. If the SVS inquiry shows the vehicle was entered as a courtesy to another agency (such as the County Parks Department), refer the requestor to that agency.
 3. If the SVS inquiry shows the vehicle is being held for evidence, refer the requestor to the unit that placed the evidence hold on the vehicle.
- D. If the DMV registration is not current, refer the requestor to the Department of Motor Vehicles.
- E. If the insurance is not current, inform the requestor they will need to provide proof of current insurance before the vehicle will be released.
- F. Run the driver's license of the requestor in CLETS under Driver's License.
1. Print the DMV driver's license information.
 2. If the requestor's driver's license is not valid, inquire if they have a licensed driver with them.
 - a. **If so**, run that person's driver's license as you did the requestor's (refer to F, 1).
 - b. **If not**, they will need to return at a later time with a licensed driver.
 3. If the requestor's driver's license is suspended with service needed, contact the Administrative Sergeant.

- a. He will complete a DL 310 Form, Verbal Notice by Peace Officer, DMV, or Court Employee which is available at the front counter (Example C).
 - b. Crime Reports Personnel will take the driver's license and the completed form and mail them to the Department of Motor Vehicles in Sacramento.
4. If the requestor is not the same as the registered owner on the DMV registration, inquire if the registered owner is present.
- a. **If not**, the requestor will need to demonstrate they have authorization from the registered owner to take custody of the vehicle.
 - b. **If the registered owner is present**, run the registered owner's driver's license as you did the requestor's (refer to F, 1).
 - c. **If the registered owner does not have a valid driver's license**, request a form of valid photo identification from the registered owner or ask Arrest Records to run fingerprints if the registered owner has been arrested in our county. (Identification issued by any State or Federal agency or a passport from another country.)
 - d. If the registered owner does not have identification, they will need to obtain such before the vehicle will be released or advise them to contact the sergeant on duty for possible release.
- G. Using LERMS, open the Impound Vehicle report.
1. If you cannot locate the report in LERMS, search in Webviewer to see if the impounded vehicle report has been merged.
 - a. If the impounded vehicle report has not been merged contact the sergeant on duty advising the report is needed for release.
 - b. If the impounded vehicle is about a recovered stolen, a paper vehicle release form can be completed. This form can be found in the Records Drive-Crime Reports folder-Front Desk-Current Forms-Vehicle Release In Lieu of. (Example D)
 2. If the Release Info tab has been completed advise the requester

the vehicle has been released.

- a. If they have any questions, refer them to either the Administrative Sergeant or to the Crimes Against Person Unit Sergeant.

H. Determine if the vehicle was simply a Storage, if the vehicle is being held as a 30-Day Impound, if the vehicle is a Recovered Stolen Vehicle, or if the vehicle is being Held for Evidence.

II. IF THE VEHICLE IS MARKED FOR STORAGE AND ALL OF THE ABOVE STEPS HAVE BEEN FOLLOWED AND REQUIREMENTS HAVE BEEN MET

A. Complete the Release Info tab of the Impounded Vehicle Report as follows:

1. Select one of the options under Type.
2. Type the registered owners/authorized representative/or business name all CAPS, last name first followed by a comma and then first name.
3. Select the binoculars to search. Another window will open with a list of possible matches.
 - a. If the business or registered owner's information matches with one of the options listed, double click on the correct match and it will redirect you back to the Release Info tab.
 - b. If none match select New.
 - i. A new window will appear. Enter information listed on the identification provided. (i.e. name, address, DOB, race, sex, etc.)
 - ii. Select Save.
 - iii. Select the X to close and you will then be redirected to the Release info tab.
4. Complete the Release Date.
5. Complete the Release time.
6. Select Save.

7. Select Preview and another window will appear. Save the document to your desktop.
- B. Open the document using Adobe.
1. Select Add Text under Fill & Sign
 2. Next to the name indicated in the Release to Information section add a “x” and a line. This is where the business representative/registered owner/authorized representative will sign.
 - a. If the driver of the vehicle is different from the registered owner. You will add the driver’s name and area to sign below the registered owner.
 3. Next add the tow company name and phone number above the Impound Lot information.
 4. Print two copies.

(Note: If you are unable to utilize the Add Text option in Adobe, print the forms and manually write the above info.)

- C. The business representative/registered owner/authorized representative will sign both vehicle release copies. One for our records and the other for the tow yard.
- D. The copy provided to the business representative/registered owner/authorized representative will need to be stamped with the blue certified stamp located on the front desk.
- E. Complete the stamp by signing your name and date.
- F. Give all the documents back to the requester.
- III. IF THE VEHICLE IS MARKED FOR IMPOUND AND THE LEGAL OWNER WANTS TO REPOSSESS THE VEHICLE,**
- A. They may do so anytime during the 30-day impoundment period.
 - B. They must do so during regular impound hearing hours, held Monday through Friday between 0900 – 1000 hours or 1300 – 1400 hours, excluding holidays.
 - C. The legal owner must have in their possession valid repossession papers.

- D. The Administrative Sergeant or his designee must review all paperwork and make the final determination as to whether or not the vehicle will be released.

IV. IF THE VEHICLE IS MARKED FOR IMPOUND AND ALL OF THE ABOVE STEPS HAVE BEEN FOLLOWED AND REQUIREMENTS HAVE BEEN MET:

- A. Determine the date the vehicle was impounded.
1. If the date of impoundment was within the last ten business days **and** the requestor is present during regular impound hearing hours, complete the top portion of a Post Storage Hearing Report. (Example E).
 2. DO NOT fill in anything from the "Findings" portion to the bottom of the form.
 3. After the form has been completed, gather the following:
 - a. The report if merged.
 - b. CLETS printouts regarding the vehicle.
 - c. CLETS printouts regarding the registered owner and/or an additional licensed driver.
 - d. Post Storage Hearing Report.
 - e. Driver's license and/or identification cards for persons present.
 - f. Copy of proof of vehicle insurance.
 4. Call the Administrative Sergeant for an impound hearing.
Note: Even if you cannot collect all the above listed information, contact the Administrative Sergeant and notify him of the missing information.
 5. The Administrative Sergeant can choose one of three options:
 - a. The impoundment was valid and will be held for thirty days. For further steps, skip to IV, B.
 - b. The impoundment was valid and will be released prior to the thirty days.

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1. Obtain a copy of the business representative/registered owner/authorized representative valid identification and complete a property release form.
 - a. The property release form is located in the Records Drive-Crime Reports Folder-Front Desk folder-Current Forms.
 - b. Open the Excel document and select Enable Content.
 - c. Complete the Data Entry Form tab as indicated. When completing the property section, always indicate “any and all personal property” unless advised otherwise.
 - d. Print two copies of the Receipt tab and ensure all information transferred to the Dataform tab.
 - e. Provide one copy to the requester and place the other in scanning along with the copy of their identification.

- B. No items attached to the vehicle will be released, nor any equipment belonging to the vehicle.

- C. The tow company who has custody of the vehicle cannot release property from the vehicle if they do not have a release from the Sheriff’s Office.

- D. The tow company does not have to release the property, despite the fact that we have given permission to the requestor.

**RECORDS SECTION
CRIME REPORTS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: REPOSSESSION FEES/RECEIPTS

NO: D-135

EFFECTIVE DATE : 11-15-02	REVISED : 10-31-19
APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR	
REFERENCE : Government Code 26751, Vehicle Code 28	REVIEWED : 10-31-19

POLICY : Pursuant to Section 28 of the California Vehicle Code, any vehicle that has been repossessed on behalf of any legal owner requires the debtor to pay the Sheriff a fee of fifteen dollars (\$15) for the receipt and filing of the "Report of Repossession" before the vehicle is returned to the debtor. Any person in possession of the vehicle shall not release it to the debtor without first obtaining proof of payment of the fee to the Sheriff.

Directive : Upon request by any person for proof of payment, Crime Report personnel will collect the required \$15 fee and provide the payee the County of Kern receipt recording the transaction.

PROCEDURE :

I. Upon request for proof of payment

- A. Obtain the license plate number or VIN number of the vehicle.
- B. Run the license plate number or VIN number in CLETS(REG) to ensure the responsible agency is KCSO. (Example A)
- C. Open and complete the CLETS Repo Fee Receipt form located in the Records Drive-Crime Reports folder-Front Desk folder-Current Forms. (Example B)
 - 1. Include the date.
 - 2. Include the name of the payee.
 - 3. Include the FCN number from the CLETS entry. (Example A)

4. Include the license number or VIN from the CLETS entry.
 5. Enter your initials in the "By:" field
 6. Re-enter "X" in the "Done" field and select enter. All information entered will transfer to the other tabs.
- D. Ensure information transferred to the Receipt document and Dataform are accurate.
 - E. Print the Receipt document of the CLETS Repo Fee Receipt to provide to payee. (Example C)
 - F. Collect a \$15, **cash only**, from the payee.
 - G. Staple cash register receipt to excel receipt and provide to payee.

**RECORDS SECTION
ARREST RECORDS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: CORI

NO. D-200

EFFECTIVE DATE : 09-09-96	REVISED : 04-13-20
APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR	
REFERENCE : PC 13300(b) & (c), PC 11105(b) & (c) GC 6254(f), PC 11105.6	REVIEWED : 04-13-20

POLICY : Criminal Offender Records Information, "CORI", pertains to specific individuals and agencies that shall have access to criminal history information and those who may have access. Those authorized to obtain information must show the requested information is required for the performance of their duties and/or have a compelling need to know when there is no other practical way to obtain it.

DIRECTIVE : **If you are unsure as to whether a requestor has the right and need to know, do not release any information. Contact a supervisor immediately. If a supervisor is not available, obtain the requestor's name, agency, phone number, and need. Advise the requestor we will get back with them. Do not have them fax a request until it has been determined they are authorized to receive information.**

PROCEDURE :

I. WHEN ANYONE REQUESTS CRIMINAL HISTORY INFORMATION:

- A. Obtain the following:
1. Picture I.D. (if in person).
 2. Name of agency.
 3. Purpose of request (right and need to know) i.e., case #.
 4. Send a request via the following methods:
 - a. A teletype, **or**,
 - b. Fax request on "Official" letterhead (when requested by phone), **or**,

- c. Request sent via mail on "Official" letterhead.
- B. Check the state **CORI** manual as a guideline for "**possible**" Authorized Agencies.

NOTE: This list is no longer maintained by DOJ and should only be used when necessary.

1. **LOCAL, STATE, AND FEDERAL LAW ENFORCEMENT PERSONNEL, INCLUDING DISTRICT ATTORNEYS, AND THEIR AUTHORIZED AGENTS** are authorized, if required for the performance of their duties (i.e., investigation).
2. **FOR LICENSING OR PERMITS** – requestor must submit live scan prints to DOJ. Do not release/confirm any information.
3. **LOCAL PUBLIC DEFENDERS/PRIVATE ATTORNEYS** – must submit an order of discovery through DA, except for:
 - a. **PUBLIC DEFENDERS MAY ALSO RECEIVE:**
 - i. Photos of their client.
 - ii. Photo line-up with their client included.
 - a). May not request what photos be included in the line-up.
 - b). If they request their client be in a certain position, advise them that the positions of all photos are picked randomly and can not be specified.
 - iii. State RAP sheet for governor's pardon or certificate of rehabilitation only.

NOTE: Always verify they are the attorney of record by checking Court Display Case (CTDSP) in CJIS.

4. **PRIVATE ATTORNEYS** –
 - a. **Local criminal cases** - must obtain information through Discovery from the District Attorney's Office.
 - b. **Cases outside Kern County** - must submit a signed request

declaring under penalty of perjury they are the attorney of record or an "Application for Release of Information". (Example A)

- c. **No copies of documents shall be released** unless requested by subpoena.
- d. **All such requests must be approved by the Records Administrator or designee.**

5. INDIVIDUALS (OR THEIR AUTHORIZED AGENT) REQUESTING THEIR OWN CRIMINAL HISTORY.

II. INDIVIDUALS (OR AUTHORIZED AGENT)

A. Individuals wanting their own record must:

- 1. Subject has to provide a valid ID or agree to a fingerprint comparison if they wish to receive their local criminal history with the Kern County Sheriff's Office, **or**,
- 2. Give the subject a live scan application and a list of live scan locations for their California criminal history. Advise the subject to go to one of those locations to get live scan fingerprinted, **or**, (Example B)
- 3. Subjects of record may submit a request via mail, **or**
- 4. Subject of record or authorized agents may go on line to view local criminal history based on a name search at: <http://www.kern.courts.ca.gov/>, **or**
- 5. Go directly to the court of jurisdiction to view court documents.

B. Requests submitted through mail must contain the following information:

- 1. A letter requesting their arrest record. The letter must have:
 - a. Their original signature.
 - b. Their descriptive information.
 - i. Full name.

- ii. Any other known names.
 - iii. Date of birth.
 - c. A way to contact the requestor if additional information is needed to complete the request.
 - i. Phone number – If requestor lives within the US.
 - ii. E-mail address – If requestor lives out of the country.
 - d. Their return address.
 - e. Letter must have their thumb print.
 - f. Letter must be notarized
- 2. A copy of their identification.
- C. **Authorized Agents – (i.e. Mental Health Officers)** - Provided they have a court order, or a signed letter of authorization from the subject of record.
- D. **What is needed prior** to release of information to “authorized agent”.
 - 1. **Original** notarized letter of authorization specifically naming the agent that they are authorizing to obtain **criminal history information**.
 - a. Letter must be signed by subject.
 - b. Subject’s right thumbprint must be affixed to letter.
 - c. A signed declaration, which states “under penalty of perjury” the requestor, is an authorized agent representing subject.
- D. **What shall be released -**
 - 1. We shall not release **state or federal criminal history**.
 - 2. **State Criminal History** – refer to II.A.
 - 3. **Federal Criminal History:**
 - a. Give subject information sheet to obtain “Federal Criminal History (FBI RAP). Refer to E-210 FBI Automated Raps. (Example C)

- b. Advise subject he/she must:
 - i. Prepare a written request.
 - ii. Obtain a full 10-print finger print card.
 - iii. Submit the above with an \$18.00 money order to the FBI.

III. NOT AUTHORIZED

- A. **PRIVATE CITIZENS** requesting information on someone else's criminal history **are only authorized to receive local criminal history in certain instances.**
 - 1. They may go to the Sheriff's Office web page at www.kernsheriff.com/misc/inmatesearch/ for in custody information.
 - 2. They may go to the court of jurisdiction to obtain court case information, or they may visit the Kern County Superior Court web page at www.kern.courts.ca.gov/ to obtain past criminal history on line.
 - a. Click on "Criminal Case Information and Calendar Schedule".
 - b. Click on "Accept".
 - c. Click on "Search Cases/Criminal History by Defendant Name".
 - d. Enter the subject's name and date of birth or driver's license number.
 - 3. Per Govt. Code 6254(f), the public **may receive** information regarding an arrest if **the following are true:**
 - a. The subject was arrested by the Kern County Sheriff's Office.
 - b. The subject is currently in custody
 - c. **If the above apply** the subject may receive:
 - 1. Full name and occupation of every individual arrested by the Sheriff's Office.

2. Physical description, including date of birth, color of eyes and hair, sex, height, weight.
3. Date & time of booking.
4. Location of arrest.
5. Bail amount.
6. Time and manner of release or location where the individual is currently being held.
7. All charges the individual is being held on, including warrants from other agencies and parole/probation holds.
8. Factual circumstances surrounding arrest (includes arresting officer's name).

B. NEWS MEDIA – must comply with the provisions of PC 6254(f), as outlined in III.A. above for the public.

1. They may **only** receive booking photos from the Bureau Chief or Division Commander **if the subject is at large and considered a risk to the community.**
2. They may **NOT** receive the address of the subject without first completing a “Declaration in Support of 6254(f) – Release of Address” form, **provided the booking meets the criteria as outlined in III.A. above.**

C. LOCAL BAIL BONDSMEN – (Does NOT include bounty hunters) - May receive limited information under specified circumstances.

1. **Warrant Information** – Must identify them self using their designated KCB code. (See Bail Bondsmen Release of Warrant Information Procedure)
2. **Mug Photos** – Must present photo I.D. and a copy of their forfeiture.

NOTE: If they do not possess a copy of forfeiture, and the case is local, check court case events in CJIS. If notations state their bail was forfeited, it is ok to release a photo.

3. **Fingerprint card** – Must identify them self using their designated KCB code. (See Bail Bondsman Release of Warrant Information Procedure).
 - a. The ID Unit must be advised of the request and what the reason is for. May be released in extreme circumstances, such as:
 - i. The bondsman is attempting to transport the subject from another county or another state and law enforcement in that area requires prints prior to taking the subject into custody.
 - ii. The court of jurisdiction in that area is requiring prints for court proceedings.

/nm. 4-13-20

**RECORDS SECTION
ARREST RECORDS UNIT**

**KERN COUNTY SHERIFF'S DEPARTMENT
POLICIES AND PROCEDURES**

TITLE: RELEASE OF MUGSHOTS

NO. D-215

EFFECTIVE DATE : 10-26-95	REVISED : 08-16-13
APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR	
REFERENCE : PC 13330; PC 851.8	REVIEWED : 11-15-19

POLICY : A requestor's "right and need to know" must be determined by the Arrest Records Unit prior to releasing any criminal history. This documentation is not only mandated by the Department of Justice for auditing, but is required to properly seal a record, and is very helpful to law enforcement during investigations. Photos are electronically stored in the mug shot system, which has its own built in audit trail. Users are required to indicate the requestor's right and need to know prior to printing each photo. This eliminates the need to document the release of photos on the established "Record Request" form.

PROCEDURE :

I. PRIOR TO RETRIEVING PHOTO:

- A. Ascertain the requestor's right and need to know, by referencing CORI.
- B. Obtain from the requestor:
 - 1. Subject's name.
 - 2. Subject's LAR #.
 - 3. The most recent booking #, unless a specific booking is being requested.

II. USING THE ABOVE INFORMATION, PRINT OR PREPARE THE PHOTO TO BE E-MAILED PER P&P E-245 COGENT MUGSHOT SYSTEM.

III. DISTRIBUTION OF PHOTO:

- A. If the requestor will be picking up the photo, place it in the designated tray in the Records Section.

- B. Send per U.S. mail as requested, or via interoffice mail if the requestor works for a Kern County department
- C. **Emailing Photos:**
1. Open a new e-mail and attach the photo to the e-mail.
 2. Fill out the following in the e-mail:
 - a. In the "To:" line, enter the subject's email address. **Always** confirm the following when entered in an e-mail address:
 - i. That the e-mail address entered is the same as that given by the requestor.
 - ii. Any e-mail addresses of public Internet Service Providers (ISP) are confirmed by calling the requestor to ensure they are an authorized agency. Such e-mails addresses may end with the following:
 - a). yahoo.com
 - b). AOL.com
 - c). google.com
 - b. In the "Subject" line, enter the name **and** date of birth of the subject.
 - c. In the text box enter, "As per your request, attached is a photo of (subject's name), our LAR # (or booking #).
 - d. Click on send in the upper left hand corner.

**RECORDS SECTION
ARREST RECORDS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: CLEARANCE LETTERS

NO. D-220

EFFECTIVE DATE : 11-01-90

REVISED : 05-13-14

APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR

REFERENCE :

REVIEWED : 11-15-19

POLICY : Individuals who will be working/living outside the United States, want to adopt a child in a foreign country, etc. are required to furnish that country with proof that they have not been arrested for any felony offenses, or are not wanted for any crimes in the United States. Standard procedure is to require the individual to be fingerprinted using the live scan device to obtain a statewide clearance from the California Department of Justice (DOJ). However, many countries still require a local police clearance from the local police agency in which the subject resides. The Kern County Sheriff's Office will prepare such a letter upon request for a \$5 fee, which will cover arrests with the **Kern County Sheriff's Office only**.

PROCEDURE:

I. RUN THE SUBJECT PRIOR TO PREPARING A CLEARANCE LETTER.

- A. Obtain the following information from the subject:
 - 1. Valid photo ID.
 - 2. Obtain all names individual has ever used (including maiden name).
 - 3. Obtain place of birth.
- B. Run the subject's prints on the FID.
 - 1. If no hit, proceed to step C.
 - 2. If hit found, use the LAR when running the subject in step II.
- C. Check individual for warrants.
 - 1. If no warrants found, go to step II.
 - 2. If warrants found, **do not issue letter**.

- a. **Misdemeanor warrant:**
 - i. If warrant has a bail amount, advise subject of warrant and his/her options for taking care of it.
 - ii. If subject has a no bail misdemeanor, call Detectives to request a deputy take subject into custody. **Go no further.**
- b. **Felony warrant** – Call Detectives to request a deputy take subject into custody. **Go no further.**

II. CHECK CJIS – INVOLVED PERSONS (INVPDSP) FOR LOCAL ARREST RECORD.

- A. If no “Inmate Booking”, “Court Ordered Booking”, “Registration”, or “Ident History” found:
 - 1. Complete letter stating no local arrests found. (Example A).
 - 2. Continue to step C.
- B. If LAR located:
 - 1. Locate record in CJIS, according to type.
NOTE: All bookings prior to 2-17-1996 access Prisoner Management.
 - 2. If the arrests are more than 10 years old:
 - a. Review the charges for each arrest.
 - b. If there are any serious felony charges (murder, rape, etc.) **do not issue letter.**
 - 3. If arrest was within the last 10 years, determine if arrest was for a felony or a misdemeanor.
 - a. **Misdemeanor Arrest** – complete letter stating “No Felony Arrests”. (Example B)
 - b. **Felony Arrest** – **do not issue letter.** Advise subject the letter cannot be issued.
- C. Sign YOUR NAME at the bottom of the letter.
- D. Affix the Sheriff’s Office seal to the lower right corner of the letter.

- E. Collect \$5 fee.
- F. Enter transaction into the cash register.
- G. Give subject receipt.
- H. **Always** ensure the subject has reviewed the completed clearance letter for completeness and accuracy **before** allowing them to leave.

III. REQUESTS TO BE SUBMITTED THROUGH THE MAIL.

- A. Advise the subject to mail the following information:
 - 1. A letter requesting a Clearance letter. The letter must have:
 - a. Their original signature.
 - b. Their descriptive information:
 - i. Full name.
 - ii. Any other known names.
 - iii. Date of birth.
 - iv. Place of birth.
 - c. A way to contact the requestor if additional information is needed to complete the Clearance letter.
 - i. Phone number – If requestor lives within the US, call them.
 - ii. E-mail address – If requestor lives out of the country, e-mail them prior to calling them to minimize the cost of long distance charges.
 - d. Their return address.
 - e. Letter must be notarized.
 - f. Letter must have their thumb print, either left or right.
 - 2. A copy of their identification.
 - 3. Five dollars.

**RECORDS SECTION
ARREST RECORDS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: LOCAL CRIMINAL HISTORY

NO. D-225

EFFECTIVE DATE : 07-15-03

REVISED : 08-16-13

APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR

REFERENCE : PC13300-13326

REVIEWED: 11-15-19

POLICY : When an agency is authorized to receive criminal history information, but not authorized to receive CJIS screens, a local criminal history is used instead. This form is used to summarize a subject's **reportable** arrest information for each time they were booked into a Kern County Sheriff's Office booking facility.

DIRECTIVE : Staff shall do their best to link together multiple arrests for the same case, find a court case number, and final disposition for each arrest. A subject wanting their own record will not receive a local criminal history. They can be provided CJIS screens of their criminal history and directed to the courts to obtain case disposition.

PROCEDURE :

I. PREPARE LOCAL CRIMINAL HISTORY

- A. Access "Criminal History" document in Word and enter the following at the top of the document:
 - 1. Date Prepared – the current date.
 - 2. Subject's name.
 - 3. Subject's LAR #.
 - 4. Prepared By – your name.

- B. In the body of the document, beginning with **oldest** date first, transcribe the local criminal history. (Example A)
 - 1. Ensure to include the following events as well:
 - a. Registrations.

- b. Court Ordered bookings.
- 2. **Arrest Date and Time** – On initial Inmate Display Record (IMDSPREC) screen in CJIS.
- 3. **Release Date and Time** – On initial Inmate Display Record (IMDSPREC) screen in CJIS.
- 4. **Charges**
 - a. Charges listed in “Display Booking Charges” screen in CJIS.
 - i. **Do not** enter the following narcotics charges if it has been two years since conviction or arrest (if no conviction):
 - a). HS 11357(b)
 - b). HS 11357(c)
 - c). HS 11357(d)
 - d). HS 11357(e)
 - e). HS 11360(b)
 - f). **Any** narcotics charges showing a disposition that PC 1000 has been **successfully completed**.
 - ii. **Do not enter** PC 647(f) Public Drunk.
 - a). If a second charge is present (i.e., PC 853.7) report the second charge only.
 - b). The only exception is for those requests from the Office of Personnel Management – the PC 647(f) charge must be included.
 - b. Charges shall be followed by English translation of charge.
 - c. Include in charge field one of the following, with the case number if subject is arrested on that case:
 - i. Warrant

- ii. Commitment
 - iii. Remand
4. **Disposition**
- a. Enter the proper court of jurisdiction.
 - b. Enter case number – only done when subject is arrested on **open charges** and a case number is assigned by the courts.
 - c. How subject was released from custody.
 - d. Reason for revision/deletion of booking charges.
 - e. Final sentence (if available).
 - f. If subject released enroute to another agency.
 - g. Reference to subsequent arrest date, if subject returns to custody on that same case.
 - h. Reference to court of jurisdiction if no final disposition available in CJIS.
 - i. If the charges changed after the initial booking. Such changes are:
 - i. Additions
 - ii. Deletions
 - iii. Omissions

II. **FORMATTING DOCUMENT**

- A. If more rows need to be added to accommodate more arrests:
 - 1. Hi-light four blank rows that are used to fill out an arrest. (Example B)
 - 2. Click on “Copy”.
 - 3. Go to the bottom of the document, ensuring to allow a space between lines.

4. Click on "Paste".
- B. Once document is complete, delete excess rows that were unused.
1. Starting at the first row that needs to be deleted:
 - a. Click and hold on the left mouse button.
 - b. Drag the mouse cursor down to select all of the rows to be deleted.
 - c. Right click over the hi-lighted area.
 - d. Select "Delete Rows".
- C. Save the document to have it available to make changes, if necessary.
1. Save in the Records server, "Arrest Records" folder, under the folder "Criminal History".
 2. Save by the subject's LAR number. (i.e. 0654321)

**RECORDS SECTION
ARREST RECORDS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: RECORD REQUESTS

NO. D-230

EFFECTIVE DATE : 06-11-09

REVISED : 11-15-19

APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR

REFERENCE : GC 6254; PC 13330; PC 851.8

REVIEWED : 11-15-19

POLICY : It is the responsibility of the Arrest Records Unit to respond to record requests for criminal history information. We have ten (10) days to respond to a request once received. Steps must be taken to ensure all requests are handled correctly and in a timely manner.

DIRECTIVE : Fully read a request when it is received and when it is pulled for processing to determine what immediate action needs to be taken. Refer to CORI and the Public Records Act, GC 6254(f) when responding to a record request. Only respond if the agency has a right and need to know. If you are unsure how to respond to a request, contact your immediate supervisor.

PROCEDURE :

I. WHEN A RECORD REQUEST IS RECEIVED

A. Requests received through the mail.

1. Take the contents out of the envelope, ensuring to keep the envelope attached to the request.
2. Timestamp the front sheet of the request to indicate when received.
3. Initial the top, right hand corner to indicate who received it.
4. If the requestor is asking for Crime Reports information:
 - a. Write "Copy Given to CR".
 - b. Make a copy of all documents, including the return envelope.
 - c. Give the copy to Crime Report staff.

NOTE: If the requestor is asking for Crime Report information only, give the request to Crime Report staff.

5. File the request under the day received in the expanded mail/fax folder if the information being requested can be provided by Arrest Records.
 - a. If information is requested that another unit in the Sheriff's Office provides:
 - i. **Immediately** fax it to that unit.
 - ii. Place the complete fax in the outgoing fax tray next to the fax machine.
 - b. If information is requested that only another agency can provide:
 - i. **Immediately** respond to the request advising:
 - a). Who the requestor needs to contact to obtain that information.
 - b). The contact information for that department or agency, if available.
 - c. If the request is asking for information from Arrest Records and from another department or agency outside of the Sheriff's Office:
 - i. Forward the request accordingly.
 - ii. File the request under the day it was received with a notation it was already forwarded appropriately.
- B. Requests received through the fax and teletype.
 1. Initial the top, right hand corner to indicate who received it.
 2. Process according to step I.A.4. and I.A.5.
- C. Requests received in person.
 1. If written request provided:
 - a. Timestamp the front sheet of the request to indicate when received.

- b. Initial the top, right hand corner to indicate who received it.
- c. Process according to step I.A.4. and I.A.4.

NOTE: If possible, process request immediately.

- D. Requests from the following agencies are to be processed within a certain time frame.
 - 1. Kern County Sheriff's Office – to be processed immediately.
 - 2. Kern County District Attorney's Office – to be processed immediately.
 - 3. Brady Bill request from the Department of Justice – within three days.

II. PROCESSING RECORD REQUESTS

- A. Pull only **one** day's worth of record requests, ensuring to pull requests from the **oldest** date first.
- B. Thoroughly review each request, verifying the following:
 - 1. If any step in step I. was not done, finish any steps missed.
 - 2. The requestor's **need** and **right** to know.
 - a. Refer to P&P D-200 CORI.
 - b. If requestor is not authorized, refer to step VI.
 - 3. A notarized waiver is attached, if necessary.
- C. Background Requests will be processed according to the following:
 - 1. All background requests must state the position the applicant is applying for. If not, deny the request advising the applicant position is required.
 - 2. A notarized waiver is required for all background checks (except federal) and must be signed within six months. Any waiver older than six months must be denied and a new waiver requested.
 - 4. If the notarized waiver states release of medical information is

authorized, a 5150 report can be released.

5. For Non-KCSO **Sworn** background requests we will provide information with no time limit.
6. For Non-KCSO **Dispatcher** background requests we will provide information from within the last 10 years.
7. For Non-KCSO **Other Non-Sworn** background requests we will provide information from within the last 7 years.
8. No juvenile information will be provided to Federal and Non-KCSO background requests.
9. For federal background requests, a signed waiver within 6 months is required. They are entitled to arrest information only.
10. For KCSO background requests we will provide any information we have on file to KCSO background investigators.

D. Process the request ensuring:

1. Any information released is in the proper format.
 - a. Dump Screens. (Example A)
 - b. Release Summary. (Example B)
 - c. Local Criminal History. Refer to P&P D-225 Local Criminal History. (Example C)
 - d. If there is nothing found when processing the request, the "Computer Records Check" stamp is used and the "No Records Found" box is checked. (Example D)
 - e. If there is nothing found within 7 or 10 years when processing the request according to the guidelines in II.C. the "Computer Records Check" stamp is used and the appropriate box is checked. (Example D)
2. A copy or certification stamp is used appropriate to the request. Refer to P&P C-365 Copy and Certification Stamp.

3. An entry on the Record Request form is inputted if LAR information is released. Refer to P&P C-370 Record Request Form.
4. If the request was forwarded to other unit's within KCSO, or if the requestor needs to contact other agencies to obtain the request information, provide that contact information.
5. The completed request is placed in the mail to be checked tray on the Shift Supervisor's desk.
 - a. If the requestor is waiting in-person:
 - i. Turn the request directly to a supervisor, if possible.
 - ii. If a supervisor is not available:
 - a). Obtain a phone number the requestor can be reached at.
 - b). Advise the requestor they will be contacted once the request is ready.

NOTE: If requestor is waiting in-person, turn in request directly to supervisor, if possible.

- E. Once the request is prepared:
 1. For requests being responded to by mail:
 - a. Ensure a return envelope is attached to the request.
 - i. Use the envelope provided by the requestor.
 - ii. If no envelope provided, prepare an envelope.
 - b. Paperclip all of the documents together.
 2. For requests being responded to by fax:
 - a. Prepare a fax cover sheet. (Example E)
 - i. To – include the following:
 - a). The requestor's title.

- b). The requestor's full name.
 - c). The requestor's agency.
 - ii. From – include the following:
 - a). Your title.
 - b). Your full name.
 - c). Your department. (i.e. Arrest Records)
 - iii. Fax # - The agency's fax number.
 - iv. Date – Leave blank. The shift supervisor will fill that in when they fax out the request.
 - v. Number of pages – the total number of pages being faxed back, including the cover sheet.
- b. Paperclip all of the documents together.
- 3. For requests being responded to in person:
 - a. Paperclip all of the documents together.
 - b. Place a note on top of the request indicating that the person will be picking up the request.

III. SHIFT SUPERVISOR WILL:

- A. Verify the request was processed correctly.
 - 1. If errors found:
 - a. If employee is due to be on duty that day to fix the error, supervisor will give the request back for it to be fixed.

NOTE: If the day the request is being checked is the 10th day, the request is to be fixed and sent out immediately.

- b. If employee is not due to be on duty that day to fix the error:
 - i. Supervisor will make a copy of the error.
 - ii. Supervisor will place the copy in the staff member's box to advise them of the error.
 - iii. Supervisor will correct the errors.

- B. Supervisor will send out the request.
 - 1. For mail requests, the original request and any information released will go into the envelope and be mailed out.
 - 2. For fax requests:
 - a. Fill in the date portion on the fax cover sheet for the date the request is being sent out.
 - b. Fax the request and any information released to the requestor.
 - 3. For requests being responded to in person:
 - a. If requestor is waiting, return request directly to requestor.
 - b. If requestor is not waiting:
 - i. Contact the requestor to advise the request is ready.
 - ii. Place original request and any information released in the Arrest Records folder at the front of the office.

- C. After the request is sent out, supervisor will:
 - 1. Complete the Record Request form entry per procedure, if necessary.
 - 2. Distribute remaining paperwork accordingly:
 - i. Requests sent via fax will go in the outgoing fax tray next to the fax machine.
 - ii. For any requests sent out by mail or in person, the remaining paperwork can be destroyed.

IV. NOT AUTHORIZED

- A. When it's determined, a requestor is not authorized to receive record information:
1. If unable to determine if an agency is authorized:
 - a. Refer to P&P D-200 CORI.
 - b. Refer to the Public Records Act, GC 6454(f).
 - c. Refer to the CORI Authorized Agencies List.
NOTE: This list is no longer maintained by DOJ and should only be used when necessary.
 - d. Inquire with your direct supervisor.
 2. Prepare a "Not Authorized" letter. (Example F)
 - a. Put in the date of the request in the appropriate field.
 - b. Check any applicable codes under "Not Authorized per". (Example G)
 - c. Check any applicable option under "Incomplete Information".
NOTE: All attempts will be made to contact the agency to receive the information needed before denying their request.
 - d. Sign the form.
 3. 10-Year Stamp – If the record information being requested is over 10 years old and is no longer retained by our agency; use the 10-Year stamp on the request. (Example H)
- B. Enter all information on the Record Request form **if** LAR information would have been released. Refer to P&P C-370 Record Request Form.
- C. Prepare each request on how it is to be responded to, as outlined in step II.

- D. **Do not** write anything on the record request.
- E. All requests that are being responded to as not authorized **must** be approved by a supervisor before they are sent out.

/jmw.11-15-19

**RECORDS SECTION
ARREST RECORDS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: WARRANT INFORMATION

NO. D-235

EFFECTIVE DATE : 07-31-92

REVISED : 11-15-19

APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR

REFERENCE :

REVIEWED : 11-15-19

POLICY : It is the policy of the Arrest Records Section not to provide warrant information over the phone. Warrant information can be obtained at the public counter between the hours of 0700 and 1800. The only individuals that will receive warrant information from the Records Section counter are the defendant or the defendant's attorney with a signed statement that under penalty of perjury that they are the attorney of record for the subject.. Warrant information can also be obtained by calling the court.

DIRECTIVE : **NO INFORMATION ON OUTSTANDING WARRANTS WILL BE GIVEN OVER THE TELEPHONE, EXCEPT TO LAW ENFORCEMENT AGENCIES OR LOCAL BAIL BONDSMEN ON THE AUTHORIZED BAIL BOND AGENCY LIST.**

PROCEDURE :

I. WHEN AN INDIVIDUAL CALLS INQUIRING ABOUT A WARRANT ON THEMSELF:

A. Do not confirm the existence of a warrant over the phone. Advise the subject to:

1. Report to CRF with a valid ID.

a. On misdemeanor warrants, the jail will cite and release the subject.

b. On felony warrants, the subject will be booked. They will have the opportunity to post bail once the booking process is complete.

NOTE: Do not advise the subject of the above.

2. Advise the subject to appear in walk-in court according to the Kern County Superior Courts list. (Example A)

NOTE: Bakersfield court currently does not accept walk-ins.

3. Contact a local bondsman to see if they will obtain the warrant information on their behalf.
- B. If the subject is inquiring about a warrant notice they received:
1. Ask subject for warrant number indicated on warrant notice.
 2. Check the court list for the court, which corresponds with the warrant number.
 3. Give caller the following information:
 - a. Address.
 - b. Phone number.
 - c. Days and time court is held.
 4. Advise caller that they may be able to appear in walk-in court.

II. WHEN AN INDIVIDUAL APPEARS IN PERSON INQUIRING ABOUT A WARRANT ON THEMSELF:

- A. Obtain a valid ID and run a warrant check on the subject. If there is an active warrant:
1. Advise the subject to report to CRF with a valid ID to take care of their warrant.

NOTE: If the warrant is for a serious felony (Homicide, rape, etc.) contact Detectives so they can arrest the subject.

2. Advise the subject to appear in walk-in court according to the Kern County Superior Courts list.
3. Advise the subject to contact a local bondsman to inquire about posting bail.

III. WHEN AN INDIVIDUAL'S ATTORNEY CALLS INQUIRING ABOUT A WARRANT ON A CLIENT THEY ARE REPRESENTING, ADVISE THEM:

- A. Warrant information can be provided to the attorney if:

1. They appear in person at the Records Section between the hours of 0700 and 1800, or the Central Receiving Facility between the hours of 1700 and 0800 with:
 - a. The warrant suspect, **OR**,
 - b. Present a signed statement that under penalty of perjury that they are the attorney of record for the subject.

B. Call the court to obtain information on the warrant.

IV. UPDATE WARRANT SERVICE HISTORY, ONCE SUBJECT HAS MADE CONTACT WITH OUR DEPARTMENT. (EXAMPLE B)

- A. Due diligence should include:
1. How contact was made.
 2. Steps given to clear warrant.
 3. Subject's response.

**RECORDS SECTION
ARREST RECORDS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: BAILBONDSMEN RELEASE OF WARRANT INFORMATION NO. D-240

EFFECTIVE DATE : 08-05-92	REVISED: 07-31-14
APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR	
REFERENCE :	REVIEWED: 11-15-19

POLICY : It is the policy of the Arrest Records Unit to release warrant information over the telephone to a Bondsman only when they are able to provide the special code which identifies them as bondsmen, **and** they have been listed as an employee of that specific bond company by the **owner** or **manager**. This policy was originated by the Bakersfield Police Department and this section has chosen to use the same codes for simplicity reasons, plus modify it to strengthen security.

DIRECTIVE : **This policy applies to WARRANT information only.**

PROCEDURE :

I. TO OBTAIN A CODE, OWNER, OR MANAGER OF BOND COMPANY MUST:

- A. Contact Records Administrator or designee who will require:
 - 1. Copy of company license.
 - 2. Photocopy of state issued ID.
 - 3. Photocopy of their bail bond ID, front and back.
 - 4. Completed declaration. (Example A)
 - 5. A List of all employees who will be requesting warrant information. All employees of Bond Company must also repeat steps 2 and 3 above, individually and **in person**.
- B. Records Administrator or designee will assign code.

II. WHEN CALL IS RECEIVED AND IDENTIFIED AS A BONDSMAN.

- A. **Referring to the bond company list, records clerk will:** (Example B)

1. Confirm caller is listed as an agent for the bond company, if not proceed to step 3.
2. Confirm code number and bond company agree, if not proceed to step 3.
3. If either of the above does not agree, **do not release information.**
 - a. Place caller on hold.
 - b. Call bond company and attempt to confirm subject is employed by bond company.
 - i. **If not employed,**
 - a). Give bond company the name of caller and name of subject they are inquiring about.
 - b). Advise caller he/she is not authorized to obtain information.
 - ii. **If employed,**
 - a). Advise bond company **owner** must contact Records Administrator to have caller added to the list.
 - b). Advise caller he/she is not authorized **at this time**, someone else must obtain the information.
4. If caller is listed as an employee, but cannot provide you with the code, advise him/her they must come down and present picture I.D. before information can be released.

**RECORDS SECTION
ARREST RECORDS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: DELETION OF SPECIFIED MARIJUANA CHARGES NO. D-245

EFFECTIVE DATE : 04-13-92	REVISED : 07-13-20
APPROVED BY : NATALIE MCGILL, RECORDS ADMINSTRATOR	
REFERENCE : HS 11361.5	REVIEWED: 07-13-20

POLICY : Per Health and Safety Code Section 11361.5(a), it is the responsibility of the Arrest Records Section to delete certain marijuana charges (which occurred after January 1, 1976) from an individual's record two (2) years after conviction or arrest if there was no conviction. The individual's record is to be cleared of any documentation of these charges so that it appears these arrests never existed.

DIRECTIVE : **When giving out criminal history information, review rap and arrest information. If you discover the below designated charges, do not give information out on them.**

PROCEDURE :

I. CHARGES TO BE DELETED

1. H&S 11357(b) – Possession of Marijuana 28.5 grams or less.
2. H&S 11357(c) – Possession of Marijuana 28.5 grams or more.
3. H&S 11357(d) – Adult Possession of Marijuana During School Activities.
4. H&S 11357(e) – Minor Possession of Marijuana During School Activities.

NOTE: This is an exception to the two (2) year destruction. Should be destroyed when subject turns 18.

5. H&S 11360(b) – Give/Transport/Offer Marijuana 28.5 grams or under.

II. TRANSCRIPTION OF CRIMINAL HISTORY INFORMATION

- A. Access "Court Display Case" (CTDSP) in CJIS to determine:
 1. If a court case was filed.
 2. If the conviction or arrest is over 2 years old.

3. If the subject has completed probation, paid all fines, and completed jail or prison sentence.

B. **Do not** release the information if:

1. No court case was filed and the arrest occurred over two years ago.
2. Court case was filed and the conviction was over two years ago.
3. The subject has successfully completed drug diversion (PC 1000).
4. Proceed to step III.

C. Release the information per procedure if:

1. A court case was filed and charges are pending, such as the subject having an active warrant or being out on bail.
2. Subject has not completed probation.
3. Subject has not paid all fines.
4. Subject has not completed his/her jail/prison sentence.

III. WHEN INFORMATION IS NOT TO BE RELEASED

- A. If the arrest is only for the charge that is not to be released, treat the arrest as if it does not exist.
- B. If all the subject's arrests consist of charges that are not to be released, treat it as if the subject has no record.
- C. If the arrest has multiple charges, including a charge that is not to be released, any information regarding that charge is to be redacted.
 1. White-out the charge on the release summary.
 2. Do not include the charge when typing out a local criminal history.

IV. DELETING CHARGES

- A. As staff finds charges that meet the criteria to be deleted they shall:
 1. Make copies of the booking from CJIS.
 2. Make copies of the court case events in CJIS.

3. Forward all copies to the Records Administrator for review and destruction.
- B. Records Administrator will delete the booking from CJIS, provided no other charges are linked to the booking.

**RECORDS SECTION
ARREST RECORDS UNIT**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: "NOT SAME AS" LETTER

NO. D-250

EFFECTIVE DATE : 03-18-09

REVISED : 11-9-15

APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR

REFERENCE :

REVIEWED : 11-15-19

POLICY : Individuals who suspect that someone else has used their name or personal information when they were arrested may come to the Records Section to obtain a "Not Same As" letter. Many individuals are wrongfully denied housing or employment as the result of a background check that was based solely on a name search. Others are the victim of identity theft in which someone has used their name, driver's license number and/or social security number. A comparison of the fingerprints associated with the arrest to those of the individual or victim requesting the "Not Same As" letter indicates whether or not the two sets of fingerprints were made by one and the same individual or by different individuals.

DIRECTIVE : A "Not Same As" letter is only to be issued once the Cal ID Unit confirms the fingerprints, and shall only be issued based on a Kern County booking and/or court case. If the subject before you has a common name or your search reveals multiple candidates, advise the subject they must obtain further information about the arrestee such as arrest date and/or court case number, etc., before a letter can be prepared. The letter can also be issued by confirming the subject driver's license or social security number was used.

PROCEDURE:

I. WHEN A "NOT SAME AS" LETTER IS REQUESTED

A. If requested by phone:

1. Records shall advise the caller to mail:

a. A **notarized** written request.

b. Must have their right thumb print affixed to the request. Advise the caller that the thumb print has to be legible for a comparison to be made.

2. In the request indicate they are requesting a "Not Same As" letter.

3. Advise them they must provide the following:
 - a. All available information about the subject the arrest was on.
 - i. Subject's name.
 - ii. Subject's date of birth.
 - iii. Subject's booking number.
 - iv. Case number.
 - v. Date arrested.
 - b. Information about themselves:
 - i. Their name.
 - ii. Their date of birth.
 - iii. Their Driver's License/Identification number.
 - iv. Their Social Security number.
 - c. Advise they need to include the following with the letter:
 - i. A copy of their driver's license/identification card.
 - ii. Fingerprints – advise to include both hands, if possible.
 - a). Advise that they should go through their local law enforcement agency to obtain fingerprint cards. They will obtain the best quality prints that way.
 - b). Advise them that if we can't compare their prints to the notarized print on their letter and the fingerprint records we have, we won't be able to do a comparison.

B. If requested in person:

1. Obtain the following information from the individual:
 - a. A driver's license or identification card is required. Using it, obtain the following information:
 - i. Their name.

- ii. Their date of birth.
 - iii. Their Driver's License number.
 - b. Their social security number.
- 2. Obtain the following information about the suspect/case that is in question.
 - a. Subject's name.
 - b. Subject's date of birth.
 - c. Subject's booking number.
 - d. Case number.
 - e. Date arrested.

NOTE: If the person has any paperwork that has this information, use that to pull the information from CJIS.

- 3. Run the subject's prints on the FID.
 - a. If no hit, proceed to step II.
 - b. If hit found, use the LAR when researching the identity of the subject in step II.

II. USING OBTAINED INFORMATION DETERMINE IF THEY ARE TWO DIFFERENT PEOPLE.

- A. Find the subject's record information:
 - 1. If booking number is available, go to Inmate Display Record (IMDSPREC) and pull up the booking, **or**,
 - 2. If the case number is available, go to Court Display Case (CTDSP) and pull up the case, **or**,
 - a. Look at the bottom right hand corner and see if a booking number is listed next to CURR BOOK NO.
 - b. If found, go to IMDSPREC and pull up the booking.
 - 3. If the booking or court case number is not available, go to Involved Person Display (INVPDSP) and do a search by:

- a. Name and date of birth.
 - b. Drivers License number.
 - c. Social Security Number.
4. If no subject matching the information provided can be located:
- a. Advise the person that nothing can be found and request for more information.
 - i. If more information is provided, repeat step II.A.
 - ii. If not, go no further.
- B. Compare the information from the record to that of the person.
1. If none of the information provided matches the subject of record:
 - a. Advise the person that we can not provide a letter due to nothing indicating that the subject used the person's information.
 - b. Go no further.
 2. If one of the following matches the subject of record, proceed to step III:
 - a. Only use the following information if a booking or court case number is provided by the subject:
 - i. Full name.
 - ii. Date of birth.
 - b. Driver's License number.
 - c. Social Security number.

III. PREPARE THE NOT SAME AS LETTER

- A. In Word, Go to the "Civil Desk Forms" folder.
- B. Open the "Not Same as Letter" document. (Example A)
- C. Fill in the following information under "Subject In Question":

1. Subject's Name.
2. Date of Birth.
3. Subject's Driver's License or ID #.
4. The Subject's fingerprints appear:
 - a. At the bottom – If prints are to be taken on the letter, which are usually taken in person, **or**,
 - b. Are attached – If prints are attached to the document, which are usually received through the mail or on a citation.
5. Fill the following information in under "Subject of Record":
 - a. KCSO Local Arrest Records #.
 - b. SID#.
 - c. Name on Record and Date of Birth.
 - i. Only provide on document if the person knows the subject's name and date of birth.
 - a). Go to LAR Display Identification Record (LARDSPID) in CJIS.
 - b). Put in the subject's LAR number and hit enter.
 - c). Type the name listed in the Name on Record field.
 - d). Type the date of birth listed in the Date of Birth field to the right of the Name on Record field.
 - d. CDL # - **Only** note the suspect's CDL # on the "Not Same As" letter if it is the same as the person appearing before you.
6. Fill in the following information under "Comparison Was Made To":
 - a. Name on Booking and Date of Birth.
 - i. Only provide on document if the person knows the subject's name and date of birth.
 - a). Go to Display Inmate Record (IMDSPREC) in CJIS.

- b). Put in the subject's booking number and hit enter.
 - c). Type the name listed in the Name on Record field.
 - d). Type the date of birth listed in the Date of Birth field to the right of the Name on Booking field.
- b. Booking number.
 - c. Cite or Court Case #.
 - i. If a citation is being used to compare prints, use the citation number.
 - ii. Use the court case number if given by person or found in IMDSPREC.
 - d. Charges – list the charges at booking, codes only.
7. Up to three arrests can be filled in under the "Subject of Record" if:
- a. It has been reasonably determined they all may not belong to the person requesting the letter.
 - b. That they all are under the same local arrest record number.
8. Notes – Include any additional information that may be relevant to the Not Same as Letter.
9. Do not fill in any information under "ID Tech Info":
10. Take fingerprints of the person using all five fingers on the right hand in the lower right-hand corner of the form.
11. Advise the subject it will take approximately 2-3 days for the letter to be ready.
- a. Ask them for a phone number to contact them when it's ready if they want to pick it up.
 - b. Ask them for an address to mail it to if they want it mailed to them.
12. Make a copy of the letter.
13. Place a notation on the copy of the letter of the subject's contact information.

14. Place the copy in the "Pending Civil Docs" folder.
15. Forward original letter to the Cal ID Unit.

IV. ID TECHNICIANS WILL COMPARE PRINTS TO PRIOR RECORD

- A. Comparison will be made against the following:
 1. Prints at the bottom of the Not Same as Letter.
 2. Notarized letter with prints and photo ID.
 3. Notarized card with prints and photo ID.
- B. Prior record can be found in the following, according to the date of the prior record:
 1. If the prior record is before 11/02, the prints will be in the following:
 - a. Slap print files, **or**,
 - b. Local Master files.
 2. If the prior record is after 11/02, the prints should be in Cogent/AFIS.
 3. Once the comparison has been made, mark the necessary box:
 - a. "Not Same As" – The prior record and subject whose prints appear on the letter are two different subjects, **or**,
 - b. "Made by one and the same person" – The prior record and the person whose prints appear on the letter are the same subject, **or**,
 - c. "Unable to compare. Prints not on file locally or with California Dept. of Justice" – Prints not available to do comparison.
 4. Sign, print name, and date the form.
 5. Make a copy and place in the appropriate file.
 - a. Not Same as Letters are to be retained for two years.
 - b. May not be destroyed until receiving Board of Supervisor's approval.
 6. Route original to Records Section.

7. Sheriff's Support Technician will:
 - a. Call to advise the subject the form is ready to be picked up.
 - b. Place letter in the "Arrest Records" folder at the front of the office, **or**,
 - c. Mail letter to requested address.
8. Always advise requestor to make copies to keep on his/her person, should the question of identity arise again.

**GENERAL INVESTIGATIONS DIVISION
RECORDS SECTION**

**KERN COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

TITLE: COURT TESTIMONY

NO. D-260

EFFECTIVE DATE : 09-14-09

REVISED : 08-16-13

APPROVED BY : NATALIE MCGILL, RECORDS ADMINISTRATOR

REFERENCE :

REVIEWED : 11-15-19

POLICY : The Records Section is responsible for compiling and maintaining local criminal history information for all individuals who have contact with the Kern County Sheriff's Office. This contact could be with the victim or reporting person of a crime, the suspect, individual booked into one of the Sheriff's Office booking facilities, or one who is complying with a court ordered booking or registration requirement. As the keeper of records, staff is frequently called to testify in court as to the validity of criminal history documents housed or maintained in Records.

As "expert witnesses" it is the responsibility of all records staff to prove beyond a reasonable doubt that all procedures are consistently carried out in the same manner, regardless of the crime or suspect; without prejudice or bias; and each document presented was prepared in the normal course of their official duties.

DIRECTIVE : **All court testimony requires a subpoena. Always contact the district attorney prior to the scheduled court date to determine what information is necessary.**

Records staff shall never take the original crime report, booking documents, etc. to court. Always take certified copies.

PROCEDURE :

I. BE PREPARED

- A. Review the subpoena to determine if appearance is required or if certified documents will be sufficient.
- B. Contact the district attorney assigned to the case to ensure you have a clear understanding of what he/she is trying to prove; what documents are expected; and whether you are required to testify or not.
 - 1. Based on your conversation, advise the district attorney of any potential problems or aspects he/she may not have considered prior

to court.

2. Never testify to the routine or procedures of other units or divisions. Recommend the district attorney contact someone in that unit who would be better qualified to testify on that particular aspect of the case.
 3. If you must take documents to court, ensure they are legible, neat in appearance and preparation.
 4. Do not staple documents; paperclip them together and place them in a manila envelope or folder.
 5. If you must make notes for yourself, ensure they are brief, organized and easy to reference. Keep in mind these are subject to review by the defense and prosecution and can be the basis for a cross examination.
 6. Copies of written departmental policy and procedure should never be taken to court unless expressly ordered by the court.
 7. Do not take original documents. They may be entered in as evidence and you will not get them back.
- C. **Present yourself in a professional manner.** The first impressions of the jury set the tone for the entire testimony and will influence the jury as to your credibility.
1. Attire should be in compliance with Sheriff's Office P&P K-830.
 2. Hair should be combed and neat in appearance.
 3. Jewelry should be conservative in nature, particularly in jury trials, so as not to be a distraction.

II. ARRIVAL AT COURT

- A. Always allow yourself extra time to ensure you arrive at court in advance of the designated appearance time.
1. Allow for traffic, trains, detours, etc.
 2. Allow yourself time to go through long security lines at the entrance to the court, as well as time to find the designated court room.
- B. Once you arrive, find a place to sit and **relax**.

1. Keep your distance from potential witnesses or jurors.
2. **Do not** discuss the case with anyone other than the attorney who requested your presence.
 - a. Never discuss the case with him/her in the middle of the hallway or other high traffic areas.
 - b. **Take the lead.** Don't be afraid to direct him/her to an area where your conversation is out of earshot of potential witnesses or jurors.
3. If you see friends or colleagues in the hallway **do not discuss the case.** Refrain from "private" conversations in order to avoid any allegations of juror misconduct or witness tampering.
4. Get rid of any gum, cough drops, or throat lozenges **before** you enter the court room.

III. COURT TESTIMONY

- A. Once you are on the stand:
 1. **Speak clearly** – talking too fast or mumbling not only makes it difficult for the attorneys and jurors to understand your responses, it is also difficult for the court reporter.
 2. **Be aware of your body language** –
 - a. Sit up straight – do not slouch in your chair, swivel from side to side, or rock back and forth.
 - b. Use the microphone – If you must cough or clear your throat, be sure to cover your mouth and back away from the microphone.
 - c. Place your hands in your lap - do not prop your elbows up on the microphone stand in front of you.
 - d. Demonstrate confidence without coming across as "cocky".
 - e. Don't smirk or roll your eyes at questions, objections, or statements you disagree with.
 - f. You can **smile** and still remain serious. Show the jury you are not intimidated and enjoy describing your job.
 3. **Listen to the questions carefully**, gather your thoughts then

respond. If you do not understand the question, advise counsel and ask for clarification.

4. Give clear and concise responses –

- a. Limit your responses to only that which was asked. Do not offer additional information unless directed to “describe” or “explain” a process.
- b. Avoid “quick responses” – Pause and think about your answer before speaking.
- c. Use proper grammar, avoiding excessive acronyms, slang, foul or vulgar language. If you must use acronyms, briefly explain what they mean in simple terms as you go.
- d. If one side objects, stop. Let both sides present their objections and wait for the judge to make his final ruling. He will direct you as to how to proceed.
- e. When addressing the jury talk to them as you would any other person. Don’t talk down to them.
- f. Avoid using, “I think”, “I believe”, “Always”, “Never”, “To be frank”, “I can honestly say”, “You know”, “Uhh or Umm”. Be confident.
- g. Only testify to the information you are immediately involved with on the material presented. Even though you may be aware of more involvements of the case, your testimony should only include items you personally handled.

5. Make eye contact – Look directly at the attorneys as they ask questions.

- a. **Jury Trials** - Always turn and face the jury when giving your response, ensuring you make eye contact with multiple jurors. Remember, they are the ones you have to convince.
- b. **Preliminary Hearings when no jury present** – look directly at the attorney who is asking you the question.
- c. **If the judge asks for clarification** – look directly at the judge.
- d. **Always tell the truth** – If you don’t know the answer, say so. Never guess.

- e. **Be impartial** – Show the same amount of respect to the defense as you would the prosecution.
- f. **Expect to be cross examined** – Don't take it personally or become defensive. Attorneys are only doing their job.
- g. **Demonstrate respect for the judge** – Never refer to him as "Judge". Always address him as "Your Honor".

IV. LEAVE THE COURTROOM IMMEDIATELY ONCE YOU HAVE COMPLETED TESTIMONY.

- A. When the judge informs you that you can leave, respond with "Thank you, Your Honor".
- B. Avoid contact with the jury.
- C. Limit any further contact with the district attorney - no "high-fives" or thumbs up.
- D. Leave the courtroom immediately. Do not sit down to listen to the rest of the trial.