LAW ENFORCEMENT CODE OF ETHICS

The conduct of peace officers must be above reproach. Honesty, credibility and integrity are crucial to the proper performance of their duties as they are the essence of the function. The law enforcement Code of Ethics is therefore included as a goal toward which we should all strive.

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

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

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

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

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Code of Ethics

100.1 PURPOSE AND SCOPE

Law enforcement personnel are highly visible representatives of government and are entrusted with the responsibility of ensuring the safety and well being of the community they serve as well as delivery of effective police services. 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. It is necessary to hold sworn members of the Sheriff's Office to the highest standard of conduct possible.

Law enforcement personnel, of the Sheriff's Office, shall not engage in any course of conduct which, when viewed in the context of contemporary standards, brings discredit to the member, the Sheriff's Office, or the law enforcement profession.

The conduct of peace officers must be above reproach. Honesty, credibility, and integrity are crucial to the proper performance of their duties as they are the essence of the function. The law enforcement Code of Ethics is therefore included as a goal towards which we should all strive.

100.2 POLICY

HONESTY

Deputies will:

- Speak the truth in all official communications, written or oral, whether under oath or not;
- Not withhold information pertinent to effective law enforcement;
- Not knowingly enter, or cause to be entered, any inaccurate, false or improper information into any Sheriff's Office record or report;

CONFIDENTIALITY

Members of the Sheriff's Office will**:**

- Treat as confidential the official business, reports and records of the Sheriff's Office in accordance with applicable law;
- Not impart any confidential information regarding Sheriff's Office business to any person or entity unless directed by competent authority or legal process;
- Not make public statements concerning the Sheriff's Office business, reports or records unless authorized by a superior or permitted by law.

GRATUITIES

Members of the Sheriff's Office will not:

- seek free admission for anyone to any place where admittance is through invitation or payment of a fee;
    - This rule does not preclude the efforts of recognized employee organizations to obtain favorable trade terms for its members.

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- solicit any gift or gratuity;
    - Donations to the Sheriff's Office are acceptable following approved procedures.
    - This rule does not prohibit the acceptance of legitimate discounts offered by businesses to county employees.
- knowingly accept, directly or indirectly, any gratuity, loan, fee, reward or gift, from any person, relative or friend of a person, under investigation, in custody, or after being discharged from custody;
- accept from any person any gift, reward, or other compensation, for services rendered in the line of duty;
    - Except such rewards as may be approved by the Sheriff-Coroner.

CONDUCT WITH CIVILIANS

In all cases of contact with people outside the Sheriff's Office, whether on duty or off duty, officers will not:

- interfere officiously or unnecessarily in the private affairs of any person;
- request the aid of any person outside the Sheriff's Office in order to gain advantage in internal departmental matters, i.e. transfers, reassignments, promotions, discipline, etc., except as provided by law or agreement;
- directly or indirectly seek acclaim through the public press for performing their duties;
- recommend, in any official capacity, to any person the employment of a particular attorney in any criminal matter;
- directly or indirectly interfere with another officer or agency's criminal case;
- recommend to any person the employment of a particular bondsman; Communication will be limited to the legal requirements of notification of the right to post bail;
- knowingly transact any business with, or for, any person in custody or under investigation except in the line of duty or with consent of the Sheriff – Coroner, Undersheriff or a Chief Deputy;
- unlawfully interfere with, or improperly use the influence of, their position in elections;
    - There is no intent to remove from members their rights afforded by the First Amendment;
    - On duty political activity is not allowed;
    - Political activity while in uniform is not allowed;
    - Merely talking about politics while on duty does not constitute political activity.

100.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation,

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and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

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

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

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

100.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

100.4 TRAINING - CODE OF ETHICS

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

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 SHERIFF CANDIDATE REQUIREMENTS

Prior to filing for the office of Sheriff, any candidate shall at minimum meet the requirements of Government Code § 24004.3.

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Sheriff-Coroner/ Public Administrator

102.1 SHERIFF-CORONER/ PUBLIC ADMINISTRATOR

In Kern County, the Sheriff is elected to serve as the Sheriff-Coroner-Public Administrator, with each role having distinct authorities and functions (Kern County Ordinance 2.10.010).

The Office of the Sheriff shall preserve peace, and to accomplish this object may sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of crime, or the suppression of delinquency. The Sheriff shall arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense. The Sheriff shall prevent and suppress any affrays, breaches of the peace, riots, and insurrections that come to his or her knowledge, and investigate public offenses which have been committed. The Sheriff may execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease (Govt. Code 26600 – 26602)

The Sheriff-Coroner has the mandated duty to inquire into and determine the circumstances, manner, and cause of death in jurisdictional cases as enumerated in the California Government Code and the Health and Safety Code.

The Public Administrator must protect the assets by taking immediate charge of the property when someone dies, and:

- There is no known next-of-kin
- When the court has appointed no other executor or administrator, and the Public Administrator deems it appropriate to administer the estate
- When the property belonging to the person's estate is at risk of loss, damage, or misappropriation
- When ordered by the court

Pursuant to the California Probate Code, Health and Safety Code, and the Government Code, the Public Administrator is further charged to:

- Protect the decedent's property from waste, loss, or theft
- Make burial arrangements when there are sufficient assets
- Conduct thorough investigations to discover all assets
- Ensure that the estate is administered according to the decedent's wishes
- Pay the decedent's bills and taxes
- Locate the person/s entitled to inherit from the estate and ensure that this/these individuals receive the inheritance

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Oath of Office

103.1 PURPOSE AND SCOPE

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

103.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3 and Government Code§ 3102). The oath shall be as follows:

I, [employee name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

103.2 POLICY

It is the policy of the Kern County Sheriff's Office that, when appropriate, office members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Office and the dedication of its members to their duties.

103.3 OATH OF OFFICE

All office members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

"I, (employee name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will faithfully discharge the duties upon which I am about to enter."

103.4 MAINTENANCE OF RECORDS

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

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Policy and Procedures Manuals

104.1 PURPOSE AND SCOPE

The manuals of the Kern County Sheriff's Office is hereby established and shall be referred to as the Policy Manual and the Procedure Manual. The Policy Manual and Procedure Manual are a statement of the current policies, rules and guidelines of this office. All members are to conform to the provisions of these manuals.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

104.1.1 BUREAU, DIVISION , SECTION AND UNIT MANUALS

This manual is intended to serve the entire Kern County Sheriff's Office and its provisions must be complied with by all members of the Sheriff's Office. However, it is recognized that individual work units have a need for policies and procedures that are unique to that particular work group. Therefore, each Bureau, Division, Section and Unit within the Sheriff's Office may establish individual policies and procedures for a particular work unit. These policies and procedures shall:

- Supplement, but not replace this manual
- Apply to the personnel and situations endemic to that particular work group
- Be approved by the Sheriff-Coroner or a designee prior to implementation

104.2 POLICY

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

104.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Kern County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for office administrative action, training or discipline. The Kern County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

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104.2.2 POLICY REVIEW COMMITTEE

The Policy Review Committee shall consist of the Undersheriff and Bureau Chief Deputies. All decisions by the Policy Review Committee shall be subject to approval by the Sheriff or designee.

104.2.3 POLICY REVISIONS-ALL PERSONNEL

Any member seeing the need for a new policy or modification of an existing policy may:

- Make recommendations for changes or additions in memorandum form or via email, including the reason for the change or addition, citing specific circumstances, laws and all other pertinent information including the section and/or language to be added or altered
- Forward the memorandum or the email to their Division Commander via the chain of command

Any member of the chain of command who receives such a suggestion may:

- Make any comments, suggestions or recommendations on a separate memorandum or email and attach it to the original request
- Forward the request to the next level in the chain of command

The Division Commander will:

- Review the request and attached recommendations
- If necessary, return the proposal to the author for additional clarification or justification
- If approved, the Division Commander will submit the proposal to the Policy Review Committee for consideration
- If the committee approves the proposal, submit the final decision to the Administrative Services Division Commander for dissemination, implementation, and cause the change in the policy manual
- If not approved by either the Division Commander or the Policy Review Committee, notify the submitting member of the rejection

104.3 AUTHORITY

Implementation of all directives will comply with existing law, regulations and employer-employee MOUs.

All directives issued, regardless of Bureau, shall have a "sunset clause" 6 months from the date issued. A directive will only be active long enough to be placed into the policy and procedure manual, but no longer than 6 months. If a directive needs to remain active longer than 6 months, review and approval by the respective Bureau Chief is required for an extension. If policy is not created or updated prior to the "sunset clause" or approved extension deadline, the directive shall be rescinded and deemed inactive.

104.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

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- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

104.3.1 DEFINITIONS

The following definitions will govern terminology to be used in all Sheriff's Office communications. They are presented here to provide uniformity and clarification of terminology commonly used when discussing the operations and organization of the Kern County Sheriff's Office.

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

Adult - Any person 18 years of age or older.

Agency/KCSO/Office/Department - The Kern County Sheriff's Office.

Assignment - Each division shall be composed of such numbers of officers and civilian employees as may be assigned to it by the Sheriff-Coroner.

Beginning of Day and Week - The Sheriff's Office day, for record purposes, shall begin at 0001 hours and shall conclude at 2400 hours. The Sheriff's Office week, for record purposes, shall commence each Saturday at 0001 hours. Any exceptions to the day and week established for record purposes will be in the form of a written directive.

Bureau - A functional grouping of Sheriff's Office work headed by a Chief Deputy who reports directly to the Undersheriff.

Chain of Command - The unbroken line of authority extending from the Sheriff-Coroner through a single subordinate at each level of command to the level of execution.

Command/Ranking Officer - The term "Command/Ranking Officer" when used shall be construed to mean only the Sheriff-Coroner, Undersheriff, Chief Deputies, Commanders, Lieutenants, and Sergeants. All other officers are subject to the orders of the ranking officers.

Command/Ranking Officer (Detentions) - The term "Command/Ranking Officer (Detentions)" when used shall be construed to mean only the Sheriff-Coroner, Undersheriff, Chief Deputies, Commanders, Lieutenants, Detentions Lieutenants, Sergeants, and Detentions Sergeants.

CHP - The California Highway Patrol.

County - Shall mean the County of Kern.

Commanding Officer - Any command officer in charge of an organizational unit.

Command Staff - This term refers to the planning group consisting of the Sheriff-Coroner, Undersheriff, all Chief Deputies, and all Commanders.

Deputy Coroner - Peace officer members of the Kern County Sheriff's Office as defined in Penal Code Section 830.35.

Deputy Sheriff - Any commissioned member of the Sheriff's Office as defined in Penal Code Section 830.1(a), except the Sheriff-Coroner.

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Detail - Members of this office, sometimes from more than one functional unit, grouped together for the accomplishment of a specified mission. When not engaged in continuing operation, the detail is called a special detail.

Detentions Deputy - Any commissioned member of the Sheriff's Office as defined in Penal Code Section 830.1(c).

Detentions Officer - Custodial officer as defined in Penal Code Section 831.5.

Directive - Clarifies a policy or provides a guide toward a given action within a policy. Directives may be written or oral.

Division - A functional unit of the Sheriff's Office headed by a Commander who reports directly to a Chief Deputy, the Undersheriff, or the Sheriff-Coroner. The Coroner Division Chief reports directly to the same chain of command as described above.

DMV - The California Department of Motor Vehicles.

DOC -The Kern County Sheriff's Office Department Operations Center.

Employee/Personnel - Shall apply to any person employed by the Sheriff's Office.

EOC - Emergency Operations Center.

Facility - Refers to one of the detention facilities operated by the Sheriff's Office.

Gender - The use of the masculine gender in any portion of this manual includes the female gender, when applicable.

Juvenile - Any person under the age of 18 years.

KCDOA - The Kern County Detention Officers Association.

KCSCA - The Kern County Sheriff's Command Association.

KLEA - The Kern Law Enforcement Association.

Law Enforcement Personnel - "Law enforcement personnel", "law enforcement officers", or "officer" shall include sheriff's deputies, detentions deputies, and detentions officers.

Lawful Order - Any written or oral directive issued by a ranking officer to any subordinate or group of subordinates in the course of duty which is not in violation of any law, ordinance or Sheriff's Office rule or regulation.

Manual - The manual of policies and procedures that contains the rules and regulations governing the conduct of personnel and the operation of the Sheriff's Office. Compliance with the provisions of the Sheriff's Office manual is required. Reserve members shall be governed by the office manual insofar as it applies.

Member - All persons appointed to the Sheriff's Office on a full or part-time basis, paid or non-paid, are designated as members of the Sheriff's Office. Part-time personnel are considered members of the Office during the time they are performing duties of the Sheriff's Office.

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Non-Peace Officer Personnel - All members of the Sheriff's Office who do not fall within Penal Code Section 830.1.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his or her assigned duties.

Order - An instruction issued by a superior. Orders may be either written or verbal.

Officer-in-Charge - Is the general term used for any member who is in charge of an organization, bureau, division, section, detail, activity, or function by virtue of his or her rank, seniority, or designation by competent authority.

Policy - What should, shall, may, or will be done. Sets a definite course of action to guide present and future decisions.

POST - The California Commission on Peace Officers Standards and Training.

Privilege - Employment conditions, which are not rights, but are granted at the convenience of the Sheriff's Office.

Procedure - A series of steps that states a particular and specific way of accomplishing a task.

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

Reserve Deputy Sheriff - Any commissioned member of the Sheriff's Office as defined in Penal Code Section 830.6(a)(1).

Right - In reference to conditions of employment, the term "right" shall designate those conditions specifically outlined by state or federal law, county ordinance or personnel rules, or labor contracts.

Search & Rescue Personnel - Those personnel who are defined in Government Code Section 26614.

Section - Members(s) of the Sheriff's Office regularly grouped together or singularly assigned under one head for the purpose of accomplishing a specified task or function.

SEIU - Service Employees International Union

Seniority - Will be specified by each impacted labor union's MOU.

SERT - The Sheriff's Emergency Response Team.

Shall/Will - Indicates a mandatory action.

Sheriff - The terms Sheriff and Sheriff/Coroner shall refer to the Kern County Sheriff-Coroner-Public Administrator.

Sheriff's Office - The Offices of the Sheriff are statutory/constitutional offices having exclusive powers and authority under state law and/or state constitution and is referred to in this publication as the Sheriff's Office.

Should/May - Indicates a permissive or discretionary action.

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Supervisory Officers - Members of the Sheriff's Office assigned to positions requiring the exercise of immediate supervision over the activities of other members.

SWAT - The Sheriff's Office Special Weapons and Tactics Team.

Sworn - Applies to those employees, regardless of rank, who are sworn employees of the Kern County Sheriff's Office.

Training Bulletin - Bulletins regularly published by the Training Section designated to keep members of this office abreast of current police techniques and procedures, and detentions related issues. The bulletins act as a continuous training program and as a stimulus for further study. The information contained therein constitutes official Sheriff's Office policy on the subject matter under consideration in the absence of other instructions to the contrary.

Training Orders - Official written or electronic notifications by authorized training staff to personnel who are to attend training as specified in the order. Sheriff's Office members shall comply with the training orders as with any other lawful order.

104.3.2 DISTRIBUTION OF MANUAL

A computerized version of the Policy Manual will be made available on the Sheriff's Office network for access by all personnel. Sheriff's Administration will not distribute hard copies of manual revisions nor track where hard copies of the manual are kept.

Division or section managers and unit supervisors have the option of determining if and where a hard copy of the manual will be kept in their area of responsibility. It will be the division or section manager or unit supervisor's responsibility to update any hard copy versions of the manual they choose to have available for their staff and volunteers.

104.4 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the office network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. The Policy Manual will be stored in Lexipol KMS or a similar system. The Department Directives will be stored in LEFTA or a similar system. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

104.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this office is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public. A complete and accurate organizational chart shall be maintained by the Commander in charge of the Administrative Services Division.

200.2 OFFICE OF THE UNDERSHERIFF

The Undersheriff is responsible for the Financial Services Section.

200.3 BUREAUS

The Sheriff is responsible for administering and managing the Kern County Sheriff's Office. There are five Bureaus in the Sheriff's Office as follows:

- Support Services Bureau
- Patrol Bureau
- Compliance Bureau
- Detentions Bureau
- Investigations Bureau

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Office. During planned absences the Sheriff will designate the Undersheriff to serve as the acting Sheriff.

200.4.2 UNITY OF COMMAND

The principles of unity of command ensures efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.4.3 ORDERS

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

200.5 ORGANIZATIONAL CHART

The Sheriff or the authorized designee is responsible for developing and maintaining an organizational chart which shall be accessible to all members. The organizational chart shall be reviewed annually and updated whenever structural changes occur.

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200.6 POLICY

The Kern County Sheriff's Office will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Office. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

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Chain of Command

201.1 CHAIN OF COMMAND

The term "Command/Ranking Officer" shall be construed to mean only the Sheriff-Coroner, Undersheriff, Chief Deputies, Commanders, Lieutenants, and Sergeants. All other officers, Sergeants, Senior Deputies, and Deputies are subject to the orders of the ranking officers.

The following describes the Sheriff's Office rank structure:

- Sheriff/Coroner
  - The Sheriff-Coroner of Kern County exercises original jurisdiction in the unincorporated area of Kern County and provides supportive assistance and mutual aid to local and neighboring agencies for law enforcement duties pursuant to Section 26600 through 26778 of the Government Code
  - In the absence of the Sheriff-Coroner, the responsibility for the operations of the Sheriff's Office shall succeed to the Undersheriff. In the absence of the Undersheriff, the responsibility for the operations of the Sheriff's Office shall succeed to a Chief Deputy designated by the Sheriff-Coroner. In the absence of a Chief Deputy, the responsibility for the operations of the Sheriff's Office shall succeed to a Sheriff's Commander designated by the Sheriff-Coroner. Such assignment shall remain in effect during the absence of the Sheriff-Coroner and the person acting in his capacity shall assume and be invested with the authority and responsibilities vested in the office
- The Undersheriff
  - The Undersheriff is subject only to the orders of the Sheriff-Coroner
- Chief Deputy
  - Chief Deputies are subject to the orders of the Sheriff-Coroner and the Undersheriff
- Commander
  - Commanders are subject to the orders of the Sheriff-Coroner, the Undersheriff and Chief Deputies
- Lieutenant
  - Lieutenants are subject to the orders of the Sheriff-Coroner, the Undersheriff, Chief Deputies, and Commanders
- Sergeant
  - Sergeants are subject to the orders of the Sheriff-Coroner, the Undersheriff, Chief Deputies, Commanders, and Lieutenants
- Senior Deputy
  - Senior Deputies are subject to the orders of the Sheriff-Coroner, the Undersheriff, Chief Deputies, Commanders, Lieutenants and Sergeants

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- Deputy Sheriff
    - Deputy Sheriffs are subject to the orders of the Sheriff-Coroner, the Undersheriff, Chief Deputies, Commanders, Lieutenants, and Sergeants
    - Deputy Sheriffs are subject to the orders of Senior Deputies in those circumstances when such authority has been delegated by a ranking officer or a Sergeant is unavailable

201.1.1 CHAIN OF COMMAND-ADHERENCE
In the interest of conducting business in an orderly and efficient manner, members of the Sheriff's Office shall adhere to the chain of command in the normal day to day performance of their duties. Nothing in this policy shall preclude the following:

- Reporting incidents of discrimination involving superior officers of employees of this agency
- Reporting incidents of violations of laws or policies involving superior officers or employees of this agency
- Reporting incidents or circumstances of such a personal nature that adherence to the chain of command would cause undue embarrassment or ridicule to the reporting employee
- Informal conversations with superior officers or employees relative to the agency in general
- When following the orders of a superior officer or employee
- Superior officers or employees contacting subordinate officers or employees for the purpose of fact-finding or investigation
- Nothing in this policy shall preclude the employee from filing a bona fide employee grievance in accordance with the policies of the County and in compliance with agreements and memorandums of understanding
- Employees may request to go outside the chain of command to resolve issues in accordance with the procedure set forth in this section

201.1.2 BYPASSING THE CHAIN OF COMMAND-PROCEDURE
Employees who desire to jump the chain of command to air a complaint or resolve an issue may make a verbal or written request and skip to the ranking officer next in the chain of command.

- The request shall be approved or denied by the superior officer or employee
- Any denial of the request shall be in writing stating the reasons for denial
- A copy of the written denial will be provided to the next level in the chain of command for review

201.2 CHAIN OF COMMAND-DETENTIONS

The term "Command/Ranking Officer" within the Detentions setting shall be construed to mean only the Sheriff-Coroner, Undersheriff, Chief Deputies, Commanders, Lieutenants, Detentions

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Lieutenants, Sergeants, and Detentions Sergeants. All other Detentions Deputies and Detentions Officers are subject to the orders of the ranking officers.

The following describes the rank structure as it applies within the Detentions Bureau of the Kern County Sheriff's Office.

- Detentions Lieutenant
    - Detentions Lieutenants are subject to the orders of the Sheriff-Coroner, the Undersheriff, Chief Deputies, and Commanders
- Detentions Sergeants
    - Detentions Sergeants are subject to the orders of the Sheriff-Coroner, the Undersheriff, Chief Deputies, Commanders, Lieutenants, and Detentions Lieutenants
- Detentions Senior Deputy
    - Senior Detentions Deputies are subject to the orders of the Sheriff-Coroner, the Undersheriff, Chief Deputies, Commanders, Lieutenants, Detentions Lieutenants, Sergeants and Detentions Sergeants
- Detentions Deputy
    - Detentions deputies are subject to the orders of the Sheriff-Coroner, Undersheriff, Chief Deputies, Commanders, Lieutenants, Detentions Lieutenants, Sergeants, and Detentions Sergeants
    - Detentions Deputies are subject to the orders of Senior Deputies and Senior Detentions Deputies in those circumstances when such authority has been delegated by a ranking officer or a Sergeant or Detentions Sergeant is unavailable

201.2.1 TEMPORARY ASSIGNMENT-DETENTIONS

Any officer working in a voluntary temporary assignment for a different classification will be subject to the orders of the ranking officers for that classification.

201.3 CHAIN OF COMMAND - CIVILIAN STAFF

The chain of command for civilian staff members of the Sheriff's Office will be left to the discretion of the division Commander.

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Departmental Directives

202.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Sheriff to make temporary changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. and existing law. A directive is a temporary order or change to existing policy to address unforeseen issues that often arise and must be addressed in a timely manner. Implementation of all directives will comply with existing law, regulations and employer-employee MOUs.

202.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Policy and Procedures Manual Committee, comprised of all Chief Deputies or designee(s). Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

Prior to the effective date, all existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 26-01 signifies the first Departmental Directive for the year 2026.

202.2 RESPONSIBILITIES

202.2.1 STAFF

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

202.2.2 SHERIFF

The Sheriff or their designee shall issue all Departmental Directives.

202.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and request any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing, either physically or digitally, the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Lieutenant.

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License to Carry a Concealed Firearm

205.1 PURPOSE AND SCOPE

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

205.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police agency from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police agency to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

205.2 POLICY

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

205.3 QUALIFIED APPLICANTS

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

(a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.

(b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).

(c) Be a resident of the County of Kern County or meet the non-residential jurisdictional requirements (Penal Code § 26150; Penal Code § 26155).

(d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).

(e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).

(f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).

(g) Pay all associated application fees (Penal Code § 26190).

(h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Kern County Sheriff's Office (Penal Code § 26162).

(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

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

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205.3.1 NON-RESIDENT APPLICANTS

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

205.3.2 APPLICANT DISQUALIFICATION

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

(a) The applicant fails to comply with all reporting requirements concerning any restraining orders, arrests, convictions, or charges as specified in Penal Code § 26202.

(b) The applicant knowingly provided false, inaccurate, or incomplete information in connection with any application for a license, license renewal, or license amendment pursuant to Penal Code § 26175(e).

205.4 APPLICATION PROCESS

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

205.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

    1. If an incomplete application package is received, the Sheriff or the authorized designee may do any of the following:

        (a) Require the applicant to complete the package before any further processing.

        (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.

        (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., disqualifying criminal conviction).

(b) Applicant fees shall be submitted and processed according to office-established procedures and Penal Code § 26190.

    1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.

    2. Full payment of the remainder of the application fee will be required upon issuance of a license.

    3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).

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(c) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph).

(d) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 90 days of receiving the completed application for a new license, the Office shall give written notice to the applicant of the Office's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person. This shall include a final determination on whether the applicant is an unlawful user of or addicted to any controlled substance described in 18 USC 922 (g)(3) (Penal Code § 26202).

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

Procedure

- Any individual applying for a license to carry a concealed weapon shall first obtain and fully complete a Concealed Weapons License Application form. This form may be obtained at Sheriff's Headquarters, designated Substations and from the Sheriff's website
- The application will be completed and returned, in person, to the Licensing Unit of the Kern County Sheriff's Office, 1350 Norris Road, Bakersfield, California, or an authorized substation. The application, when returned, must be signed in the presence of an authorized employee of the Sheriff's Office. The form is to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 12051 (b) & (c))
- The applicant will provide a driver's license and proof of residency
    - The applicant must be a resident of the County of Kern
    - The applicant must show two (2) valid forms of proof of residency (in addition to the driver's license). Examples include a current property tax bill, a utility bill and current vehicle registration papers. A post office box is not considered acceptable proof of residency
- Licensing Unit personnel will run a CJIS and CLETS check of the applicant and attach hard copies of the records to the application
- The application will be reviewed for completeness and to verify:
    - The applicant is a resident of the County of Kern
    - The applicant does not have another avenue of obtaining a CCW license, such as through the course of his/her employment, as prescribed in various sections of the California Penal Code
- If the applicant's reason for the issuance of the CCW license does not fall under state law or Sheriff's Office guidelines, a denial letter will be sent to the applicant. Otherwise the application process will continue

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- The Sergeant of the Licensing Unit will then review the application and ensure the applicant complies with the minimum guidelines detailed in Section 218.2 of this policy manual
    - If the applicant does meet state law and Sheriff's Office guidelines, the applicant will be sent a letter of approval notifying them to come to Sheriff's Headquarters to progress to phase two of the approval process
    - If the applicant does not meet state law and/or Sheriff's Office guidelines, the applicant will be sent a letter of denial noting the cause for the denial. The letter will be sent out under the name of the Sheriff, "By" the reviewing Sergeant per the Sheriff's Office Policy and Procedure Manual Section 214

        If the applicant's CCW license application is denied, the applicant must wait one year from the date of denial to reapply

205.4.2 PHASE TWO

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

(a) Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.

(b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the Office for psychological testing. The cost of such psychological testing shall be paid by the applicant but shall not exceed the reasonable costs to the Office. The Sheriff may allow non-resident applicants to complete the psychological assessment virtually or at an approved location in the applicant's state of residence (Penal Code § 26190).

(c) The applicant shall complete a course of training approved by the Office, which complies with Penal Code § 26165.

(d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other office authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the office Rangemaster, or provide proof of successful completion of another office-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

Procedure

- Come to the Sheriff's Headquarters Facility where the applicant will be fingerprinted

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- The applicant's prints will be sent to California Department of Justice and the Federal Bureau of Investigation for processing
- Pay the currently required state and county fees
- Provide a birth certificate or passport, a DD214 form if the applicant was in the military, and the required 8-hour firearms training certificate

When the results of the California Department of Justice's and the Federal Bureau of Investigation's processing are received, the Sergeant of the Licensing Unit will review the applicant's entire file for final approval.

If the Sergeant approves the application for issuance of the license, Licensing Unit Personnel will notify the applicant to return to Sheriff's Headquarters or the authorized substation and:

- The applicant will read and sign the "Conditions of CCW license" form
- Licensing Unit Personnel will obtain the applicant's thumb print for the license
- The applicant will sign the license
- Licensing Unit Personnel will issue the license

If the Licensing Unit Sergeant denies the application for issuance of the license, Licensing Unit Personnel will send a denial letter to the applicant.

205.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

(a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of Kern County (Penal Code § 26150).

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).

(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

(d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

205.6 ISSUED CONCEALED FIREARMS PERMITS

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

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(a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the concealed firearm (Penal Code § 26200(b)).

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).

(c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

(d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

(e) The licensee shall notify this office in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Office shall notify the California DOJ (Penal Code § 26210).

205.6.1 AMENDMENTS TO LICENSES

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

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

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

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

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205.6.2 REVOCATION OF LICENSES

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

(a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.

(b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.

(c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.

(d) Any information provided by a licensee in connection with an application for a new license or an application to amend a license was knowingly inaccurate or incomplete.

(e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

(f) The licensee fails to notify the issuing office of a restraining order, arrest, charge, or conviction of a crime in Penal Code § 26202.

The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, amendment, or revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is revoked, the Office will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

205.6.3 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

(a) Verifying all information submitted in the original application under penalty of perjury.

(b) Completing a training course pursuant to Penal Code § 26165.

(c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(d) Paying the applicable renewal application fee.

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

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

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Once the Sheriff or the authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied.

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

205.7 OFFICE REPORTING AND RECORDS

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

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

(d) The amendment of a license

(e) The revocation of a license

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

205.8 CONFIDENTIAL RECORDS

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

205.9 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Sheriff or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

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

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

205.9.1 ADDITIONAL REQUIREMENTS

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

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

The Sheriff's Office does not renew licenses from other agencies. Any applicant with an exisiting license from another agency must submit a new license application in accordance with the policies above.

205.9.2 ADDITIONAL REPORTING REQUIREMENTS

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

205.9.3 APPEAL PROCESS

If the applicant wishes to appeal the denial, he/she may contact the Detective Section Lieutenant in writing requesting an informal appeal within 10 working days of the denial. The Detective Section Lieutenant will review the reasons for denial. The Detective Section Lieutenant will respond back to the applicant in writing within five days of contact with the decision to uphold the denial or accept the application.

- If the Section Lieutenant upholds the denial, the applicant may appeal in writing to the Sheriff within 45 days of the original denial
- After the Sheriff has reviewed the written denial appeal, the Office of the Sheriff will send a letter of acceptance or denial to the applicant with a copy of the letter sent to the Licensing Unit for additional handling as required

205.10 POLICY AVAILABILITY

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

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Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

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

206.2 POLICY

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

206.2.1 CCW PERMIT PROVISIONS

- The CCW endorsement is voluntary and will only be issued at the request of the retired Sheriff's member
- The CCW endorsement is authorized under law, is issued at the direction of the Sheriff and may be denied on a showing of good cause
- The CCW endorsement is contingent on the retiree remaining subject to Sheriff's Office rules and policies as well as all federal, state and local laws (Penal Code § 12027.1(a)(2))
- The CCW endorsement issued under this policy does not create an employment or other legal relationship between the County of Kern and the retired member. While the carrying of a concealed weapon may be authorized under state and federal law, as well as this policy, retired members do so at their own risk, in the capacity of private citizens, and not as peace officers

206.3 LEOSA

The Sheriff may issue an identification card for LEOSA purposes to any qualified former deputy of this office who (18 USC § 926C(c)):

(a) Separated from service in good standing from this office as a deputy.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this office where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

206.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

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If the Kern County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Office to meet the active duty standards for qualification to carry a firearm.

206.3.1 FIREARM QUALIFICATION COURSE

The firearms qualification course mentioned in Section 220.3 shall consist of a course of fire to be established by the Sheriff's Range Master or his/her designee.

- The course of fire will ensure the retiree can safely load, unload, and check the firearm to verify that it is clear of all ammunition and shoot it with acceptable accuracy
- Qualification may also include information concerning the retiree's status under applicable criminal and civil law
- After the qualification course, the Range Master, or his/her designee, will note the qualification score (pass/fail), ensure it is entered into the Training Range Schedule/ Maintenance program, and note on the Concealed Weapons Qualification and Authorization form that the retiree did, in fact, qualify
- The Sheriff may charge a reasonable fee to cover the expense of issuing a license under this policy

If a retiree fails the qualification course, he/she will be given one opportunity to complete the course again. Should he/she fail to qualify a second time, no CCW endorsement will be issued and existing CCW endorsements will be revoked.

- Applicants who fail to qualify under this policy may re-apply after one year or upon presentation of a certificate indicating successful attendance in a firearms training course

206.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this office, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person’s former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

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(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

206.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn deputy of this office who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any deputy who retires in lieu of termination.

(b) No CCW Approved endorsement shall be issued to any deputy retiring because of a psychological disability (Penal Code § 26305).

206.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired deputy shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

(a) A photograph of the retiree.

(b) The retiree’s name and date of birth.

(c) The date of retirement.

(d) The name and address of this office.

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”

206.4.1 CALIFORNIA ONLY ENDORSEMENTS

Retirees wishing to carry a concealed weapon **only** under California state law provisions (Penal Code section 12027(a)) will be issued identification indicating that the retiree is not authorized to carry a concealed weapon under 18 USC § 926C.

- Depending on the date of the member's retirement, the Sheriff's Office will, at the retiree's request, issue an identification certificate endorsed in accordance with state law
    - Those members who retired after January 1, 1981 are required to petition the Sheriff every five years and any certification or identification issued under this policy must indicate whether the retired member is endorsed to carry a concealed weapon
    - Those members who retired prior to January 1, 1981 are not required to petition the Sheriff every five years for a renewal of their certification nor must the certification be endorsed for concealed carry

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- WHEN A RETIRED MEMBER DECLINES TO QUALIFY UNDER 18 USC § 926C AND IS ISSUED AN IDENTIFICATION IN ACCORDANCE WITH STATE LAW, HE/SHE IS AUTHORIZED TO CARRY A CONCEALED WEAPON ONLY IN CALIFORNIA

206.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION
The Kern County Sheriff's Office shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this office now serves under the following conditions (Penal Code § 25905):

(a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This office is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.

(c) The retiree is in compliance with all of the requirements of this office for the issuance of a CCW Approved endorsement.

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

206.5 FORMER DEPUTY RESPONSIBILITIES

A former deputy with a card issued under this policy shall immediately notify the Watch Lieutenant of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

206.5.1 RESPONSIBILITIES UNDER LEOSA
In order to obtain or retain a LEOSA identification card, the former deputy shall:

(a) Sign a waiver of liability of the Office for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Office.

(b) Remain subject to all applicable office policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

206.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT
In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired deputy shall (Penal Code § 26305):

(a) Qualify annually with the authorized firearm at a course approved by this office at the retired deputy's expense.

(b) Remain subject to all applicable office policies and federal, state, and local laws.

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(c) Not engage in conduct that compromises public safety.

(d) Only be authorized to carry a concealed firearm inspected and approved by the Office.

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

206.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

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

206.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement for any deputy retired from this office may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Watch Lieutenant when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

(a) In the event that a CCW endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Office shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Office, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Office and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Office will then reissue a new identification card which shall be stamped "No CCW Privilege."

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(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Lieutenant as soon as practicable. The Watch Lieutenant should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
2. The Watch Lieutenant should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.
3. The personal and written notification should be as follows:
   (a) The retiree's CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Lieutenant should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Lieutenant may request that a law enforcement officer from that agency act as the agent of the Office to deliver the written notification.

206.8 FIREARM QUALIFICATIONS

The Rangemaster may provide former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

206.9 FIREARMS TRANSFER

This policy authorizes, in accordance with Penal Code § 30160 and pursuant to section 10334 of the Public Contract Code, the sale and transfer of firearms deemed obsolete or not serviceable to a Deputy as defined in Penal Code § 830.1. This policy also authorizes, in strict accordance with the provisions of Penal Code § 26615, the sale and transfer of firearms to a retiring Deputy. A Detention Deputy empowered pursuant to Penal Code § 830.1(c) who is authorized at the time to carry firearms while in the performance of their duties will be eligible to purchase firearms pursuant to the provisions of this policy.

This policy is intended to apply only to the Deputy's issued handgun or a specially fitted sniper rifle as a result of an assignment to the Special Weapons and Tactics (SWAT) team, and that rifle

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has been deemed to no longer be of useful service. No weapons regulated under the National Firearm Act (NFA) will be sold or transferred to a Deputy

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The spouse or domestic partner of a Deputy who died in the line of duty, may be authorized by the Sheriff to purchase the fallen peace officer's handgun pursuant to Penal Code § 27545.

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Duties of Personnel - Park Rangers

208.1 POLICY

The Kern County Sheriff's Office recognizes that Park Rangers have responsibilities and limitations imposed by law that do not apply to other employees. It is therefore necessary to list duties for Park Rangers.

Park Rangers are peace officers, as defined in Penal Code § 830.31(b), whose authority extends to any place in the state only while engaged in the performance of assigned duties in order to carry out the primary function of employment relating to his or her assignment, or while performing other law enforcement duties directed by the Sheriff-Coroner during a local state of emergency.

Park Rangers shall prioritize enhancing the quality of life within our County Parks by focusing on proactive solutions and emphasizing education over enforcement whenever appropriate. Their efforts should center on addressing issues that directly affect park visitors, such as ensuring safety, preserving natural resources, and fostering inclusive, welcoming public spaces where everyone can enjoy the beauty and tranquility of the parks.

208.2 DUTIES

Failure to comply with the duties as listed in this section may result in disciplinary action, up to and including termination.

All Park Rangers will:

(a) Maintain the operation of county parks, waterways and assigned facilities, including the safety and security of the employees and visitors.

(b) Protect life and property, maintain order, prevent and investigate crimes related to a county park, waterway or county facility.

(c) Make legal searches, seizures, and arrests related to a county park, waterway or county facility (on county grounds, directly related to your assignment).

(d) Give first aid treatment to the sick, injured, and mentally ill when safe to do so.

(e) Furnish name and badge number (or Sheriff's Office CAD identification number) upon request of any person.

(f) Park Rangers shall only intervene in situations requiring a law enforcement response when the situation is related to a Park Ranger's official duties. In situations where Park Rangers witness a crime in progress that is not occurring at a county park, waterway, or facility within their jurisdiction or are contacted by a citizen regarding such an incident, the Park Ranger will contact the Communications Center to have the appropriate law enforcement personnel dispatched.

(g) Except as otherwise permitted by law, Park Rangers are prohibited from affiliating with any organization that would prevent them from the proper performance of their lawful duties.

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208.3 DUTY STATUS

A Park Ranger is considered "on duty" during the scheduled hours of his/her scheduled work shift(s), including scheduled overtime and when in response to a subpoena. During unscheduled hours or days, a Park Ranger is considered "off duty."

The authorization of a command/ranking officer or his/her designee is required for a Park Ranger to be "on duty" at a time other than his/her scheduled hours. However, this authorization is not required if, at the end of a scheduled shift, the Park Ranger is engaged in an authorized activity that cannot reasonably be interrupted. In such situations, the authorization to extend "on duty" hours are implied, and it is not necessary to seek authorization. However, the Park Ranger must inform his/her supervisor of such instances as soon as practicable.

During "off duty" hours, a Park Ranger does not have peace officer authority.

208.3.1 COUNTY ORDINANCE 2.74.040 – PARK RANGERS

(a) Employees designated as "park ranger" by the classified position in which they are employed, and who are regularly employed and paid as such, are peace officers with the primary duty of protection of park property and other property owned by the County of Kern and preservation of the peace therein and, such park rangers are designated peace officers for the purposes of Penal Code Section 830.31.

(b) Any employee designated as a park ranger and regularly employed as such shall have the power, and authority of a public officer as set forth in Penal Code Section 830.31 and Penal Code section 836.

(c) Each employee designated "park ranger" shall satisfactorily complete a course of training in the exercise of his powers to arrest and in carrying and use of firearms, which courses of training shall meet the minimum standards prescribed by the Commission on Peace Officer Standards and Training.

208.4 CALLS FOR SERVICE

Park Rangers shall handle calls for Service (CFS) in the county parks, waterways and county facilities. However, calls for service that require extensive follow-up investigation, or that are so complex they are beyond the training of a Park Ranger, (Homicides, Sexual Assault related crimes, Child Abuse/Neglect or Missing Persons), shall be dispatched to a Deputy Sheriff or Senior Deputy Sheriff. If during the course of an investigation, a Park Ranger recognizes the call for service he/she is handling is beyond their training or will require extensive follow-up, the Park Ranger will notify dispatch and have a patrol Deputy or Senior Deputy respond to handle the investigation.

208.5 NO PURSUIT POLICY

The Kern County Sheriff's Office Park Rangers adopts an unequivocal and unwavering "No Pursuit Policy" with the primary and unwavering objective of safeguarding human lives and minimizing risks to the public, law enforcement personnel, and suspects. Pursuits of any nature are categorically prohibited under all circumstances, without exception.

Pursuits are highly volatile situations that demand officers be alert to rapidly changing conditions. When the driver of a pursued vehicle clearly exhibits the intention of avoiding detention or

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arrest, or when a suspected violator refuses to stop, the ranger shall terminate the intended stop (deactivating overhead lights and/or sirens) and transmit pertinent information to the communications center via radio. This information will minimally include the following:

(a) The ranger will clearly identify they are not involved in a pursuit, however the vehicle they intended to stop has failed to yield.

(b) The ranger shall provide reasonable suspicion for the stop.

(c) The ranger shall provide vehicle description- make, model, color, license plate, damage or custom identifiers.

(d) If possible, the ranger shall provide driver description and number of occupants in the vehicle.

(e) The ranger shall provide approximate speed and direction of travel.

(f) The ranger shall request appropriate law enforcement resources to initiate the stop if feasible.

(g) The ranger shall notify his/her supervisor of the intended stop and complete all necessary forms.

(h) Park Rangers shall not trail the vehicle they intended to stop, nor shall they attempt to establish a "barricade" by blocking the roadway.

208.6 CODE-3 RESPONSE

The Kern County Park Rangers may only respond Code 3 to emergencies under specific circumstances and only if they have attended and successfully completed the Kern County Sheriff's Office 32-hour emergency driving course.

This policy was developed and implemented with the primary and unwavering objective of safeguarding human lives and minimizing risks to the public, law enforcement personnel, and residents and visitors of Kern County.

Emergency Driving or Code 3 responses of any nature are categorically prohibited under all circumstances, unless the Park Ranger has successfully completed the aforementioned course.

Code 3 responses shall be limited to emergency incidents occurring in/on county parks, lakes, waterways, lands, buildings, and related facilities within Park Ranger jurisdiction. When responding to these emergencies, Park Rangers may drive Code 3 through any area within Kern County.

Instances in which a properly trained Park Ranger may be authorized to operate a vehicle Code 3 include, but are not limited to: life-threatening emergencies occurring in a county park or an assigned facility; lake or water-based rescue incidents requiring an immediate response; urgent search and rescue deployments within Park Ranger jurisdiction; in-progress crimes of violence presenting an imminent threat to life occurring in Park Ranger jurisdiction; or situations in which a peace officer operating within Park Ranger jurisdiction requests emergency assistance.

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Code 3 operation shall ordinarily be assigned to the closest appropriate unit, regardless of classification. Park Rangers shall only initiate Code 3 when they are the nearest available resource or when their specialized capabilities make their response uniquely necessary. Specialized capabilities may include boat operations, waterborne rescue, or deployment of equipment staged at lakes or park facilities.

Any Park Ranger initiating Code 3 shall immediately broadcast via radio that they are responding Code 3, consistent with departmental emergency driving procedures. A supervisor or

sergeant shall acknowledge the broadcast and may approve or terminate the Ranger's Code 3 response.

Park Rangers shall complete annual behind-the-wheel training and review Code 3 policy and decision#making standards to maintain proficiency.

Because Ranger vessels and rescue equipment are normally pre#staged at county lakes or facilities, towing trailers, vessels, or equipment during Code 3 operation is prohibited.

Park Rangers operating emergency vehicles Code 3 shall:

(a) Activate emergency lights and siren when initiating Code#3 response.

(b) Reduce speed and clear each lane when entering an intersection against a traffic control device.

(c) Use due regard and never drive at a speed unsafe for roadway, weather, visibility, or traffic conditions.

(d) Terminate Code#3 immediately when the emergency no longer exists, when ordered by a supervisor, or when conditions make continued Code#3 unsafe.

(e) Document all Code#3 responses in accordance with supervisory review procedures.

All Park Ranger Code 3 responses shall be tracked during a one#year pilot period, with quarterly bureau#level reviews to evaluate compliance, assess necessity, and guide future policy adjustments.

Each Code 3 response will be recorded using the Axon Ranger Code 3 Response Form. The form will capture all required incident details and must be submitted in Axon for supervisory approval. All approved forms will serve as the official record of Code 3 responses and will be used in bureau#level analysis throughout the pilot period.

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Chapter 3 - General Operations

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Firearms

307.1 PURPOSE AND SCOPE

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

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

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

307.2 POLICY

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

307.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

All other weapons not provided by the Sheriff's Office, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

307.3.1 HANDGUNS

The following handguns are the standard duty pistols authorized for use by the Kern County Sheriff's Office. They are unmodified from the Glock factory and not personally owned.

(a) Glock Model G47 MOS 9mm (PA475S302MOSA2A), Aimpoint ACRO P2, B&T adapter plate, Ameriglo 4XL sights, with 17 round Glock factory magazines

(b) Glock Model G47 MOS 9mm (PA475S702MOS), Glock tritium sights, with 17 round Glock factory magazines

(c) Glock Model G17 (Gen3) 9mm with 17 round Glock factory magazines (Park Rangers)

(d) Glock Model G26 9mm (PA2650701) with 10 round Glock factory magazines

(e) Glock Model G27.40 caliber with 10 round Glock factory magazines

(f) Glock Model G43X 9mm MOS FXD (UX4350202FRMOS) with 15 round Glock factory magazines, Holosun EPS-Carry-RD-2-LEM Red 2MOA DOT Sight with Plate Ameriglo GL-453 L Height Metal Only Backup Iron Sights

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Pistol Mounted Optic

The Aimpoint ACRO P2 is the only authorized pistol mounted optic for use on the Glock Model G47 MOS duty pistol.

The Holosun EPS-Carry-RD-2-LEM is the only authorized pistol mounted optic for use on the Glock Model G43X duty pistol.

Pistol Mounted Lights

The only authorized pistol mounted lights are:

(a) Streamlight TLR-1, TLR-1 HL, or TLR-7 SUB

(b) Surefire X300

Authorized Modifications

The following magazine floor plates are authorized modifications to be installed by the Firearms Training Unit staff:

(a) Vickers Tactical (VTMFP-001 BLK) magazine floor plates.

(b) Glock Magazine Ext. 9/40/357 (2193) Black +2 magazine floor plates.

(c) Taran Tactical Innovations (GBP940-001) Black +3/4 magazine floor plates.

(d) Dawson Precision Baseplate for GLOCK 17/22/34/35/47 (007-015) Black 300.

(e) Dawson Precision ICE Glock Magwell, Black (010-092), (010-094), (010-096)

307.3.2 SHOTGUNS

The authorized office-issued shotgun is the Remington 870 12 gauge. Authorized personnel may also carry their own Remington 870 12 gauge shotguns in lieu of Sheriff's Office issued shotguns, providing that the weapon complies with the specifications and policy outlined in this chapter.Deputies using personally owned shotguns are responsible for all maintenance and repairs.

Personnel with personally-owned shotguns equipped with 14-inch barrels must comply with all State and Federal regulations relative to the possession and use of these weapons.
Privately-owned weapons must be inspected and approved by the Sheriff's Office Rangemaster before being put into service.Personal shotguns must also be inspected by the Rangemaster
The following additional shotguns are approved for on-duty use:

(a) Benelli M4 (.12 gauge)

(b) Mossberg 930 or 940 (.12 gauge)

(c) Beretta A300 (.12 gauge

Shall be properly secured consistent with office training in a locking weapons rack in the patrol vehicle.

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Any Post Certified Deputy Sheriff, who has attended and passed the Kern County Sheriff's Office 40-hour Patrol Rifle School, may choose to carry a patrol rifle as described in this policyand opt out of carrying the patrol shotgun. Once the deputy chooses to opt out of carrying the patrol shotgun, the patrol rifle will no longer be considered an ancillary weapon for that deputy. The rifle will take the place of the shotgun with mandatory long gun qualifications described in this policy and the deputy will be responsible for maintaining proficiency with the rifle as his/her primary long gun.

If a Deputy Sheriff who previously opted out of carrying the Patrol Shotgun wishes to reinstate his patrol shotgun carry, the deputy shall make arrangements with Range Staff to complete a return to duty training and qualification with the patrol shotgun set forth in this policy.

307.3.3 PATROL RIFLES

The authorized office-issued patrol rifle is the Colt AR-15.

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

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire..

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

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

307.3.4 PERSONALLY OWNED HANDGUNS - DEPUTY CORONERS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the office list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

307.3.5 AUTHORIZED SECONDARY HANDGUN

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

(a) The handgun shall be in good working order and on the office list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

307.3.6 AMMUNITION

Members shall carry only office issued ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Armed Sheriff's Office personnel, while assigned to armed duties, shall carry their duty weapon fully loaded with Sheriff's Office approved ammunition and in approved. magazines. Deputies shall carry a minimum of two additional magazines fully loaded with Sheriff's Office approved ammunition.

Deputy assigned to plain-clothes duty in the field shall carry the prescribed duty weapon, fully loaded with Sheriff's Office approved ammunition and in addition, shall carry a minimum of one additional magazine fully loaded with Sheriff's Office approved ammunition on their person in a manner most convenient to the deputy.

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307.3.7 PLAIN CLOTHES

Authorized personnel assigned to the Special Investigations Division and working in an undercover capacity may carry the Sheriff's Office issued Glock Model G26 pistol as their primary duty pistol, after complying with the following requirements:

(a) The deputy's Bureau Chief has so authorized.

(b) The deputy has qualified on the standard duty pistol qualification course of fire with the Model G26 or Model G43X according to procedures established in KCSOPPM G-200.

1. The back-up firearms course of fire will not be an acceptable qualification course unless the G26 or Model G43X is carried as a back-up pistol in conjunction with their primary G47 duty pistol.
2. A rifle or shotgun shall not replace the standard duty pistol (G47 or G17) as a primary duty weapon.

Sworn staff members carrying a concealable firearm while not in complete uniform should conceal the weapon whenever practical. If circumstances make it impractical to keep the weapon concealed, the staff member is to be clearly identified as a Sheriff's Office member by displaying the Sheriff's Office badge and/or Sheriff's Office identification card prominently outside of their clothing.

Any non-peace officer staff member authorized by a Concealed Weapons Permit to carry a firearm will carry the firearm concealed at all times.

307.4 EQUIPMENT

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

307.4.1 REPAIRS OR MODIFICATIONS

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

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

307.4.2 TACTICAL LIGHTS

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

307.4.3 HOLSTERS

Only office issued holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

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307.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

307.5.1 BLOOD LEVEL TESTING FOR RANGEMASTERS

The Sheriff's Office Rangemaster shall maintain a record of all range staff regarding blood lead level testing.

Blood lead level testing will be conducted as a precautionary measure. A baseline blood lead level test will be done for all assigned Range staff when they start work at the Kern County Sheriff's Office Range. Range staff will then be tested once every six months.

- The attending physician has the option of monitoring a staff member's blood lead levels on an annual basis when there has not been a significant change in the levels for one year.

Blood testing will be conducted at:

- Central Valley Occupational Group 4100 Truxtun Avenue, Suite 120 Bakersfield, CA 93309 (661) 632-1540

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It will be the responsibility of the Rangemaster to make arrangements with the medical office for testing.

307.5.1 INSPECTION AND STORAGE

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

Personally owned firearms may be safely stored in lockers at the end of the shift. Office-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

307.5.2 ADDITIONAL GUIDELINES FOR STORAGE

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their custody or control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 17060; Penal Code § 25100; Penal Code § 25105; Penal Code § 25145).

307.5.3 ADDITIONAL GUIDELINES FOR STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Deputies are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

Employees will NOT leave firearms locked in their Sheriff's Office vehicles if any of the following apply:

(a) The employee is on vacation and leaves the vehicle at their duty station;

(b) The employee is not authorized to participate in the PPV Program and leaves their vehicle parked at their assigned duty location or other secured authorized location;

(c) The vehicle is left for any other reason for an extended period of time.

(d) The vehicle is being serviced or repaired.

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Under the above-mentioned conditions, the employee will secure their firearms inside their duty station's armory or their residence in a safe and secure manner in compliance with policy.

307.5.4 ALCOHOL AND DRUGS

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

307.6 FIREARMS TRAINING AND QUALIFICATIONS

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

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Lateral Deputy Sheriffs of the Kern County Sheriff's Office will be directed to report to the Rangemaster for evaluation of their proficiency in the use of a Glock. In determining whether the lateral must attend the Glock Transition course prior to carrying a Glock on duty, a Rangemaster will take into consideration the lateral's prior experience and training in the use of firearms, the type of weapon the lateral has carried on duty in his/her prior position, and his/her performance at the Range in the handling of a Glock. Prior to being authorized to carry a Glock on duty, the lateral will be required, at a minimum, to pass the Sheriff's Office standard qualification course with a Glock, demonstrate a clear understanding of the operation of the Glock, and demonstrate proficiency in field stripping the weapon.

307.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

All Sheriff's Office members who are authorized to carry a firearm are required to participate in regularly scheduled firearms training and qualifications. Members will plan to participate so vacation and compensatory time off (CTO) will not preclude their attendance within the scheduled period.

The mandatory firearms training and qualifications schedules will be published by the Rangemaster in advance of the scheduled training/qualifications so all armed members of the Sheriff's Office will have due notice prior to the beginning of the training/qualification periods. Armed members who fail to participate in scheduled firearms training or qualifications are subject to discipline up to and including termination, unless otherwise excused by their supervisor.

All members required to participate in firearms training and qualifications who are unable to attend due to an extended leave (long term illness, injury, maternity, other excusable reasons, or working in a temporary limited duty capacity) will be placed on an excused list maintained by the Sheriff's Office Risk Management Unit. This list will be provided to the P.O.S.T. Administrative Coordinator on a quarterly basis and compared against any "failure to show" reports. Additionally,

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supervisors will confirm a member's duty status for a reported failure to show through Sheriff's Risk Management before beginning progressive discipline for a missed training/qualification.

- If members are sick on the day of their scheduled training/qualification, they are required by KCSOPPM Section M-300 to notify the Training Section.

If any member arrives late to their scheduled range time or without the required and necessary equipment, they will be instructed to leave and the Rangemaster will document the incident as a failure to participate and notify the employees supervisor.

The goal of the Firearms Training Unit is to ensure Sheriff's Office members are successful during qualifications and training sessions held at the Sheriff's Office range. The Rangemaster and the Range Instructors will offer instruction and opportunities to members requiring further training or to improve or enhance their firearms skills. The Sheriff's Office range will be made reasonably available to members who express their intent or desire to receive further instruction or training. Members will contact the range staff and schedule an agreed upon time to receive instruction. Documentation of the members' attendance at the range will be maintained by the range staff and retained.

All members required to participate in firearms training or qualifications who miss a mandatory quarterly firearms training or qualification cycle may be reassigned by their Chief Deputy to an unarmed assignment until they can be rescheduled to qualify or complete the training that was provided during the cycle they did not attend. This includes those who fail to attend due to leave of absence, medical status, or disciplinary status. Upon return to full duty status, an officer who has failed to participate in mandatory firearms training will notify the Rangemaster and/or Range Staff of the change in status and will be scheduled for the training or qualification within 30 days, or as soon as practical.

SWAT Team members who are current, active and deployable on the team are exempt from standard line staff quarterly qualifications. SWAT Team members are not required to attend the department qualification cycles, as they qualify every quarter during their SWAT training. SWAT Team members are required to attend the regularly scheduled training cycles. Once the SWAT Team member's immediate supervisor schedules a member for a session during the training cycle, that member will be required to attend.

All members required to participate in firearms training who miss a mandatory firearms training or qualification session due to an unexcused reason, shall immediately notify their supervisor of their failure to participate. The supervisor will reschedule the member for a new session. Any member that misses a mandatory firearms qualification or a mandatory training session that is unexcused by their supervisor will be subject to progressive discipline, up to and including termination.

PROCEDURE

During qualification cycles, members will qualify during their scheduled range sessions. Each member will be given one opportunity to successfully pass the qualification course. If the member

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fails that one attempt, they will be given one subsequent remedial attempt to successfully pass the qualification course.

Successful completion of the qualification course includes a passing score and proficient handling of the weapon. The following procedures shall be adhered to when members fail the first attempt and pass the second remedial attempt (FAIL/PASS) and when members fail the first attempt and fail the second remedial attempt (FAIL/FAIL):

(a) All members who fail to qualify on their first attempt, will be given a reasonable period of additional training prior to their subsequent remediation attempt.At the conclusion of the additional training, Range Staff will complete a Firearms Training Plan (FTP) to document the training that was provided. The FTP will include:

1. The number of rounds missed during the failed qualification attempt
2. A summary of topics and techniques discussed during the additional training session;
3. Any training instructions on how the member can improve their shooting; and,
4. A section regarding the member's responsibility to practice either at the range or during their off-hours at a place and time of their own choosing.
    (a) The member will sign the FTP acknowledging their receipt of the form.
    (b) A copy of the FTP will be retained by the Firearms Training Unit and provided to the member. An FTP is not disciplinary in nature but a documented plan for the member to improve their shooting skills.

(a) Members who fail the first qualification attempt and pass the second remedial attempt are categorized as a **FAIL/PASS**.The member has failed the first attempt at qualification but was successful at passing their second remedial attempt.That initial failure to qualify will be documented and the following procedure shall be followed:

1. Failure of the first qualification attempt will be documented as a "**FAIL**", and will lead to the issuance of an FTP, as discussed in Section A above.
2. A member who passes the second remedial attempt will be deemed to have passed the qualification course and will be documented as a "**FAIL/PASS**."
3. A second consecutive **FAIL/PASS** in an 18-month time period will lead to the issuance of a Documented Oral Counseling (DOC) by the Rangemaster and the member will be scheduled for a four (4) hour remediation training session.
    (a) The member will also receive a copy of the FTP with the training subjects covered and the suggested techniques to improve their shooting in the future.
    (b) The members' supervisor will be notified by range staff of the second FAIL/PASS and will be given a copy of the members' FTP and DOC.

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4. A third consecutive **FAIL/PASS** in an 18-month time period will lead to a Written Reprimand, completed by the Rangemaster, and a Performance Improvement Plan (P.I.P.). Members who are unsuccessful during a P.I.P. will face further progressive corrective action up to and including termination.

(a) Members who fail the first qualification attempt and fail the second remedial attempt are categorized as a **FAIL/FAIL**.The member has failed the qualification and was not successful at passing their second attempt. For these incidents, the following procedure shall be followed:

1. Failure of the first qualification attempt will be documented as a "FAIL" and will lead to additional training and the issuance of an FTP, as discussed in Section A above.
2. Following a failure of the second remedial attempt, the failed member shall be immediately placed in an "unarmed" status and assigned to an unarmed assignment until they attend and successfully complete the additional firearms training outlined below in Section C-3.
3. The failed member will receive a Document Oral Counseling from the Rangemaster and will be scheduled for a four (4) hour training session.
    (a) The member will also receive a copy of the FTP with the training subjects covered and the suggested techniques to improve their shooting in the future.
    (b) A copy of the FTP and DOC will be sent to the failed member's supervisor by range staff.
4. If the failed member is successful in qualifying after the completion of the four (4) hour training session, they will return to armed status and resume their normal job functions.
    (a) Range staff will notify the member's supervisor of the member's successful qualification.
5. If the failed member does not successfully complete the qualification upon the completion of a four (4) hour training session, they will remain in an unarmed status and the Rangemaster will issue a Written Reprimand and a P.I.P.
    (a) Members who are unsuccessful during a P.I.P. will face further corrective action up to and including termination.
6. Members that are categorized as a "**FAIL/FAIL**" three times during a three (3) year period, may be subject to termination.

All members who are placed into an unarmed status or receive an FTP will be supervised by the Rangemaster or the Range Staff while training on the Sheriff's Office Range. Members who

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elect to receive training outside of the Firearms Training Unit and the Sheriff's Office range are reminded that training techniques and drills taught by persons not associated with the Sheriff's Office Firearms Training Unit may not be approved by the Sheriff's Office and may be detrimental to the member's training and skill level. Members who elect to train outside of the Firearms Training Unit should do so with caution.

(a) If a Sheriff's Office member is categorized as a **FAIL/FAIL**, the Rangemaster or his/her designee will:

1. Notify the individual's Division Commander, Section Lieutenant, or the Watch Lieutenant, via e-mail, of the failure prior to the individual leaving the Range, or
2. If verbal notification was made to the Division Commander, the Rangemaster will follow up that notification with written documentat
    (a) In the case of a member who is on duty, range staff will make the immediate verbal notification to the deputy's Unit Supervisor and e-mail notification to the deputy's Division Commander.
    (b) Schedule the individual for any additional training or corrective action within 30 days, or as soon as reasonably practical, from the failure to qualify.
    (c) Notify the Training Section Lieutenant, via e-mail, of the failure.

(a) A Commander receiving verbal notification that one of their officers is at the Range and has failed to qualify will:

1. Reassign the individual to an administrative or unarmed position pending completion of additional firearms training and a successful firearms qualification.
2. Immediately notify his/her Chief Deputy of the failure and the course of action taken.

(b) The Chief Deputy will:

1. Approve or disapprove the reassignment and determine if the individual's peace officer powers will be revoked pending successful completion of additional firearms training and a successful firearms qualification.

(c) The Training Section Lieutenant will:

1. Provide written notification to the Chief Deputy in charge of the Training Section of those individuals who FAIL/FAIL qualifications or have demonstrated problems in safely and efficiently handling a firearm.
2. Ensure the Training Section has an effective plan for scheduling additional training for those members who need to attend.

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307.6.2 QUALIFICATION AND TRAINING RULES

Members will adhere strictly to all verbal and posted firearms safety rules and will fire weapons only at targets authorized by the Rangemaster. All Sheriff's personnel will follow the following firearms safety rules:

(a) All guns are always loaded.

(b) Never let the muzzle cover anything you are not willing to shoot or destroy.

(c) Keep your finger off the trigger and outside the trigger guard, until you are going to shoot.

(d) Be sure of your target and surroundings.

(e) Carefully follow all the directions and commands of the Range Staff.

307.6.3 QUALIFICATION COURSES - WEAPONS/AMMUNITION

(a) All scheduled firearms training and qualification courses will be completed using weapons as specified in this policy using ammunition issued or approved by the Rangemaster.

(b) The Rangemaster will keep a current record of all qualification results and submit these records to the Training Section. The Training Section will arrange for any additional firearms training that may be necessary by the use of Training Orders. The Training Orders will require the attendance of members needing any additional firearms training.

(c) Other safe, approved firearms may be fired on the Sheriff's Office Range, with the approval of the Rangemaster or Assistant Rangemaster, at times when it will not interfere with scheduled firearms training.

307.6.4 ANCILLARY WEAPONS AND SPECIAL AMMUNITION

(a) Members may voluntarily carry special ammunition, such as shotgun slugs, or an ancillary weapon, such as a tactical rifle or a backup handgun, after completing the required training and qualification for each weapon.

    1. Members may elect to no longer carry a special ammunition or an ancillary weapon at any time.

(b) Members who elect to voluntarily carry special ammunition and/or ancillary weapons will be responsible for maintaining the same standards for training and qualifications outlined in this policy.

    1. Members who voluntary carry ancillary firearms or special ammunition (other than tactical rifle) and receive a FAIL/FAIL will be prohibited from carrying that firearm or ammunition on duty until completing the additional firearms training outlined above in Procedure Section C-3,

(c) Members who carry a tactical rifle that FAIL/FAIL out of the rifle program or voluntarily remove themselves from the program will need to attend the Sheriff's Office 40-hour rifle course before being authorized back into the rifle program.

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(d) If a member chooses to not retain a patrol shotgun and only carry his patrol rifle, the rifle is no longer considered an ancillary weapon but a mandatory weapon and be qualified as such. Any proficiency failures with a weapon no longer considered ancillary will be subject to progressive discipline as described above.

307.6.5 MISSED QUALIFICATIONS-MEDICAL REASONS

- Any member required to participate in firearms training who is unable to attend due to illness, injury, maternity, or similar reason, will provide written notification to the POST Training Section through their chain of command as soon as possible. This notification will be accompanied by a doctor's certification detailing the medical reason for non-participation
- Those members who miss a mandatory firearms training or qualification session, for any reason, may be reassigned to an administrative position until they can be rescheduled to qualify
- When a member who missed a mandatory training or qualification session due to modified duty status (light duty, 4850 etc.) returns to full duty, the Rangemaster and the appropriate Training Section will be notified without delay. The member will be scheduled for the training or qualification as soon as practical

307.7 ON DUTY SWORN PERSONNEL IN A NON-ENFORCEMENT CAPACITY

In accordance with Personal Patrol Vehicle policy, deputies shall be in complete uniform when operating the personal patrol vehicle to and from their regular work assignment. At all other times deputies shall be dressed appropriately and possess a Sheriff's Office authorized handgun, badge, and Sheriff's identification.

There are situations and assignments where a sworn staff member, who is not assigned to a plain clothes assignment, finds themselves on duty in plain clothes dress in a non-enforcement capacity. These situations may consist of department training, in town/local training, out of town training, meetings, conferences, etc. Members shall carry their primary issued duty weapon while operating a PPV vehicle to training.

While engaged in a plain dress non-enforcement capacity, carrying their standard duty weapon may not be practical or necessary after traveling is complete or if no PPV is taken. If a sworn staff member is on duty in a non-enforcement capacity they may carry, in a concealed manner only, a personally owned firearm of their choosing if the weapon falls under ALL the following stipulations:

(a) The sworn staff member has qualified on the back-up qualification course of fire with the firearm according to procedures established by the Rangemaster.

(b) The firearm is a reputable make and model.

(c) The firearm has been inspected, approved, and noted in firearms training database by one of the Rangemasters.

(d) The firearm is.380, 38/357, 9mm,.40 caliber, or.45 caliber.

(e) Only Sheriff's Office approved ammunition may be loaded in the firearm.

(f) The firearm must have either a pistol mounted optic.

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(g) The firearm must be worn with a holster that completely covers the trigger.

(h) Privately-owned weapons must also be inspected by the Rangemaster following any modification or repair.

307.8 FIREARM DISCHARGE

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

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

307.8.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

307.8.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

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307.8.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

307.9 RANGEMASTER DUTIES

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

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

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

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

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

307.10 FLYING WHILE ARMED

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

(a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.

(b) Deputies must carry their Kern County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry

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the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Kern County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Kern County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.

(f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

307.11 CARRYING FIREARMS OUT OF STATE

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

(a) The deputy shall carry his/her Kern County Sheriff's Office identification card whenever carrying such firearm.

(b) The deputy is not the subject of any current disciplinary action.

(c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property,

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installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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Emergency Driving

308.1 POLICY

It is the policy of this office to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

308.2 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations.

308.3 RESPONSE TO CALLS

Deputies dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Deputies responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the deputy of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Deputies should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Deputies not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.3.1 DEFINITIONS

Code 3 operation is:

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

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

- An emergency may include, but is not limited to any of the following conditions:
    - A serious public hazard
    - A crime of violence in progress
    - The prevention of a crime of violence
    - An officer needing immediate assistance
    - A medical emergency

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- A fire
- A rescue emergency
- A vehicle pursuit as described in Lexipol Policy 350 - Vehicle Pursuits

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

308.4 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance (Code 3 response) should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is no longer required, the requesting deputy shall immediately notify the Communications Center.

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

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

308.4.1 NUMBER OF UNITS ASSIGNED

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

308.5 INITIATING CODE 3 RESPONSE

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall advisethe Communications Center via radio as soon as possible. Generally, two units should respond Code-3 to any situation. Should additional deputies believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Lieutenant or field supervisor will make a determination as to whether more than two deputies driving Code-3 is appropriate.

308.6 RESPONSIBILITIES OF RESPONDING DEPUTIES

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the deputy and the field supervisor. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit and following all rules of the road. In such an event, the deputy should immediately notify the Communications Center. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

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

308.7 COMMUNICATIONS RESPONSIBILITIES

When a call for service that may require an emergency response is received, the dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Confirm a sergeant or Watch Lieutenant is supervising the response.

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Lieutenant or field supervisor

308.8 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Lieutenant or the field supervisor shall verify the following:

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

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

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

When making the decision to authorize a Code-3 response, the Watch Lieutenant or the field supervisor should consider the following:

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

308.9 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the Code-3 response and respond accordingly. In all cases, the deputy shall notify the Watch

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

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Domestic Violence

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

311.2 POLICY

The Kern County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

311.3.1 FELONY ARRESTS

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

311.3.2 MISDEMEANOR ARRESTS

In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor, including violations of court orders, has occurred.

- Sheriff's deputies may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:
    - A current or former spouse
    - A current or former cohabitant (Family Code § 6209 definition)
    - A fiancé or fiancée
    - A person with whom the suspect currently is having or has previously had an engagement or dating relationship

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- A person with whom the suspect has parented a child
- A child of the suspect or a child of one of the above listed categories
- Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship

- Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):
  - 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
  - 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

311.3.3 FIELD RELEASE

A field release may not be used and a physical arrest should be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (Penal Code § 853.6).

(a) Any of the following may support the likelihood of a continuing offense:

1. Whether the suspect has a prior history of arrests or citations involving domestic violence.
2. Whether the suspect is violating a Stay Away Order issued by a criminal court.
3. Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order.
4. Whether the suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
5. Statements from the victim that the suspect has a history of physical abuse toward the victim.
6. Statements from the victim expressing fear of retaliation or further violence should the suspect be released.

(b) Deputies shall not cite and release for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1)
2. Penal Code § 273.5
3. Penal Code § 273.6 if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party.
4. Penal Code 646.9.
5. Other offenses specified in Penal Code § 1270.1, such as serious or violent felonies.

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311.3.4 PRIVATE PERSON'S ARREST

Deputies will advise the victim of his/her right to make a private person's arrest when a crime has been committed outside the deputy's presence which does not meet the requirements for a deputy initiated arrest either because it is not a felony or a qualifying misdemeanor offense under Penal Code § 836(d). Advisements regarding private person's arrests should be held out of the presence of the suspect whenever possible. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions of Policy Manual § 364 for further options regarding the disposition of private person's arrests.

311.3.5 PROTECTIVE ORDER VIOLATIONS

Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in Penal Code § 13701(b), an arrest shall be made. These court orders involve the following:

(a) Prohibit threats, harassment or violence.

(b) Excludes a party from a dwelling.

(c) Prohibit other behaviors specified by the court.

These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together.

The court orders under Penal Code § 13701(b) may be captioned as follows:

- Domestic Violence Protective Order
- Criminal Court Protective Order
- Emergency Protective Order (EPO)
- Order to Show Cause and Temporary Restraining Order (TRO)
- Order After Hearing
- Restraining Order - Juvenile
- Judgment of Dissolution and Order

Any deputy determining that there is probable cause to believe that a protective order issued by a tribunal of another state is valid shall enforce such order as if issued in this state.

311.3.6 TENANCY ISSUES

- Deputies may request a person who is not in lawful possession of the premises to leave when:
    - The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.); and
    - The complainant has requested that the person leave the premises
- The deputy should stand by until the suspect removes essential belongings.

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- If the suspect does not leave upon request, an arrest should be made under Penal Code § 602.5
- If the complainant requesting removal of the suspect cannot show proof of lawful possession, the deputy should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy
- If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order

311.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

1. A lethality assessment should be administered to victims of domestic violence to assess the level of danger and/or the severity of the situation and documented.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Division in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the

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order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

311.4.3 PROOF OF SERVICE NOT VERIFIED

When the deputy verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the deputy shall perform the following:

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- At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody (Code of Civil Procedure § 527.8(i)(2)
- Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest
- Obtain the suspect's current address (not a P.O.Box)
- Enforce the order but do not make an arrest for any violation of the order occurring prior to verified proof of service or before a deputy's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made (Code of Civil Procedure § 527.8(i)(4))

If the suspect complies with the order the deputy shall complete a report detailing the specific terms of the order and advisement, the name of the advising deputy, and the date and time of the advisement (Penal Code § 13730(c). The Sheriff's Office copy of the restraining order shall be updated to reflect the information listed above.

311.4.4 WHEN ORDERS ARE NOT VERIFIABLE

If the victim is not in possession of the restraining order and/or for any reason the deputy can not verify the validity of the order the following action shall be taken:

- Write a report and give the case number to the victim
- Inform the victim of how to can contact the appropriate detective or investigation unit for further action (Penal Code § 13730(c))
- Inform the victim of the right to make a private person's arrest for the appropriate violation

In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. In such circumstances a written report shall be completed and the victim shall be informed of the case number and the follow-up criminal procedure (Penal Code §§ 13730(c) and 13701(c)).

311.4.5 EMERGENCY PROTECTIVE ORDERS

When an officer of the Sheriff's Office has reasonable grounds to believe a person is in immediate and present danger of domestic violence, or a child is in immediate and present danger of abuse by a family or household member, the officer shall inform the complainant as to the availability of Emergency Protective Orders. Regardless of the victim's preference, the officer may request an ex parte Emergency Protective Order from the on-call judge.

- Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:

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- A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought
- A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member
- A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction
- An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse

- Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked
  - Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c)
  - Any deputy seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance
  - Any deputy requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order
- Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
  - Physically or verbally contacting the victim or disturbing his/her peace
  - Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence
  - Continuing a specified behavior as described in the order
- Deputies investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence, that the victim may still be in danger
- It is the policy of the Kern County Sheriff's Office to request an EPO if any of the following conditions exist:
  - The victim requests an EPO

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- The investigating deputy has grounds to believe that there is an immediate danger of continuing violence against the victim
- The investigating deputy or victim believes that the suspect may be able to make bail and the potential for further violence exists

PROCEDURE:

- The officer shall contact the on-call judge by telephone or otherwise and assert grounds for the belief that the order is appropriate
- Upon oral issuance of the order by the on-call judge, the officer requesting the order shall reduce it to writing, using the Judicial Council form and sign the order
- The officer shall serve a copy of the Emergency Protective Order on the restrained person
- The officer shall give a copy of the Emergency Protective Order to the protected party
- The officer who requested the Emergency Protective Order shall carry a copy of the order while on duty
- A copy of the Emergency Protective Order shall be filed with the court as soon as practical after issuance. The officer requesting the Emergency Protective Order shall route the white copy to the Court officer to be filed with the Superior Court Clerk. Substation officers shall fax a copy to the Court Officer as well as route the white copy via inner office mail. The goldenrod copy will be filed with the officer's Incident Report. The officer shall ensure that a copy of the Emergency Protective Order is hand delivered or faxed (872-1224) to the Communications Center and have the information regarding the order entered into the complaint history detail for the incident and ensure that a temporary hazard be placed on the involved address
- The officer shall ensure that the information on the Emergency Protective Order is entered into CLETS/ROS (Restraining Order System) before the end of shift, by phoning or delivering the information to the teletype operator of the Crime Reports Record Section at 391-7770
- An Emergency Protective Order is valid for five court days after the day of issuance, but never longer than seven calendar days following the day of issuance, counting weekends and holidays

Where a violation of an Emergency Protective Order has occurred, the investigating officer shall arrest the suspect in accordance with this policy.

- A law enforcement officer who acts in good faith to enforce an Emergency Protective Order is not civilly or criminally liable (Family Code Section 6272(b))

311.4.6 COURT ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1). In domestic violence incidents where a person advises an officer that a stay-away order has been issued, the officer shall attempt to ascertain the terms and validity of the order.

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The officer may accomplish this by requesting the victim show a copy of the order, or verify through the Sheriff's Office Communication Center that a stay-away order has been issued against the suspect. In either case, verify through the Sheriff's Office that the suspect is under the court's jurisdiction (i.e., pending court procedures, probation, etc.).

Witness intimidation may also be a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

311.4.3 ARRESTING DEPUTIES' RESPONSIBILITIES REGARDING FIREARMS
If a suspect is arrested, deputies shall (Penal Code § 273.76):

(a) Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.

    1. The investigating or filing deputy shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.

(b) Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.

(c) Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.

(d) Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

311.5 VICTIM ASSISTANCE

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

(a) Victims should be provided with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.

(b) Victims should also be alerted to any available victim advocates, shelters, and community resources.

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies should stand by for a reasonable amount of time.

(d) If the victim has sustained injury or complaints of pain, deputies should seek medical assistance as soon as practicable.

(e) Deputies should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the deputy determines that a need exists.

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(f) Deputies should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate, deputies should seek or assist the victim in obtaining an emergency order if appropriate.

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

311.5.1 PHOTOGRAPHS OF INJURIES

All visible injuries should be photographed regardless of severity and all victims shall receive proper medical care prior to being photographed, if needed or desired.

Victims whose injuries are not visible at the time of the incident shall be advised to re-contact the Communications Center if and when they become visible. Arrangements will then be made to have the injuries photographed and included in the case file.

311.6 VICTIMS

311.6.1 VICTIM INFORMATION AND NOTIFICATION EVERYDAY PROGRAM

When appropriate, investigating deputies should advise victims of their right under Penal Code § 646.92 to be notified when the suspect in their case has been released, or is otherwise no longer in custody.

Victims who request such notification should be directed to call the Sheriff's Detention Bureau (661 391-7900). Detention Bureau personnel will enter the victim into the notification system pursuant to Detention Bureau Policy A-1800.

311.6.2 WRITTEN NOTICE TO VICTIMS

Pursuant to Penal Code § 13701, Sheriff's Deputes will provide victims of domestic violence a Domestic Violence Resource Information sheet that will minimally contain the following:

- A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time
- A statement that provides information about a shelter they may contact in the area
- A statement that provides information about other community services they may contact in the area
- A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint
- A statement that "For further information about the California Victim's Compensation Program, you may contact 1-800-777-9229"
- A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:
    - An order restraining the attacker from abusing the victim and other family members

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- An order directing the attacker to leave the household
- An order preventing the attacker from entering the residence, school, business, or place of employment of the victim
- An order awarding the victim or the other parent custody of or visitation with a minor child or children
- An order restraining the attacker from molesting or interfering with minor children in the custody of the victim
- An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so
- An order directing the defendant to make specified debt payments coming due while the order is in effect
- An order directing that either or both parties participate in counseling

- A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim
- In the case of an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, Deputies will provide the victim with both the Victim of Domestic Violence Information sheet and the Victim/Witness Program Information card which shall include, but is not limited to, the following information:
  - The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers
  - A simple statement on the proper procedures for a victim to follow after a sexual assault
  - A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime
  - A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime

311.6.3 DOMESTIC VIOLENCE SUPPORT

Victims of domestic violence or abuse have the right to have a domestic violence counselor (as defined in Evidence Code § 1037.1) and a support person of the victim's choosing present at any interview by law enforcement authorities (Penal Code § 679.05).

The investigating deputy must advise the victim of his/her right to have an advocate and support person present at any subsequent interview(s), including additional interviews by the reporting and/or detectives handling the case. The victim should be advised that any advocate working for the agencies listed on the Domestic Violence resource information card would qualify.

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- For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview
- The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview
- The investigating deputy should articulate in the report that the victim was advised of their right to a counselor and/or support person

311.6 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

311.6.1 RECORD-KEEPING RESPONSIBILITIES

Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Sheriff's Records Administrator to maintain and report this information as required.

311.7 VERIFICATION OF COURT ORDERS

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

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the deputy shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.

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1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

311.7.1 RETURN OF FIREARMS

For the return of firearms which occurred as a result of a domestic violence court order, refer to Lexipol Policy 801 - Property Room.

311.8 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

FELONY ARREST-Deputies shall make an arrest when there is probable cause to believe that a felony has occurred. Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

MISDEMEANOR ARREST-Deputies shall make an arrest when there is probable cause to believe that a misdemeanor has occurred in the deputy's presence (including violations of court orders) or when there is probable cause to believe a violation of PC 273.6 has occurred outside the deputy's presence, in cases where the person to be arrested had knowledge of the court order prior to the violation.

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)

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2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, deputies should generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, a deputy shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the deputy's presence. After arrest, the deputy shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

311.9 REPORTS AND RECORDS

(a) A written report domestic violence incident report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by , including notations for any court order served that are subject to the report requirements (Penal Code § 13730; Code of Civil Procedure § 527.12).

(b) Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout (Marsy' Card) provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time. Deputies shall advise the victim to contact Sheriff's Office Crime Reports to obtain a copy of the report at least 24 hours after the time of reporting. In Metro Patrol, the reporting deputy shall mark the original report for investigation by checking the "Detectives" routing box. A report that occurred in a substation response area will be routed to the area detective.

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(c) Deputies who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

(d) If children are present during the domestic violence incident, the report shall be forwarded to Child Protective Services (CPS) by checking the "CPS" box in the report writing system.

(e) FELONY ARREST-Deputies shall make an arrest when there is probable cause to believe that a felony has occurred. Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.MISDEMEANOR ARREST-Deputies shall make an arrest when there is probable cause to believe that a misdemeanor has occurred in the deputy's presence (including violations of court orders) or when there is probable cause to believe a violation of PC 273.6 has occurred outside the deputy's presence, in cases where the person to be arrested had knowledge of the court order prior to the violation.

(f) Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).(b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement shall be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies shall refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b))

(g) Deputies shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/ fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party in violation of the protective order terms, and one of the following conditions are met:4. Penal Code § 646.9 (stalking5. Other serious or violent felonies specified in Penal Code § 1270.1(d) Deputies considering releasing the suspect on a citation for Penal Code § 243(e)(1) (battery against spouse, cohabitant) 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 (PC 853.6(a)). Any one of the following may support the likelihood of a continuing offense:

(e) In responding to domestic violence incidents, including mutual protective order violations, deputies shall generally be reluctant to make dual arrests. Deputies shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, a deputy shall consider:

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1. The intent of the law to protect victims of domestic violence from continuing abuse.

2. The threats creating fear of physical injury.

3. The history of domestic violence between the persons involved.

4. Whether either person acted in self-defense.

(f) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code

§ 836), regardless of whether the offense was committed in the deputy's presence. After arrest, the deputy shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

1. The existence of the order and proof of service on the suspect has been verified by the deputy.
2. The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service.
3. The existence of the order has been verified by the deputy; no proof of service is required if the order reflects that the suspect was personally present in the court when the order was made or the suspect has been previously admonished by a deputy.
4. Whether the suspect has a prior history of arrests or citations involving domestic violence.
5. Whether the suspect is violating a criminal court-issued stay away order.
6. Whether the suspect has previously violated, or is currently violating, valid temporary restraining orders.
7. Whether the suspect has a prior history of other assaultive behavior (e.g., arrest/ convictions, for battery or aggravated assaults).
8. Statements taken from the victim expressing fear or retaliation or further violence shall the suspect be released.
9. Statements or demeanor of the suspect.

311.10 RECORD-KEEPING AND DATA COLLECTION

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

Additionally, records shall be maintained on the number of domestic violence related calls reported to the Office, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation. This information is to be reported monthly to the California Department of Justice (DOJ). The Records Administrator has the responsibility to ensure that records are maintained and the required information is reported to the DOJ (Penal Code § 13730).

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311.11 SERVICE OF COURT ORDERS

A deputy who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The deputy shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(a) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by a deputy who is present at the scene of a reported domestic violence incident or when the deputy receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).

(b) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall review the order for proper content/authorization and request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)). A firearms confiscation receipt form (2210-2025) shall be provided to the respondent (pink copy), an incident report shall be completed, and the firearms shall be booked into the Property and Evidence Facility.

(c) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

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

(d) If the respondent refuses to comply with the order or denies possession of any firearm(s) the peace officer will advise the respondent that any willful violation of the court order is a crime (PC273.6) and the respondent could be subject to arrest if there is probable cause, independent of the court order, to believe a firearm is currently present. The court order **DOES NOT** provide the peace officer with any authority to force entry into the location indicated on the order.

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

(f) When a deputy of the Sheriff's Office has reasonable grounds to believe a person is in immediate and present danger of domestic violence, or a child is in immediate and present danger of abuse by a family or household member, the deputy shall inform the complainant as to the availability of Emergency Protective Orders. Regardless of the victim's preference, the deputy may request an ex-parte Emergency Protective Order from the on-call judge.

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1. Deputies shall make this determination based on the complainant's allegations of a recent incident of abuse or threat of abuse. The deputy may request an Emergency Protective Order whether or not the suspect is present or has been arrested.
2. The following situations are examples of those which may provide the grounds for requesting an Emergency Protective Order:
3. · The suspect is being arrested for a charge related to a domestic violence incident.
4. · The suspect has a history of domestic violence.
5. · The victim expresses fear of retaliation or further violence.
6. · Threats of serious danger have been made to the victim or to the victim's family.

311.12 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701) via the Sheriff's Office website.

311.13 DECLARATION IN SUPPORT OF BAIL INCREASE

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

311.14 DOMESTIC VIOLENCE DEATH REVIEW TEAM

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

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Temporary Custody of Juveniles

313.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Kern County Sheriff's Office (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

313.1.1 TEMPORARY CUSTODY-SHERIFF'S FACILITIES

It is the policy of the Kern County Sheriff's Office that minors shall only be held in "non-secure custody" while in the confines of any Sheriff's facility. Non-secure custody means that juveniles shall be placed in an unlocked room or open area. In no event shall any minor be held in any Sheriff's facility for a period of time to exceed six (6) hours. Any minor who requires secure detention will not be detained in any Sheriff's facility, but shall be immediately transported to the Kern County Probation Department's Juvenile Hall facility in Bakersfield.

Arresting officers will be responsible for their minor prisoners until they have been released from custody or relinquished to the Probation Department at Juvenile Hall.

313.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

313.1.2 JUVENILE DETENTION LOGS

Each Sheriff's Substation shall maintain a juvenile detention log. Substation supervisory personnel will ensure that all peace officer members of their substation are made aware of the log's location and the proper use of the log. Each substation will submit monthly reports of their log entries to the California Board of State and Community Corrections.

When any juvenile is placed in non-secure detention within any Kern County Sheriff's Office facility, for any length of time an entry of the event will be made in the appropriate juvenile detention log. Log entries will include:

- The juvenile's name, sex and age
- Reason detained (Charge)

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- Date and time entered facility
- Date and time released
- Total time in facility (Hours and minutes)
- Who the juvenile was released to and who released the juvenile
- Arresting officer's name and badge/CAD ID number
- Type of release code
    - Juvenile released to parents/own recognizance
    - Transfer to detentions facility
    - Other type of release

313.2 POLICY

The Kern County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Kern County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

313.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (Welfare & Institutions Code § 625) .

313.2.2 CHILDREN UNDER THE AGE OF 14

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

313.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Watch Lieutenant. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

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

These juveniles should not be held at the Kern County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the deputy taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

313.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

313.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

313.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Kern County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Kern County Sheriff's Office without authorization of the arresting deputy's supervisor or the Watch Lieutenant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

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

313.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

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

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions

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Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

313.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

313.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

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

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Office.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

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

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

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313.4.4 JUVENILE DETENTION ROOMS

The Kern County Sheriff's Office has provided juvenile detention rooms outside of the adult jail facility. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Deputies or detectives placing juveniles in secure detention rooms shall comply with the following:

(a) It is the deputy's responsibility to notify the Watch Lieutenant, desk personnel, and/or detective personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of six hours.

(b) Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Watch Lieutenant shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.

(c) A written record will be maintained on a detention log located in the Watch Lieutenant's office. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended. There will also be a place for the Watch Lieutenant to initial the log approving the detention to occur and to initial the log when the juvenile is released.

(d) It is the responsibility of a detective (when available) to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian, or the appropriate juvenile custody facility. When a detective is not available, the Watch Lieutenant, or his/her designee, shall be responsible for monitoring the detention of the juvenile, and ensuring that appropriate paperwork is prepared to process the juvenile out of the custody of this department. The Watch Lieutenant shall be notified In all cases when a juvenile is detained at this department, and when applicable, shall be provided the name of the detective taking responsibility for the detention and processing of the juvenile

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

313.4.5 JUVENILE'S PERSONAL PROPERTY

The deputy placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible detective or the desk personnel or locked in a juvenile property locker until the juvenile is released from the custody of the Kern County Sheriff's Office.

313.4.6 MONITORING OF JUVENILES

The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be

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conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring. This inspection shall be conducted by a designee of the Watch Lieutenant, and the visual inspection shall be logged on the Inspection Log in the Watch Lieutenant's office.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Watch Lieutenant shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs shall be turned into the Records Administrator or his/her designee at the end of each month.

313.4.7 MANDATED JUVENILE PROVISIONS

While a juvenile is being detained in the detention room, he/she shall be provided with the following provisions:

(a) Reasonable access to toilets and washing facilities

(b) Food, if the juvenile has not eaten within the past four hours, or is otherwise in need of nourishment, including any special diet required for the health of the juvenile. All food given to a juvenile in custody shall be provided from the jail food supply

(c) Reasonable access to drinking water

(d) Privacy during family, guardian, and/or lawyer visits

(e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody)

313.4.2 DISPOSITIONS

- Any juvenile not transferred to a juvenile facility shall be released to one of the following:
    - Parent or legal guardian
    - An adult member of his/her immediate family
    - An adult person specified by the parent/guardian
- If the deputy is unable to locate any of the persons enumerated in Section (a.) above, the juvenile should be transported to Juvenile Hall to accept custody prior to the expiration of the six (6) hour detention limit
- After a deputy has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
    - The arresting deputy may counsel or admonish the juvenile and recommend no further action be taken
    - If the arresting deputy believes that further action may be warranted, the juvenile may be released to a responsible person as listed above, and such juvenile will

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be advised that follow-up action will be taken by a detective. The deputy will submit his/her report to the Detective Section or appropriate substation detective for follow-up

- The arresting deputy may submit his/her reports to Juvenile Probation for review and consideration of a petition
- The juvenile may be transferred to Juvenile Hall when the violation falls within the provisions of Welfare and Institutions Code § 602

313.5 ADVISEMENTS

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

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

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

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

313.5.1 CONTACT OF SUSPECTED JUVENILE ABUSE VICTIMS

Deputies should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless:

- Exigent circumstances exist
  - It will be incumbent upon the investigating deputy to articulate the basis for any exigency in related reports. For example:

    a reasonable belief that medical issues need to be addressed immediately, or

    it is reasonably believed that the child is, or will be in danger of harm if the interview or physical exam is not immediately completed, or

    A court order or warrant has been issued.

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In all circumstances in which a suspected child abuse victim is contacted, the investigating officer will articulate in the related reports, the overall basis for the contact and what, if any, exigent circumstances exist.

313.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Kern County Sheriff's Office (15 CCR 1150).

(c) Watch Lieutenant notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed (15 CCR 1142).

(h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Lieutenant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

313.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

A copy of the current policy of the Juvenile Court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

313.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Sheriff's Records Administrator and the appropriate Supervisors to ensure that Sheriff's personnel act within legal guidelines.

313.7 NO-CONTACT REQUIREMENTS

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

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

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(trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

313.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is in temporary custody, appropriate medical aid will be immediately summoned and the on-duty supervisor or Watch Lieutenant shall be notified of the situation.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting deputy or the discovering deputy should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as possible:

- The Juvenile Court
- The parent, guardian, or person standing in loco parentis, of the juvenile

313.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting deputy should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody.

The detaining or transporting deputy is responsible to notify the appropriate mental health professionals or Juvenile Hall if he/she believes the juvenile may be a suicide risk. The juvenile shall be under constant personal supervision until the transfer is completed.

313.7.3 USE OF RESTRAINT DEVICES

The Sheriff's Office recognizes that youth are psychologically, emotionally, and physically different than adults. These differences require deputies to be aware of the unique circumstances and needs of youth when interacting with them during the scope of their duties. Deputies should be aware of the typical developmental tendencies of youth to react anxiously, distrustfully, or defiantly to unfamiliar individuals, particularly those in positions of power and authority. When feasible, deputies should ask individuals their age and not make assumptions about how old they are. Deputies should also clearly explain what action they are taking (including what the action will entail), why they are taking such action, as well as the consequences if the youth does not follow instructions. Youth may require significantly more explanation than adults about what is happening and why.

All reasonable alternatives, including verbal counseling, shall be attempted before resorting to the use of handcuffs. Youth shall not be restrained with mechanical restraints other than handcuffs or plastic flex cuffs. Handcuffs shall only be used so long as it reasonably appears necessary for the youth's protection or the protection of others.

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Juveniles (14 years of age or older) may be handcuffed when the act committed is felonious or where the deputy has a reasonable suspicion the suspect may have a desire to escape, injure themselves, injure the deputy, or destroy property or evidence.

Juveniles (under 14 years of age) will generally not be handcuffed unless their acts have amounted to a dangerous felony or when the nature of the crime or their apparent state of mind is such that it suggests a reasonable probability of a desire to escape, injure themselves, the deputy, or to destroy property or evidence

Considerations that may be taken into account in determining if a juvenile may be restrained include, but are not limited to, the following:

(a) Size and weight ratio between the investigating deputy and the juvenile;

(b) Suspicion by the investigating deputy that the juvenile may be under the influence ofalcohol or drugs; The number of juvenile subjects, or the number of companions of the juvenile subject, at the scene;

(c) The presence of weapons, or items which could be used as a weapon, against the investigating deputy;

(d) During the investigation of a juvenile suspected of weapons violations;

(e) Situations where the deputy reasonably believes that there is an articulable safety concern requiring the juvenile to be restrained;

(f) Any indicia of suicidal ideations.

(g) Unless a youth is being arrested and taken into custody or presents a danger to themselves or others, deputies shall not handcuff a youth during transport.

Whenever a youth is arrested or taken into custody, deputies shall provide medical care as outlined in DPPM P-0600. Additionally, deputies shall immediately notify parents/legal guardians, that the youth is in custody, the youth's location (including any future destination if the youth is to be transported), and the reason the youth is in custody. Finally, deputies shall explain to the youth the procedure for retrieving any property that may have been seized during the arrest, to the extent that it may be eligible for retrieval (i.e., non-evidentiary contraband).

313.7.3 DISCIPLINE OF JUVENILES

Sheriff's Office personnel are prohibited from administering discipline to any juvenile.

313.7.4 DEATH OF A JUVENILE WHILE DETAINED

In any case in which a juvenile dies while detained at any facility of the Kern County Sheriff's Office, the following shall apply:

- The Sheriff or his or her designee shall provide to the California Attorney General a copy of the report submitted to the Attorney General under Government Code § 12525. A copy of the report shall be submitted to the California Attorney General within ten calendar days after the death

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- Upon receipt of a report of death of a juvenile from the Sheriff or his or her designee, theCalifornia Board of State and Community Corrections (BSCC) may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 California Code of Regulations § 1341. Any inquiry made byBSCC shall be limited to the standards and requirements set forth in these regulations
- A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:
    - Sheriff or his or her designee
    - The health administrator
    - The responsible physician and other health care and supervision staff who are relevant to the incident

313.7.5 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to Headquarters or the appropriate substation, but should only be released to their parent, legal guardian, or responsible adult.

313.7.7 PROTECTIVE CUSTODY

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse. Before taking any minor into protective custody the deputy should make reasonable attempts to contact the appropriate child welfare authorities to ascertain any applicable history or current information concerning the minor.

313.8 TEMPORARY CUSTODY REQUIREMENTS

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

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

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

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(f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).

(g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

(k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(l) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(n) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(p) Juveniles shall have access to language services (15 CCR 1143).

(q) Juveniles shall have access to disability services (15 CCR 1143).

(r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

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

313.9 RELIGIOUS ACCOMMODATION

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

313.10 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Kern County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

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

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

313.11 PERSONAL PROPERTY

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

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

313.12 SECURE CUSTODY

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

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

(a) Age, maturity, and delinquent history

(b) Severity of offense for which the juvenile was taken into custody

(c) The juvenile offender's behavior

(d) Availability of staff to provide adequate supervision or protection of the juvenile offender

(e) Age, type, and number of other individuals in custody at the facility

Members of this office shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

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Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

313.12.1 LOCKED ENCLOSURES

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to office members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

313.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

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

(a) Immediate notification of the on-duty supervisor, Sheriff, and Detectives Bureau Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the County attorney.

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(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections (BSCC) within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths pursuant to 15 CCR 1046.

1. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).

(i) Evidence preservation.

313.13.1 IN-CUSTODY DEATH PUBLICATION

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

313.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, a deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile (Welfare and Institutions Code § 625.6).

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

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

(a) Information is necessary to protect life or property from an imminent threat.

1. The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

313.14.1 MANDATORY RECORDINGS OF JUVENILES

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

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

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(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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

313.15 FORMAL BOOKING

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

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Lieutenant or the Investigations Division supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

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313.15 RELEASE OF INFORMATION CONCERNING JUVENILES

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

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Kern County Sheriff's Office Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

313.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

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

313.17 TRAINING

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

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Senior and Disability Victimization

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses legal mandates outlined in the Senior and Disability Justice Act (Penal Code § 368.6).

The Kern County Sheriff's Office is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of associated civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

314.1.1 DEFINITIONS

Definitions related to this policy include:

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

Adult Protective Services Agency - Is a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

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

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

Elder - Is any person 65-years of age or older.

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

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Financial abuse - A situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.

Neglect - Is the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter
- Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment

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

(a) Elder and dependent adult abuse

(b) Unlawful interference with a mandated report

(c) Homicide of an elder, dependent adult, or other adult or child with a disability

(d) Sex crimes against elders, dependent adults, or other adults and children with disabilities

(e) Child abuse of children with disabilities

(f) Violation of relevant protective orders

(g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them

(h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

314.2 POLICY

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

314.2.1 ARREST POLICY

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

314.2.2 ADHERENCE TO POLICY

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

Any supervisor who determines and approves a deputy's deviation from this policy shall provide a written report to the Sheriff that states the unusual compelling circumstances regarding the

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deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to office protocols (Penal Code § 368.6(c)(27)).

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

314.2 SHERIFF RESPONSIBILITIES

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

(a) Taking leadership within the Office and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of office support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes (§ 368.6(c)(25)).

(b) Developing and including office protocols in this policy, including but not limited to the following:

1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
    (a) In the case of a senior and disability victimization committed in a deputy's presence, including but not limited to a violation of a relevant protective order, the deputy shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    (b) In the case of a felony not committed in a deputy's presence, the deputy shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    (c) In the case of a misdemeanor not committed in the deputy's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
    (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding deputies to follow when interviewing persons with cognitive and communication disabilities until deputies, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

(c) For each office protocol, include either a specific title-by-title list of deputy responsibilities or a specific office or unit in the Office responsible for implementing the protocol.

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(d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).

(e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).

(f) Ensuring that all members carry out their responsibilities under this policy.

(g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to deputies, including a simple and immediate way for deputies to access the policy in the field when needed.

(h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

314.3 ELDER AND DEPENDENT ADULT ABUSE LIAISON

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

(a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).

(b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

314.4 INVESTIGATIONS AND REPORTING

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

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

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected elder and dependent adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Witness and suspect statements if available.

(k) Review of all portable audio/video recorders, devices, and other available video.

(l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.

(m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).

(o) Whether a death involved the End of Life Option Act:

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

314.4.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

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

(a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or

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perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).

(c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).

(d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained deputies or other trained persons (Penal Code § 368.6(c)(14)).

314.5 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

(c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).

1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

(g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

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314.6 MANDATORY NOTIFICATION

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

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

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

(a) If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.

(b) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(c) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(d) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(e) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(f) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(g) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

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1. When a report of abuse is received by the Office, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(h) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(i) When the Office receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

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

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

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

314.6.1 NOTIFICATION PROCEDURE

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

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

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

314.7 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to

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contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

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

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

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

314.7.1 EMERGENCY PROTECTIVE ORDERS

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

314.7.2 VERIFICATION OF PROTECTIVE ORDER

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

(a) Inquire whether the restrained person possesses firearms. The deputy should make this effort by asking the restrained person and the protected person.

(b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

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

314.8 INTERVIEWS

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

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

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

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

314.9 MEDICAL EXAMINATIONS
When an elder or dependent adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility. An Authorization to Release Information from a Medical Record form should be obtained from the victim if they are of sound mind.

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

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide

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for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

314.10 DRUG-ENDANGERED VICTIMS

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

314.10.1 DEPUTY RESPONSIBILITIES

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

(a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify a supervisor so an interagency response can begin.

314.10.2 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.

(c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social, and other conditions that may affect the adult.

314.11 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

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

(b) Retaining the original elder or dependent adult abuse report with the initial case file.

314.12 JURISDICTION

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

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

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

314.13 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.

(f) Availability of victim advocates or other support.

314.13.1 MANDATORY TRAINING

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

(a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).

(b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).

1. Training should include the following:

(a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).

(b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

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

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314.14 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

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(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

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

1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
3. False imprisonment, as defined in Section 236 of the Penal Code.
4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

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(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice. medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

(a) "Neglect" means either of the following:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
3. Failure to protect from health and safety hazards.
4. Failure to prevent malnutrition or dehydration.
5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

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(e) Sexual assault, that means any of the following:

1. Sexual battery, as defined in Section 243.4 of the Penal Code.
2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
3. Rape in concert, as described in Section 264.1 of the Penal Code.
4. Incest, as defined in Section 285 of the Penal Code.
5. Sodomy, as defined in Section 286 of the Penal Code.
6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
7. Sexual penetration, as defined in Section 289 of the Penal Code.
8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

1. For punishment.
2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
3. For any purpose not authorized by the physician and surgeon.

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Discriminatory Harassment

315.1 PURPOSE AND SCOPE

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

315.2 POLICY

The Kern County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

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

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

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

315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination,

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participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

315.3.3 SEXUAL HARASSMENT

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

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.4 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.4 RESPONSIBILITIES

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional standards, and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Kern County Personnel Department, Equal Employment Opportunity Officer, the California Department of Fair Housing and Employment, and/or the United States Equal Employment Opportunity Commission.Commander of the Personnel Division County of Kern

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

315.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Commander of the Administrative Services Division, the County of Kern, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

315.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Treat all complaints seriously.

(f) Refrain from minimizing the complaint or from discouraging the employee from reporting the incident.

(g) Record and document the complaint.

(h) Making a timely determination regarding the substance of any allegation based upon all available facts.

(i) Notifying the affected Bureau Chief Deputy via the chain of command in memorandum form of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation, no later than the next business day. (If the harasser is the immediate ranking officer of the party receiving the complaint, the report shall be forwarded to the next ranking officer in the receiving party's chain of command.)

315.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Office and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating

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or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

Upon receipt of a complaint, a supervisor shall collect a preliminary statement from the complainant, inform Internal Affairs, and provide the complainant a complete copy of Civil Service Rule 1800. The employee shall sign and acknowledge receipt of the copy of Rule 1800. This receipt is to be kept with the investigation case file.

The Internal Affairs Investigator will:
Upon being assigned a discrimination or discriminatory harassment investigation, immediately review whether the complaining employee were provided with a complete copy of Civil Service Rule 1800.
Report the discrimination or discriminatory harassment to Peace Officers Standards and Training (POST) if the behavior falls within the definition of "Demonstrating Bias" which is defined in Penal Code § 13510.8(b)(5).

315.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process or the member wishes to file a formal complaint, a formal investigation will be conducted.

The Internal Affairs investigator assigned the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

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Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Commander of the Support Services Division, or the County of Kern.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

Victims or witnesses of any form of discrimination or discriminatory harassment are encouraged to report the incident to the Sheriff's Office. However, a witness to or victim of harassment may bypass departmental reporting procedures without fear of reprisal and instead report the incident directly to:

- The Kern County Personnel Department, Equal Employment Opportunity Officer;
- The California Department of Fair Housing and Employment;
- The United States Equal Employment Opportunity Commission.

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

(a) Approved by the Support Services Bureau Chief Deputy, subject to change depending on the ranks of the involved parties.

(b) Maintained in accordance with the office's established records retention schedule.

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 WORKING CONDITIONS

The Administrative Services Commander or their authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

315.8 TRAINING

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

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

315.8.1 STATE-REQUIRED TRAINING

The Training Division shall coordinate with County Council to ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Division shall ensure that employees are provided the following website address to the training course: https://calcivilrights.ca.gov (Government Code § 12950; 2 CCR 11023).

315.8.2 TRAINING RECORDS

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

315.8.3 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Employees having questions are encouraged to contact a supervisor, manager, Commander of the Support Services Division, the County of Kern, or they may contact the California Department of Fair Employment and Housing at (800) 884-1684.

315.9 REQUIRED POSTERS

The Office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

315.10 POLICY DISTRIBUTION

Section 420.3 of the County Administrative Manual requires that all new employees be given a copy of the County Sexual Harassment Policy at the time of hire. It also requires that a copy of the policy be given to each employee annually. In all cases, employees are to sign an Acknowledgement of Receipt form each time they are provided a copy of the policy.

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Discriminatory Harassment

In compliance with County Policy, the following procedures will be followed: Sheriff's Human Resources Section Clerical Staff:

At the time of hiring any regular, extra help or contract employee, the Sheriff's Personnel Employee Benefits Clerk will give the new employee the following documents:

- A copy of the County Sexual Harassment Policy from the County Administrative Manual, Section 420.
- A copy of the Sheriff's Office Discrimination / Harassment Policy 315

At that time, the clerk will have the new employee sign an Acknowledgement of Receipt form and place the form in the employee's Sheriff's Office personnel file.
The Human Resources Section clerk sending out annual Employee Performance Reports (EPR) will attach to each EPR a copy of the County Sexual Harassment Policy, a copy of the Sheriff's Office Discrimination / Harassment Policy, and a blank Acknowledgement of Receipt form. The EPR and attachments will be routed to the employee's division supervisor.

Supervisor:

During the performance review, the supervisor will give the employee the listed policies. The supervisor will have the employee sign the Acknowledgement of Receipt form, attach it to the EPR, and route them back to the Sheriff's Human Resources Section.

Sheriff's Human Resources Clerical Staff:

The Human Resources clerk will file a copy of the EPR and the original Acknowledgement of Receipt form in the employee's personnel file.

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Child Abuse

316.1 PURPOSE AND SCOPE

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

316.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

316.2 POLICY

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

316.3 MANDATORY NOTIFICATION

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

(a) There is a known or suspected instance of child abuse or neglect reported, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

As soon as practicable or possible, the District Attorney's office shall be notified in all instances of known or suspected severe neglect child abuse cases as stated in Penal Code section 11165.2 (a). Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the

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person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

316.3.1 NOTIFICATION PROCEDURE
Notifications that fall under Penal Code 11166 (DA's Office, CPS, or law enforcement agency having jurisdiction over the case) should occur as follows (Penal Code § 11166):

(a) A written report should be sent to the Kern County District Attorney's Office and Kern County Probation Department by telephone, fax or electronic transmission.

316.3.2 POLICE REPORTS
Employees responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in an incident report. No suspected child abuse report is required if the incident is documented in the incident report.

316.3.3 CONTACTING SUSPECTED CHILD ABUSE VICTIMS
A deputy should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless any of the following apply:

(a) Exigent circumstances exist. For example:
    1. A reasonable belief that medical issues need to be addressed immediately.
    2. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
(b) A court order or warrant has been issued.

In all circumstances in which a suspected child abuse victim is contacted, it will be incumbent upon the investigating deputy to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist.

Any juvenile student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

316.3.4 RELEASE OF REPORTS
Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5 and Policy Manual § 810.

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

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(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide the child and family local resources, (included in the Marsy's Rights card and Sexual Assault Survivor's Bill of Rights) as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

316.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) An explanation asto why a child victim was interviewed without the presence of a parent or guardian. Depending on the type of case being investigated, the child's age and the child's cognitive ability, consideration should be given to the need of a forensic interview conducted with the child.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child shall be thoroughly investigated by this agency to rule out physical abuse or neglect as the cause of death, (e.g., a sudden or unexplained death of an infant).

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

316.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER
Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

(a) Name and telephone number

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

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

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

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

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

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

(a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.

2. The child is in immediate danger of physical or sexual abuse.

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3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

316.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

316.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

When a newborn who is the subject of a proposed adoption tests positive for drugs, deputies shall follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

316.7 INTERVIEWS

316.7.1 PRELIMINARY INTERVIEWS

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

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Special consideration should be given for in-depth interviews of children under the age of 12, or children with lower cognitive ability, for the need of a forensic interview. When in doubt, deputies should consult with a senior deputy, on duty sergeant, or sex crimes sergeant.

316.7.1 CACI HEARING OFFICER

The Detectives Supervisor will normally serve as the hearing officer but must not be actively connected with the case which resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal the hearing officer shall promptly schedule a hearing to occur during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

316.7.2 HEARING PROCEDURES

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

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

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

After considering all information presented the hearing officer shall make a determination as to whether to recommend the removal of the requesting party's name from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are unfounded. Unsubstantiated or inconclusive findings are not sufficient reasons to proceed with a request for removal from CACI.

If, after considering the evidence, the hearing officer finds that the allegations are unfounded, he/she shall cause a request to be completed and forwarded to the Department of Justice that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

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

316.7.2 INTERVIEWS AND PHYSICAL EXAMS OF CHILDREN OUTSIDE PARENTAL CONSENT

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

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(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam for injuries is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued to conduct a forensic interview with the child, to remove the child, or to have the child physically examined by a medical professional.

316.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or in the presence of an advocate, or qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview.

316.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a SART medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. If the child is 12 years and older, they may consent to a SART examination without parental approval (California Family Code § 6928, California Health and Safety Code § 123110 and § 123115). The deputy should also arrange for the child's transportation to the SART center, including the use of the Open Door Network for transportation services.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

316.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

316.9.1 SUPERVISOR RESPONSIBILITIES

The on duty sergeant or immediate supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, and medical service providers (if applicable) for the response to children who are under the influence or have been exposed to narcotics.

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(b) Activate any available interagency response when a deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

316.9.2 DEPUTY RESPONSIBILITIES
Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and conditions of the child using photography as appropriate.

(b) Notify their senior deputy or on-duty sergeant for the consideration of a Special Victims Unit or Narcotics Unit callout.

(c) Contact the CPS hotline and inquire about any history at the particular address or for the children contacted.

(d) Consider starting medical aid for the medical evaluation of each child located at the scene.

316.10 STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:

316.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 841.5; Penal Code § 11167.5).

316.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)
Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

316.10.2 CACI HEARING OFFICER
The Investigations Division supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

316.10.2 CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of

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innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

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

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

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

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

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

316.10.2 CHILD DEATH REVIEW TEAM

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

316.11 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Public Alerts

318.1 PURPOSE AND SCOPE

It is the policy of the Kern County Sheriff's Office (KCSO) to inform the public whenever possible of immediate and serious threats to public safety. This includes, but is not limited to, fires, floods, earthquakes, criminal activity, or where known persons may be at risk of serious harm.

318.1.1 DEFINITIONS

Abduction - is any child under the age of 18-years, or an individual with a proven mental or physical disability regardless of age, who has been unwillingly removed from their environment without permission from the individual's legal guardian or designated legal representative.

318.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

The Ready Kern notification system is recognized as an available means by which public notification can occur quickly and efficiently. Ready Kern is essentially a "reverse 911" system, which alerts the public via text messages and phone calls with a pre-recorded message. The only members of the public who receive these Ready Kern notifications are those who have voluntarily registered with the system or those listed in the white pages and/or yellow pages. Activations between the hours of 2200 and 0700 require a Watch Lieutenant's or affected Division Commander's approval.

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318.3 RESPONSIBILITIES

318.3.1 MEMBER RESPONSIBILITIES

Members of the Kern County Sheriff's Office should notify their supervisor, Watch Lieutenant, or Investigations Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

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318.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

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

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

318.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

318.4.1 CRITERIA FOR AMBER ALERT

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

(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child’s safe recovery.

318.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known

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6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Office Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

318.5 BLUE ALERTS

Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

318.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury, or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

318.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle

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2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Sheriff's Office Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:

1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

318.6 RECEIPT OF AN AMBER ALERT NOTIFICATION

Upon receipt of an AMBER Alert from another agency, the Communications Center will ensure a broadcast is immediately issued. Existing protocol for the distribution of the broadcast will be followed. However, copies of the Alert will be sent to the Detective Lieutenant, SAAIU Sergeant, and any individual Section Lieutenant or Division Commander that the Communications Center Supervisor deems necessary.

If the Teletype Operator from the Records Section receives an AMBER Alert, the Communications Center will be immediately notified by telephone, and if needed, the information will be forwarded to the Communications Center Supervisor. Copies of the teletype will be sent to the Detective Lieutenant, SAAIU Sergeant, and any other affected division as deemed necessary.

318.7 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

318.7.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The office has utilized all available local resources.

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(c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

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

318.8 REQUEST TO ACTIVATE EAS BY ALLIED AGENCY

In the event that another law enforcement agency in Kern County contacts the Communications Center Supervisor to request an AMBER Alert EAS broadcast, the supervisor will take the information from the agency and immediately have the Fire Department OES activate the EAS for the local area.

The supervisor will make a courtesy notification to the on-duty Watch Lieutenant and also make notification to the Detective Section Lieutenant or General Detectives Division Commander.

In the event that the Fire Department OES is unable to activate the EAS, the agency will be referred to the secondary EAS (KUZZ radio).

318.9 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Office (Government Code § 8594.13).

318.9.1 CRITERIA FOR FEATHER ALERT
The Office may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (Government Code § 8594.13):

(a) The missing person is an Indigenous person.

(b) The Office has utilized local and tribal resources.

(c) The investigating deputy has determined the person is missing.

(d) The investigating deputy or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:

1. The missing person's physical safety may be endangered.
2. The missing person may be subject to trafficking.

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3. The missing person suffers from a mental or physical disability, or substance use disorder.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

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

318.10 CANCELLATION OF AN AMBER ALERT

Any updates or cancellations of an AMBER Alert should be sent to all affected agencies in a timely fashion. The appropriate information will be transmitted via CLETS in the form of an EDIS FLASH, using the same format as originally specified. The cancellation of an AMBER Alert will be approved by the Detectives Section Lieutenant or designee.

318.11 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

318.11.1 CRITERIA
Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

(a) Evacuation orders (including evacuation routes, shelter information, key information).

(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

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

318.12 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

318.12.1 CRITERIA FOR ENDANGERED MISSING ADVISORY
All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

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(a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.

(b) The Office has utilized all available local resources.

(c) The investigating deputy has determined the person has gone missing under unexplained or suspicious circumstances.

(d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

318.12.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

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

318.13 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

318.13.1 CRITERIA FOR EBONY ALERT

The investigating deputy may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

(a) The missing person is between the ages of 12 and 25 years old, inclusive.

(b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.

(c) The missing person suffers from a mental or physical disability.

(d) Determination that the person has gone missing under unexplained or suspicious circumstances.

(e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(f) The Office has utilized all available local resources.

(g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

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

318.14 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES
In the event of an emergency, as defined in Government Code § 7299.7, the Kern County Sheriff's Office shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

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Hate Crimes

320.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Kern County Sheriff's Office may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

320.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression -Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

(g) Association with a person or group with one or more of these actual or perceived characteristics:

1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, deputies should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office

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

320.2 CRIMINAL STATUTES

Penal Code § 422(a) - Prohibits the verbal, written or electronically transmitted threat to commit great bodily injury or death to another person, causing that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety.

Penal Code § 422.6(a) - Prohibits the use of force or threats of force to willfully injure, intimidate, interfere with, oppress, or threaten any person in the free exercise or enjoyment of rights and privileges secured by the Constitution or law because of the person's real or perceived characteristics listed in Penal Code § 422.55(a). Speech alone does not constitute a violation of this section except when the speech itself threatened violence and the defendant had the apparent ability to carry out the threat.

Penal Code § 422.6(b) - Prohibits knowingly defacing, damaging or destroying the real or personal property of any person for any of the purposes set forth in Penal Code § 422.6(a).

Penal Code § 422.7 - Provides for other criminal offenses involving threats, violence or property damage in excess of $400 to become felonies if committed for any of the purposes set forth in Penal Code 422.6.

Penal Code § 422.56 & 422.57 - Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birt

Penal Code § 422.77 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1.

Penal Code 423.2(b), (d), (f) - Crimes against places of religious worship.

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including Nazi swastika, noose, or burning cross).

Penal Code §11412 - Prohibits terrorizing threats of injury or property damage to interfere with the exercise of religious beliefs.

Penal Code § 11413 - Prohibits use of explosives or other destructive devices for terrorizing another at health facilities, places of religion, group facilities and other specified locations.

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320.3 CIVIL STATUTES

Civil Code § 51.7 - Except for statements made during otherwise lawful labor picketing, all persons in this state have the right to be free from any violence or intimidation by threat of violence against their person or property because of actual or perceived race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute.

Civil Code§ 52 - Provides for civil suit by individual, Attorney General, District Attorney or County Counsel for violation of Civil Code § 51.7, including damages, Temporary Restraining Order and injunctive relief.

Civil Code§ 52.1 - Provides for Temporary Restraining Order and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code § 422.9.

320.2 POLICY

It is the policy of this office to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This office will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this office should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

320.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, office members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Office personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

320.3.1 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

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(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the office spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Office should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim’s family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

320.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

320.4.1 INITIAL RESPONSE

First responding deputies should know the role of all office personnel as they relate to the office's investigation of hate crimes and/or incidents. Responding deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

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(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Office personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. The offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the office's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(n) Document any suspected multi-mission extremist crimes.

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320.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. Offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. Document the victim's protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with office, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

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(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Office.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
2. Provide ongoing information to victims about the status of the criminal investigation.
3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).

(o) Document any suspected multi-mission extremist crimes.

(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

320.4.3 FOLLOWUP INVESTIGATION RESPONSIBILITY

If a case is assigned to the Detectives Section, or to a patrol detective or deputy assigned to a substation, the assigned personnel will be responsible for following up on the reported hate crime as follows:

(a) Ensure the previously described investigatory steps were followed and take any necessary steps are taken for complete investigation.

(b) Use investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Fully investigate any report of hate crime committed under the color of authority pursuant to Penal Code sections 422.6 and 13519.6.

(d) Coordinate further investigation with the District Attorney and other law enforcement agencies, as appropriate.

(e) Maintain contact with the victim(s) and other involved individuals as needed.

(f) Referring victim(s) to support and outreach services in the community.

(g) If necessary, and if the incident qualifies as a triggering event, contact the California Department of Justice and seek to have the Attorney General invoke the Department's Hate Crime Rapid Response Protocol to provide aid.

(h) Ensure that hate crimes are properly investigated and documented, so they may be accurately reported as outlined below.

320.4.4 SUPERVISION

The supervisor shall confer with the initial responding deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

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(a) Provide immediate assistance to the crime victim by:

1. Expressing the office's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the office's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a office chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a deputy to specific locations that could become targets).

(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Sheriff for approval.

320.5 PLANNING AND PREVENTION

Sheriff's Office employees investigating potential hate crimes should take particular note of the vast amount of underreporting of hate crimes, and the more extreme underreporting of anti-disability and anti-gender hate crimes. While it is recognized that not all crimes can be prevented,

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the Sheriff's Office is committed to taking a proactive approach to prevent and prepare for likely hate crimes by engaging in various strategies including:

(a) Deputies should make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks. This may include conducting or participating in public meeting on hate crimes and violence in general.

(b) Establish and maintain relationships with formal community-based organizations and leaders, such as the Sheriff's Community Advisory Council.

(c) Accessing assistance by, among other things, activating the Department of Justice Hate Crime Rapid Response Protocol when necessary, which can be accessed via the Office of the Attorney General website.The purpose of the protocol is to provide law enforcement with additional resources to thoroughly investigate hate crimes. The protocol can be activated in the following circumstances:

(d) Serious bodily injury or death, or appear calculated to cause such;

(e) Acts of arson or attempted arson;

(f) Use of explosives; and/or

(g) A mass casualty incident, or any action appeared calculated to trigger a mass casualty incident.

(h) Providing victim assistance and community follow-up as outlined below.

By utilizing the above-listed strategies, it is the goal of the Sheriff's Office to have community engagement and to build trust and cooperation with the community. It is hoped this relationship with the community will encourage hate crime victims to come forward, who may otherwise fail to report the crime to the Sheriff's Office or other law enforcement agency.

In order to facilitate the guidelines contained within this policy, deputies will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Sheriff's Office personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented, if necessary, as part of an overall strategy to prevent hate crimes.

320.6 REPORTING

In addition to the above internal reporting requirements, the Crime Reports Unit will maintain statistical data on suspected hate crimes and hate crime documents as required and report such data to the California Department of Justice upon request by the Attorney General pursuant to Penal Code 13023. This is accomplished by ensuring the appropriate hate crime-related tabs are selected in the "offense" portion of the report through the process outlined in the "Procedure for Investigating Hate Crimes" Section.

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Pursuant to Penal Code 13023, the Kern County Sheriff's Office is required to submit this policy, required by Penal Code 422.87, and the Hate Crimes Brochure, required by PC 422.92, to the Department of Justice on or before January 1, 2028, and then every four years thereafter in perpetuity. The Attorney General shall review the policies and brochures for compliance with law. The department shall instruct any agency that did not submit a policy or brochure, or that submitted a legally noncompliant policy or brochure, to submit compliant documents. In complying with PC 422.92, the Sheriff's Office utilizes the California Department of Justice's standardized brochure, which is also available online in fourteen languages.

In addition, the Crime Reports Unit will provide a monthly report relative to hate crimes to the Technology Services Section to publish on the public Sheriff's Office website pursuant to Penal Code 13023(e).

320.7 CIVIL STATUTES

Civil Code 51.7 - Except for statements made during otherwise lawful labor picketing, all persons in this state have the right to be free from any violence or intimidation by threat of violence against their person or property because of actual or perceived race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute. Civil Code § 52 - Provides for civil suit by individual, Attorney General, District Attorney or County Counsel for violation of Civil Code 51.7, including damages, Temporary Restraining Order and injunctive relief. Civil Code 52.1 - Provides for Temporary Restraining Order and injunctions for violations of individual and Constitutional rights enforceable as criminal conduct under Penal Code 422.9.

320.8 TRAINING

All members of this office will receive POST-approved training on hate crime recognition and investigation (Penal Code § 13519.6).

Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.

(b) Accurate reporting by deputies, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

(d) When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

All sworn members (deputy sheriff rank) of the Sheriff's Office will receive POST-approved training, as outlined below, on hate crime recognition and investigation, as provided by Penal Code 13519.6. This policy is also readily accessible to all personnel in the field via SharePoint. The Training Section Lieutenant, or their designee, will be responsible for ensuring this policy and relevant updates are redistributed to personnel periodically.

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Additionally, at a minimum of every six years, affected personnel will be required to complete the California Commission on Peace Officer Standards and Training (POST) course entitled "Hate Crimes: Identification and Investigation," other POST-approved course(s) as directed, or in-person instruction, in conjunction with the redistribution of this policy.

Additionally, all newly hired sworn staff will review the above-mentioned CA POST course on Hate Crimes within one year of their commission. Those personnel hired as Deputy Sheriff Trainees who attend the Kern County Sheriff's Office Regional Training Center Academy and receive the above-required training will be exempt from the one-year commission requirement, as they will have received this training during the academy curriculum.

320.9 APPENDIX

See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

Supplemental Hate Crime Report.pdf

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Office Use of Social Media

323.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office (see the Investigation and Prosecution Policy).

323.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the office website or social networking services

323.2 POLICY

The Kern County Sheriff's Office may use social media as a method of effectively informing the public about office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

323.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member’s chain of command.

323.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the office mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.

(f) Traffic information.

(g) Media releases.

(h) Recruitment of personnel.

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

323.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

323.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Kern County Sheriff's Office or its members.

(e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this office’s social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

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323.6 RETENTION OF RECORDS

The Support Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

323.7 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on office sites.

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Report Preparation

324.1 POLICY

As used in this policy, a "report" is defined as any written communication on a Sheriff's Office form, whether it be submitted electronically or on paper. Whenever the word "deputy" or "officer" is used to refer to the person writing a report, it also includes all other agency personnel who prepare reports.

The objectives of a report are:

- Provide the method and means of controlled communication throughout the Department and associated agencies;
- Provide ready reference material on all activities;
- Provide a permanent record of official business and information;
- Provide a base of statistical information upon which decisions and policy may be based.

The goals of a report are

- Ensure successful investigations and prosecutions
- Coordinate all Department functions

All personnel who write and/or review reports shall become familiar with this policy.

324.2 REPORT PREPARATION AND DEADLINES

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all
reports taken during the shift, and ensure any corrections their supervisor requests are made.

324.3 REPORT COMPLETION

All reports will be completed and submitted for processing prior to the end of the report writer's shift, unless specifically authorized by a supervisor to complete the report at a later
time. In general, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

324.4 REPORT FORMAT

Handwritten forms must be prepared legibly. If the form is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit it. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy. County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

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

All narratives will be written with proper English capitalization form. Only the first letter of each sentence will be capitalized, except proper names.Proper names of involved parties shall be written in all capital letters. The report shall not be written in all capital letters, unless it is handwritten.

All narratives shall begin with the heading DETAILS.Use of force reports shall include the headings detailed in the DOCUMENTING USE OF FORCE section of this policy. Any additional headings shall be left to the discretion of the report writer and supervisor.

All reports shall be written in English, regardless of whether the deputy used another language to communicate during the incident. A deputy may include direct quotes in their report; however, the quotes in another language shall have an English translation of what was said. The report shall also reference any related BWC footage and indicate that the original communication captured on BWC was in another language and all communications in the written report have been translated into English.

Example:
DETAILS:

On date/time…

All narratives on all report types should end with the user's electronic signature.

Example:
End of report End of report
User/CAD ID # J. Doe/200001

324.5 REQUIRED REPORTING

All written reports will be completed pursuant to the guidelines established in this policy.

A written report is required for all crimes except:

- All infractions when the violator is cited and released
- A misdemeanor crime where the victim does not want a report, except those misdemeanor crimes where documentation is required by law or Sheriff's Office policy
- Curfew violation arrests when the violator is cited and released.
- When only a citation is issued for CVC violations, including CVC 12500 and 14601.
- When only a citation is issued for
- CO 8.36.020 – Loud Music

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- CO 8.28.070 – Transporting Uncovered Waste on Highway
- CO 13.04.140 – Swimming in Canal
- CO 8.28.050 – Trash Scavenging
- CO 17.20.160 – Draining a Swimming Pool into a Gutter

Mandatory Report/Code 8 Case Number Assignment

A report will be written under the following circumstances:

- All felony crimes.
- All missing persons.
- All crimes involving domestic violence.
- All crimes requiring follow-up investigation.
- Any incident requiring a report as mandated by KCSO policy and procedure.
- Custodial arrests, including detoxification.
- Warrant arrests
- Any incident where physical force is used upon any person by a member of this Agency.
- Any incident where property is seized and booked into a Property Room.
- All reported crimes that will be forwarded to the District Attorney for a formal criminal complaint.
- Any incident in which a report will be forwarded to another department or allied agency.
- Any incident unusual in nature or one that may require documentation for future reference.
- When directed by a supervisor or ranking officer.
- 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).

Code 9 Assignment/Disposition

Any incident in the Computer-Aided Dispatch System (CAD) not requiring a written report will be completed/closed out by assigning the disposition of No Report. If a "No Report" disposition is selected, deputies shall ensure the CAD log has call notes or the call type aligns with the exceptions to this policy's reporting requirements.

Entering All Applicable Offenses

For each report, enter all applicable offenses based on what was reported to law enforcement in combination with the findings of the investigation. Offenses should be added based on what was reported by the victim/reporter, unless the investigation determines the reported crime was something different than what was committed, then the appropriate offense should be selected.

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In situations in which it is difficult to determine if a crime actually happened, the offense(s) should be entered as it was reported. Probable cause is not the standard by which reports are written. For example, if a rape is reported and the victim cannot recall the details of the incident in full or is not clear about what happened but feels a rape occurred, a rape report must be written unless evidence proves otherwise.

The offenses suspicious circumstances, non-criminal, or information only shall not be used unless the deputy is certain a crime did not occur. Otherwise, the offenses which most closely correspond to what was reported shall be entered. When a crime is reported but the investigation determines that no crime actually occurred, the assigned investigator can later clear the case as unfounded.

P.C. 835a(b) states 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. Thus, every use of force should have a crime attached to it. In the Detentions Bureau, P.C. 831.5(f) states custodial officers may use reasonable force in establishing and maintaining custody of incarcerated persons. A use of force may start out as a facility violation, but after the suspect refuses a lawful order, it becomes a violation of P.C. 148(a)(1). When a suspect attacks a deputy, the appropriate charge should be selected (i.e., P.C. 69, P.C. 243(b), etc.). The decision to seek a complaint with the District Attorney's Office shall be decided on a case-by-case basis.

The Assist Other Department (AOD) offense code is an available option for deputies but shall be used only when the crime or incident reported did not occur in the Sheriff's Office jurisdiction. No other offense shall be entered when the AOD offense code has been used.

324.5.1 CRITERIA FOR ASSIGNING CASE NUMBERS BY INCIDENT

The guidelines for determining case number assignment are determined by the California Incident-Based Reporting System (CIBRS). The following criteria shall be followed to determine how many case numbers will be assigned to various incidents. Deputies should note most incidents require only a single case number.

Determine if all offenses occurred in a single incident. Refer to the next section for determining number of incidents. Each single incident will, within policy, receive at least one case number.

324.5.2 GUIDELINES FOR DETERMINING NUMBER OF INCIDENTS

General Rule

If more than one crime was committed by the same person or group of persons and the time and space intervals separating them were insignificant, all of the crimes make up a single incident. Deputies should note most incidents require only a single case number.

Multiple Case Numbers

- Homicide / Manslaughter

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One case number, except Justifiable Homicide. Justifiable Homicides require two incidents. The crime that was being committed when the Justifiable Homicide took place must be reported in a separate incident.

- Victim / Suspect
  One person cannot be the victim and suspect in the same case. Two case numbers would be required.

Hotel and Rental Storage Facility Rule

Burglaries of multiple rooms in a common structure. This rule applies to hotels, motels, lodging houses, and places where the housing of transients is the main purpose, as well as rental storage facilities. If a number of dwelling units or commercial rental spaces under a single manager are burglarized and the offenses are most likely to be reported to the Sheriff's Office by the manager rather than the individual tenants, the burglaries shall be given one case number.

Acting in Concert

Acting in Concert requires all offenders to actually commit or assist in the commission of all crimes in an incident.
The offenders must be:

(a) aware of, and consent to, the commission of all offenses; or

(b) if not consenting, their actions assist in the commission of all offenses.

More than one incident should be reported if the offenders did not act in concert.

Case Number Assignment Examples

Example #1: Representatives from various departments are attending a conference at the Holiday Inn Express. While they are in a meeting someone breaks into seven of their rooms and steals money from each room.

- ONE CASE NUMBER. The "Hotel Rule" applies to hotels, motels, lodging houses and places where the housing of transients is the main purpose. It also applies to rental storage facilities.

Example #2: During a robbery in a bar, one offender began to rape a victim. The other offender told the rapist to stop and only rob the victim.

- ONE CASE NUMBER: In this example, there was only one incident with two offenses (Robbery and Rape). Although the other robber did not consent to the Rape, by displaying a gun he prevented someone from coming to the victim's assistance and thereby assisted in the commission of the crime. The report should contain both the offenses. Both offenders are connected to the victim through the offense of Robbery and Rape.
- TWO CASE NUMBERS: If the second offender had no knowledge the rape occurred and did not act in concert with the first offender.

Example #3: The victim's credit card is stolen and used at the AM/PM and then at Albertsons across town eight hours later.

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- TWO CASE NUMBERS: During fraud investigations, the separation of time and place will determine if more than one case number should be assigned.

Example #4: A husband and wife both commit battery upon each other during an argument. Both parties have injuries and responding deputies cannot determine a dominate aggressor. Both parties are arrested.

- TWO CASE NUMBERS: One person cannot be both a victim and suspect in the same report. In one report, the husband will be the suspect and the wife the victim. In the other report, the wife will be the suspect and the husband the victim. Refer to the Master Case Number System section.

324.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The report shall indicate the nature of injuries and treatment provided. The Records Section shall notify the Department of Health Care Services (DHCS) of the incident as required. (Penal Code § 23685).

The following form should be completed and attached to the report:

California Firearms Injury Report.pdf.doc

324.7 CASE NUMBER ASSIGNMENT BY AREA

If the location of occurrence is outside of the Sheriff's Office jurisdiction and a courtesy report is taken, the incident type will be Assist Other Department regardless of the reported incident, so as not to falsely report through California Incident-Based Reporting System (CIBRS) that the crime occurred in our jurisdiction.

Example: A woman traveling through Mojave from Los Angeles suddenly realizes her purse was stolen while at a restaurant in Lancaster (L.A. County) and reports the theft to the Mojave Substation. An A.O.D. report is taken and assigned a Kern County case number.

324.8 MASTER CASE NUMBER SYSTEM

Most incidents will only require one case number. In those rare cases where two reports are required for one incident (justifiable homicide, mutual battery, etc.), designate one case number (usually the first in sequence) as the Master Case report. In the narrative, reference all subordinate case numbers to ensure all related reports are linked. Write all details for the incident, including references to victims or suspects in subordinate case numbers in the Master Case.

In the narrative of the subordinate reports write, "For details refer to Master Case XXXX-00000"."(Where XXXX-00000 is the Master Case number.)

A victim shall not be listed as a suspect on the same offense report. When circumstances exist that create the necessity for listing a person as a victim and a suspect in the same report, use the MASTER CASE NUMBER SYSTEM to document the incident or write two separate reports.

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324.9 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notify the employee of the reasons for rejection via the Axon report submission process.

If the report is needed for court or any other reason requiring an immediate fix, it shall be the responsibility of the supervisor rejecting the report to notify the report writer to fix the errors and resubmit the report. Otherwise, it shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

324.10 USE OF REPORTS BY DETENTIONS BUREAU

The Detentions Bureau will use the current Jail Management System (JMS) as its primary reporting system and follow the guidelines set forth in this policy. Many custodial incidents will not require an incident report in Axon RMS. These custodial incidents will be documented in the current JMS program. However, should an incident report be completed in Axon RMS, the deputy will usually need to reference it in a JMS incident report. The following are guidelines to help determine which agency program to use.

Reports will be written in AXON RMS when:

- Any violation of law, or suspected violation of law.
- Any incident for which a criminal complaint will be filed.
- Any use of force as defined in use of force policies.
- Any incident resulting in physical harm, or a serious threat of physical harm, to any person. This includes inmate fights.
- Any inmate death.
- Any threat to the security of a facility.
- Any fire, regardless of size.
- Any other incident as deemed appropriate by supervisory or command staff or as required in any policy section.

The current JMS is the primary reporting method used within the Detentions Bureau.A JMS report will be used for any of the following incidents that occur within the Detentions Bureau

- A hunger strike by any inmate.
- The initiation of formal disciplinary action against any inmate.
- Referral of an inmate to Medical Staff or Correctional Mental Health Staff.
- An incident resulting in a change of an inmate's housing location, not including routine movements initiated by Classification.
- The discharge of an inmate laborer.
- Lost or found inmate property.

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- Any time an inmate is placed in a safety cell under the provisions of Detentions Bureau Policies and Procedures.
- Any attempt suicide, self-destructive behavior, or any placement of an inmate on suicide watch pursuant to the Detentions Bureau Policies and Procedures manual.
- When segregating an inmate with a mental illness or developmental disability pursuant to the Detentions Bureau Policies and Procedures manual.
- Any time an inmate is restrained under the provisions of the Detentions Bureau Policies and Procedures manual.
- Any time an inmate is detained in a sobering cell for longer than six hours under the provisions of the Detentions Bureau Policies and Procedures manual.
- Any other incident as deemed appropriate by supervisory or command staff or as required in any other policy section.

324.11 DOCUMENTING USE OF FORCE

One of the most heavily scrutinized aspects of law enforcement is the use of force. With the introduction of body-worn cameras in field operations and detentions, the articulation detailing the use of force has become more important than ever. The public now has unprecedented access to the actions of law enforcement and will often form much of their opinion from the video footage of an incident. As law enforcement, our choices in the field are grounded in our training and experience; however, our training and experience are not captured in body-worn camera footage. We are responsible for effectively communicating the justification for our actions in written reports. Special care must be taken to properly explain why our force is objectively reasonable, proportional, and within policy & law.

Documenting the Incident: Pre-Incident Response

It is important to remember that use-of-force incidents start when you are dispatched, not just when you are using force. Your mindset and the information available to you are fluid during the entire incident.In detail, you must document what information you had, when you had the information, what the information meant to you, and how that translated into the decisions you made.

The first part of your documentation should begin with how you arrived at the location and what your initial mindset was. You should document the resources you requested (Air Unit, MET Team, backup units, etc.). You should also document any relevant training you have had (i.e., CIT).

Example: "On May 1, 2025, I was on duty wearing a full KCSO Class C uniform, driving a marked patrol vehicle. At approximately 2100 hours, I was dispatched to 123 Broadway St for a report of gunshots heard in the area.I knew from past calls that the residence had a heavy gang presence with subjects who were often uncooperative with law enforcement. I turned off my headlights and parked several houses away to avoid any potential for an ambush. The KCSO helicopter was monitoring from overhead."

Example: "At 0030 hours, I was dispatched to Stella's Sandtrap for a report of an intoxicated subject, JOHN DOE, refusing to leave. I have arrested DOE on numerous prior occasions at the

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bar. During many of those arrests, DOE became physically violent. I met with additional units prior to responding to the bar. All units were wearing full KCSO Class C uniforms and driving marked patrol vehicles."

The next part of your documentation details everything about the suspect's demeanor, appearance, statements, and actions. Also, document any change in your mindset as a result of your observations.

Example: "When I arrived, I saw a male and a female in the front yard. The female's back was against the wall of the house, and she had blood coming from her nose. The male was facing her with his fists clenched, an angry look on his face, and did not acknowledge me when I identified myself as law enforcement. I could see the male was drawing deep breaths as he stood staring at the female. Based on these initial observations, I believed this was possibly an active domestic violence situation. I quickly decided to detain the male on suspicion that he assaulted the female."

Next, you will document your attempt to effect an arrest, overcome resistance, or prevent escape (PC 835a). When you have developed probable cause to arrest, or reasonable suspicion to detain, you are expected to give verbal commands, when feasible, throughout the incident. Generally, this is a simple "Sheriff's Office, you're under arrest," "You are not free to leave," "Stop resisting," etc. Document your commands and the approximate number of times they are repeated. Also, document the suspect's response or lack thereof to those commands. Continue to document your mindset as a result of what you see.

Example: "I told JOHN DOE he was under arrest and to place his hands on his head.DOE took a single step away from me, and I could see he began breathing heavier. DOE'S head darted from left to right. I, again, ordered DOE to put his hands on his head.DOE kept looking around, avoiding eye contact with me, and said, 'What did I do, sir?'I recognized this behavior from my training and experience as pre-flight or pre-assaultive behavior. I believed DOE was about to run from me, or potentially physically resist my efforts to arrest him."

De-escalation

Document any tactics you tried to lower the intensity of an incident. There are numerous things we as law enforcement do out of habit that are de-escalation tactics. For example, parking down the street and approaching stealthily, using a calm voice in a tense situation, maintaining distance, and using cover/concealment and separating feuding parties. Document any steps you took prior to arriving at a call such as waiting for backup, waiting for an officer with less-than-lethal weapons, or asking for an air unit to check the area before you arrive. You should also document if you change to a lower level of force during an encounter.

Example: A domestic violence suspect is armed with a knife, and you have him at gunpoint in the bathroom of a residence. The suspect refuses to disarm, and he threatens to stab you if you come close to him. You radio for additional units to assist and begin calmly speaking to the suspect. You learn that the suspect wants to smoke a cigarette before going to jail. You offer to let the suspect smoke on the condition the suspect tosses the knife out into the hallway. The suspect

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complies, but later fights deputies with his hands/feet when they enter the bathroom to arrest him. The suspect is quickly overcome by you and the additional units who arrived, using only control holds. The suspect sustains a fractured wrist during the arrest.

When writing the report for this incident, you will heavily document that you convinced the suspect to drop the knife by simply offering a cigarette, and the additional units you requested made it so the suspect's arrest was effected without the use of any intermediate levels of force. Instead of being fatally wounded by police gunfire, the suspect went to jail with a minor wrist injury thanks to your de-escalation.

Example: Same situation as above, but no cigarettes this time. You tell your partner to deploy an electronic conducted weapon (or a 40mm less lethal round) at the suspect while you hold lethal cover as a backup. The less lethal choice succeeds in getting the suspect to drop the knife and submit to arrest. Again, you maintained a deadly force option, but made the conscious choice to try a lower level of force (which worked).

Example: You've told a suspect they are under arrest, but the suspect says they will not submit. You know a physical confrontation is on the horizon, so you ask for three more deputies. The suspect is in handcuffs in a matter of seconds using only control holds. The alternative (arresting the suspect by yourself) would likely have led to a much longer struggle, higher levels of force, and worse injuries for all parties. Document that you had more deputies respond prior to attempting the arrest with the hope of decreasing risk to all parties involved.

Example: You are standing with your partners when you are all dispatched to a felony warrant subject walking down the street.Prior to responding, you quickly form a plan to contain the suspect should he flee on foot. As expected, when the first unit arrives, the suspect flees, but runs directly into your partner, who was staged and ready. De-escalation is the use of any strategies and techniques that are intended to decrease the intensity of a situation and should be documented.

At the point in your report just before the first use of physical force, you shall detail all the factors that you quickly considered prior to using force. Ultimately, this is where you will frame your justification around Graham v. Connor (1989). Every time you use force during an incident, you must document:

The Severity of the Crime – Not only document the crime for which the suspect is wanted, but also the crime the suspect is committing the moment you use force. Further, document what types of crime the suspect committed (felony/misdemeanor) and whether or not the crime is a violent crime.

Threat to Officers or the Community – Document officer / suspect factors, including, but not limited to:

(a) Prior contacts with suspects

(b) Number of officers vs. number of suspects

(c) Your age, size, and relative strength compared to that of the suspect

(d) Any special knowledge/skills you may perceive the suspect has

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(e) The injury or exhaustion of either you or the suspect

(f) Whether the suspect is displaying objective signs of mental impairment or under the influence of drugs or alcohol

(g) Environmental factors and

(h) The proximity of weapons to the suspect.

The Active Resistance Posed – Describe what the suspect is doing to either resist or any attempts to evade arrest or escape.

Force in a Detention Facility

If working in a detention facility, at this point in your report, there will be nine (9) headings that will have to be addressed that are not the above listed Graham v. Connor factors. As a use of force in a detention facility involves either pre-trial or sentenced individuals, the Kingsley v. Hendrickson (2015) case decision stipulates that nine issues have to be addressed. Every time you use force involving a pre-trial or sentenced individuals inside of a detention facility, you must document:

(a) Threat perceived by officer

(b) Severity of the security problem at issue

(c) Level of Active Resistance

(d) Immediate threat to the safety of officers or others

(e) Need for use of force

(f) Amount of force used in relation to the need

(g) De-escalation efforts

(h) Injuries to the officer or incarcerated person

(i) The legitimate governmental interest in managing the facility

Whether it is the three (3) Graham v. Connor headings or the nine (9) headings listed above, separate headings for each of these items is appropriate. The headings are often placed just before the documentation of force with the line, "At that moment, I quickly weighed the following factors…"

Example: "As I stepped forward and grabbed JOHN DOE'S left arm, DOE punched me with his closed right fist on my face. At that moment, I quickly weighed the following factors:

Severity of the Crime: Document the PC 69, 243(b), and any other crimes to that point
Threat to Officers and the Community: What threat does Doe's escape mean for your partners and the public?
Active Resistance Posed: Document flight, non-compliance, assaults, etc.

Each of those three items is subject to change, sometimes drastically, during the course of an incident. You may go from control holds straight to baton strikes if a suspect violently resists your attempt to arrest him/her.In that case, what may have started out as a basic domestic violence

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arrest with no resistance has evolved into an assault on a peace officer. The change in crime severity, resistance, and suspect threat is the reason you would respond a higher level of force and must be written in your report. Do not expect the reader to make the inference. Spell it out.

KSCO's use of force policies have an extensive list of relevant factors that should be used to assist you with your documentation. Refer to agency use of force policies for use of force reporting requirements.

Documenting the Incident: Use of Force

When the verbal commands fail, you will reach the point in your report where the first physical resistance occurs. Often, this is a basic pulling away from the officer during handcuffing or tensing of the muscles when contraband is located during a search. It can also be an outright attack. Step-by-step, explain each action and reaction of both you and the suspect(s). Document why you chose one option over another. Continue to explain your mindset. Remember that you are not required to make the best choice, just an objectively reasonable one. Do not omit facts from your report on the basis that you could have made a better decision. The legality of force is based on objective reasonableness at the time, not hindsight.

Example: If you get punched hard enough that your vision or consciousness are affected, explain how you were physically affected and what the danger was to you. If you are knocked unconscious, a suspect can use all the weapons on your belt against you.

Example: If a suspect assumes a fighting stance, describe that fighting stance, and you will likely be justified in an immediate escalation of force to impact weapons, conducted electrical weapon, OC spray, etc. You may document that trying to use a control hold would likely be ineffective or result in injury for you or the suspect.

Example: If you deploy oleoresin capsicum (OC) against a suspect, and they stop trying to assault you, consider de-escalating to verbal commands and control holds to gain compliance.

Documenting the Incident: Post Use of Force

Agency policy requires that, when safe, we render medical aid to an injured suspect. Document your monitoring of the suspect, positioning (was the suspect placed in the recovery position, how was the suspect restrained), visible injuries, statements, and that you called for an ambulance. You should also document any efforts to alleviate the suspect's discomfort (i.e., wiping excess OC spray from their face, or not handcuffing a suspect's severely broken arm).

*Each deputy who uses force shall document their involvement in a written report, whether it is the main incident report, a collaborative narrative, or a supplemental report.

324.12 BODY WORN CAMERAS

Use body worn camera footage only as a tool to refresh your recollection of an incident.Under stress, your body will not process everything that can be seen on the camera.You should document an event as you perceived it at the time. Furthermore, do not rely on the body worn camera to

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tell the events that occurred. As previously mentioned, it is incapable of capturing your training, experience, or any emotions you may be feeling at the time. It is also incapable of capturing what your senses were telling you and what your perception of the events unfolding was. Be sure to describe your experience in detail within your report.

324.13 CASE MANAGEMENT

Clearance or closure must meet more specific criteria to be acceptable. The Sheriff's Office uses the National Incident Based Reporting System (NIBRS) to collect crime data because it was mandated by the FBI.

324.14 IMPORTANT DEFINITIONS

Case: The term Case refers to the incident report and the corresponding investigation.
Case Status: Status represents the status of the case/investigation at any given point-in-time.
Internal Disposition: Disposition refers to the final outcome of the case. It may change as the case progresses but should ultimately reflect what the final conclusion was.
NIBRS Disposition: The disposition that will be submitted to NIBRS. Incidents or cases with arrests are automatically reported to NIBRS. The three options are none, unfounded, and exceptional clearance (see below).

324.15 DISPOSITIONS

Internal Disposition Options:

Active/Open: The case is actively being investigated and has not been closed.
Closed: The case is not being actively investigated or is unable to be solved and is closed via one of the internal dispositions reasons listed below.
Inactive: The case is no longer actively being investigated.

Internal Disposition Reasons:

Cleared by arrest: An arrest was made and there are no outstanding suspects.
Cleared by arrest other agency: Another agency made an arrest in our case and there are no outstanding suspects.A supplemental report should be written documenting this and the agency's report should be attached.
DA refused to prosecute: The case was submitted, and the District Attorney chose not to prosecute.
Juvenile offender counseled and field released: The case will not be submitted to juvenile probation and no further investigation will be conducted
Juvenile probation seek petition: The case has been submitted to juvenile probation due to the offender's status as a minor at the time of the crime
Missing person located: The missing person was located, no crime occurred, and no further investigation is needed.
Not a criminal case: The case was not originally reported as a criminal offense and no criminal offense applies.If the incident originally had a crime reported and was later determined to be non-criminal, the correct clearance will be unfounded.

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Past statute of limitations: The statute of limitations has expired, and the case cannot be prosecuted.
Offender death: The death of the offender has been confirmed.
Property recovered: Property associated with the case has been recovered; however, the case is not proceeding.
Referred to other agency: The crime occurred in another department's jurisdiction, or the incident is not criminal and is being referred to an agency such as Child Protective Services, Adult Protective Services, Mental Health, etc.
Submitted to DA: The suspect is not in custody on this case, but you want the case reviewed or filed by the District Attorney's Office.
Unfounded: Your investigation revealed the crime investigated or alleged did not occur.
Victim refused to prosecute: The victim is refusing to cooperate with us or the District Attorney.
Waiting for new developments or evidence: The case is pending further developments, evidence, or information and will proceed once received
Warrant issued: The suspect now has a warrant but is not in custody.

NIBRS Disposition Options:

None: The case does not meet NIBRS criteria
Unfounded: Your investigation revealed the crime investigated or alleged did not occur.
Exceptional Clearance: Refer to section below on proper exceptional clearances.

*Note there is no NIBRS disposition for cleared by arrest, as it is reported automatically.

Exceptional Clearance Options:

To clear a case by exception, all of the following conditions must be met:

- The investigation must have clearly and definitively established the identity of at least one offender.
- There must be sufficient probable cause to support arresting, charging, and prosecuting the offender.
- There must be a reason outside your control preventing the arrest, charging, and prosecution.

In Axon Case, the user shall select the NIBRS Disposition as Exceptional Clearance. One of the following must be selected from the Exceptional Clearance Type dropdown menu:

Not applicable: Not Applicable (not cleared exceptionally). This should be reported if an incident is not cleared by either an arrest or exceptional means by the time an initial Group A (Refer to NIBRS guide for list of Group A crimes) incident report is submitted.
Death of Offender: Offender's death has been confirmed
Juvenile/No Custody: The handling of a juvenile without taking him/her into custody, but rather by oral or written notice given to the parents or legal guardian in a case involving a minor offense, such as petty theft
Prosecution declined: The case was submitted, and the District Attorney chose not to prosecute.

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Victim refused to cooperate: The victim is refusing to cooperate with us or the District Attorney.
In Custody of Other Jurisdiction: This should be reported in cases when: 1) an extradition is denied, and 2) an offender committed offenses in two jurisdictions and was arrested in one of the jurisdictions – the Law Enforcement Agency not reporting the arrest should report this value when they become aware of the arrest.

Procedure for Case Management

For case management purposes, if it is not defined in the original incident overview and the case has been or will be assigned to an investigator, a supplemental report shall be written any time a status or disposition changes in a case, and it should describe why and what they should be.

- The assigned investigator will be responsible for ensuring a supplemental report is written and the case status and internal disposition are up to date.
- The section Sergeant (or their designee) will be responsible for determining whether cases are assigned to an investigator and ensuring cases are reassigned when investigators leave their section. Creating a case or a supplemental report is not required if the case is not being assigned to an investigator.
- To ensure proper case management, section Sergeants and/or their designees will conduct yearly case management audits.

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Chapter 5 - Traffic Operations

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Traffic Collision Reporting

501.1 POLICY

Generally, traffic collisions that occur within a municipality or unincorporated area of the County are handled by the California Highway Patrol, or the appropriate municipal agency with jurisdiction. In the event the Office has jurisdiction, members involved in the handling of traffic-related collisions will follow the guidelines of this policy and utilize the California Highway Patrol Collision Investigation Manual (CIM) Crash Investigation Manual as the primary guide for documentation of their investigations.

501.1.1 PURPOSE AND SCOPE

Generally, traffic collisions that occur within a municipality or unincorporated area of the County are handled by the California Highway Patrol, or the appropriate municipal agency with jurisdiction. In the event the Office has jurisdiction, members involved in the handling of traffic-related collisions will follow the guidelines of this policy and utilize the California Highway Patrol Collision Investigation Manual (CIM) Crash Investigation Manual as the primary guide for documentation of their investigations

Members will prepare traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and, as a public service, make traffic collision reports available to the community with some exceptions.

501.2 DEFINITIONS

Accident: An unintended event involving a county-owned or county leased vehicle which produces injury or damage or as deemed appropriate by a supervisor.The word "injury" includes personal injury, death, or property damage.

Accident Review Board (ARB): A board composed of members who are responsible for determining whether an accident involving Office employees or volunteers operating a county vehicle was avoidable or not. The voting members of the Accident Review Board shall provide representation from the following areas:

ROLE - REPRESENTATIVE

(a) KCSO Fleet Management Unit - Fleet Services Manager

(b) Support Services Division -Division Commander or Lieutenant

(c) Kern County Legal Liabilities - County Risk Management

(d) MOU Provisions – Kern County Law Enforcement Association (KLEA).In addition, an offer may be extended to a representative from the involved employees' bargaining unit if not represented by KLEA.

(e) Traffic Enforcement - A sworn member trained in traffic collision investigations

(f) KCSO Management - Patrol Commander, Lieutenant, or Designee

(g) KCSO Training - Lead Driver Training Instructor or Designee

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(h) Support Services Division Commander may add other members to the ARB as needed.

Non-voting members of the Accident Review Board shall provide representation from the following areas:

(a) Internal Affairs Unit

(b) Fleet Management Unit Administrative Coordinator

Avoidable accident: Accidents are classified as avoidable if the driver did not operate the vehicle in a prudent and reasonable manner to prevent the accident, regardless of any legal rights that the driver may be entitled to under the Vehicle Code or other laws.Excessive speed, improper turning and passing, following too closely, failure to yield the right-of-way, speeding, and driving under the influence of alcohol or drugs are some of the accident causes that are considered avoidable under normal conditions.Avoidable accidents caused by employee carelessness or negligence will result in disciplinary action.

Driver: Person who drives or is in actual physical control of a vehicle, whether or not they were in possession of the vehicle at the time the damage occurred.

Personal injury:An actionable injury to a person, whether involving physical contact or not and whether fatal or not, but causing pain, discomfort, or injury.

Property Damage: Destruction of tangible or intangible property.

Reportable Office Vehicle Damage: Any damage involving an Office employee or volunteer, resulting in property damage while occupying or possessing a vehicle owned, leased, rented, or borrowed by the County of Kern.

Unavoidable Accident: Accidents are classified as unavoidable if the driver exercised good judgment, used every reasonable means to avoid the accident, used safe driving practices, and no violation of law or improper use of the vehicle was involved. Accidents caused by mechanical failure will be classified as unavoidable unless the driver knows of the defect prior to operating the vehicle

Unknown Responsibility: Where responsibility for the accident cannot be determined, a rare circumstance.

501.3 RESPONSIBILITY

The Metro Patrol Lieutenant will be responsible for the distribution of the CIM. The Metro Patrol Lieutenant will receive all changes in the CIM and ensure conformity with this policy.

501.4 DUTIES ON ARRIVAL AT A COLLISION SCENE

The traffic collision policies outlined in the following subsections shall be followed by the first unit(s) to arrive at a collision scene, regardless of which unit and/or agency of jurisdiction will ultimately handle the investigation.The first deputy arriving on scene shall be in charge of the scene and direct the response of assisting units. Once the primary unit and/or agency of jurisdiction assigned

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to the traffic collision arrives on scene, they will assume responsibility for the scene and/or any related investigation.

501.4.1 CARE FOR INJURED

Members shall:

(a) Check for injuries and shall request EMS, Fire, and any other assistance as needed;

(b) Provide care and first aid for the injured pending the arrival of an EMS and/or Fire;

(c) Encourage injured parties to remain in their vehicle(s) until the arrival of medical assistance, if safe to do so; and

(d) NOT attempt to remove an injured person from a vehicle absent a life-threatening situation.

501.4.2 PROTECTION OF THE SCENE

Members shall see to the protection of:

(a) Involved vehicles;

(b) Other traffic at the collision scene; and

(c) Personal property.

As soon as practical, members shall:

(a) Remove damaged vehicles and debris from the roadway; and

(b) Restore the flow of traffic.

Exceptions: Members shall take every precaution to preserve all evidence at the scene of a major injury or fatal collision until it is determined that it is no longer necessary to do so, or until the agency of jurisdiction arrives and assumes responsibility of the scene.

501.4.3 SUPERVISOR NOTIFICATION

Members shall notify a supervisor anytime an Office vehicle is involved in a collision or accident.

501.5 TRAFFIC COLLISION REPORTING

An incident report shall be taken for any collision or accident involving a Sheriff's Office vehicle. Photographs of the collision scene and vehicle damage may be taken at any time by the accident investigator, any supervisor, crime scene investigator, community service technician, or deputy.

All traffic collision reports taken by members of this Office shall be completed using our Records Management System. The Fleet Management Unit will be responsible for generating traffic collision statistics when requested.

501.5.1 TRAFFIC COLLISIONS WITH SHERIFF'S OFFICE EMPLOYEES

When an employee of this Office, whether on duty or off duty, is involved in a traffic collision within the jurisdiction of the Office that results in a serious injury or fatality, the Watch Lieutenant may request assistance from the California Highway Patrol.

For the purposes of this section, serious injury is defined as any injury that may result in death.

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501.5.2 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Patrol Lieutenant or on-duty Watch Lieutenant may request assistance from the California Highway Patrol to investigate any traffic collision involving a County official or employee when a serious injury or fatality has occurred.

501.5.3 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned or leased vehicle is involved in a traffic collision wherein any damage or injury results. Traffic collision investigation reports will be completed by the agency of jurisdiction. The Office member authoring the incident report shall document if the agency of jurisdiction refuses to respond or take a traffic collision investigation report.

When a collision results in no injuries, minor damage, or no visible damage to any vehicles or property, an incident report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor if the collision:

(a) Occurs on private property; or

(b) Occurs upon a roadway or highway and does not involve another vehicle.

Whenever damage occurs to a County-owned or leased vehicle, the involved driver shall complete an Incident Report. The report shall document all facts known to the driver regarding the nature, extent, and circumstances of the damage.

Photographs of the collision scene and all vehicle damage shall be taken in every case. Photographs may be taken by the traffic investigator, any supervisor, a crime scene investigator, a community service technician, or a deputy.

501.6 RESPONSIBILITY IN COUNTY VEHICLE COLLISIONS

501.6.1 DRIVER RESPONSIBILITY

The driver shall request the agency of jurisdiction to conduct a traffic collision investigation when the collision results in:

(a) Death or injury to any person; or

(b) Damage to public or private property.

The driver shall complete an incident report in the Sheriff's Office Records Management System documenting all facts known to the driver regarding the nature, extent, and circumstances of the damage. The driver shall also:

(a) Use only the assigned Sheriff's Office case number when reporting the vehicle accident;

(b) Use the incident type "ACCIDENT COUNTY VEHICLE" as the Occurred Incident Type in the Records Management System report description field;

(c) Comply with Lexipol Policy 1024 when a Sheriff's Office employee is injured. A separate report shall be completed to document employee injuries only;

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(d) Route a copy of the Records Management System report to the Fleet Management Unit;

(e) Complete the County of Kern Motor Vehicle Accident Report located in Axon Standards; and:

(f) Ensure photographs of the collision scene and vehicle damage are taken.

1. A Crime Scene Investigator is preferred for photography when injury and/or major property damage has occurred.

2. Other personnel may take photographs when damage is minor, provided photo quality is sufficient for accident review.

501.6.2 SUPERVISOR RESPONSIBILITY

The supervisor shall:

(a) Ensure all driver responsibilities are completed if the driver is incapacitated;

(b) Submit the Vehicle Damage/Accident Notice form on SheriffNet to report the accident to the Fleet Management Unit as soon as possible, and no later than the end of shift;

(c) Review all reports and documents for completeness, ensuring all required sections are properly filled out;

(d) Review the collision facts with the driver and determine a primary collision factor within the guidelines on the back of the Motor Vehicle Accident Report;

(e) Notify the on-duty Watch Lieutenant; and

(f) Notify the driver's Division Commander or Section Lieutenant in the absence of an on-duty Watch Lieutenant.

(g) Collect the following additional factors after the traffic collision and report them to the Fleet Management Unit:

(a) Age of driver

(b) Years of experience of the driver (driving a patrol vehicle)

(c) Speed limit

(d) Was the employee working overtime or working extended hours?

(e) Vehicle mileage

(f) Hours worked that day leading up to the traffic collision

(g) Hours worked the day before, if appliable

(h) Amount of sleep 24 hours prior to the traffic collision

501.6.3 WATCH LIEUTENANT RESPONSIBILITY

If a collision occurs outside the County, the Watch Lieutenant shall be notified and shall determine whether to dispatch a supervisor to the scene. The Watch Lieutenant's determination shall be based on the following factors:

(a) Geographical location;

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(b) Severity of injury/damage; and

(c) Request by law enforcement jurisdiction where the collision occurred.

501.6.4 FLEET MANAGEMENT UNIT RESPONSIBILITY

The Fleet Management Unit shall collect all documentation related to each vehicle accident, including:

(a) Incident Report;

(b) County Motor Vehicle Accident Report;

(c) Photographs;

(d) Any available video recordings, including body#worn camera footage;

(e) CAD vehicle information);ZonarAvailable database reports (e.g., Samsara,

(f) Investigating agency reports (e.g., CHP, BPD); and

(g) Repair estimates

The Fleet Management Unit shall also:

(a) Prepare a complete accident package for each incident. Packages shall be stored on a shared drive accessible to Accident Review Board (ARB) members and Internal Affairs. Printed copies shall be provided to ARB members or the Internal Affairs Unit when necessary or upon request;

(b) Schedule ARB meetings as needed.ARB meetings will typically occur monthly or as operational needs require;

(c) Distribute completed accident packages to ARB members prior to the ARB meeting and provide printed copies when necessary; and

(d) Collect all accident packages from ARB members at the conclusion of the ARB meeting, with the exception of Internal Affairs, which may retain copies as required.

501.7 NOTIFICATION

In the event of a traffic collision involving serious injury or death, the Watch Lieutenant shall notify the appropriate personnel through the chain of command and relay the circumstances of the collision. The Watch Lieutenant shall also seek assistance from the California Highway Patrol.

If the driver involved is a member of this Office and the collision occurred within this Office's jurisdiction, the Watch Lieutenant may request assistance from the California Highway Patrol to conduct the investigation.

If the driver involved is not a member of this Office, California Highway Patrol assistance may still be requested when appropriate, based on the availability of qualified collision investigators within the Office.

If a California Highway Patrol Officer is not available when assistance is needed, the Watch Lieutenant or any supervisor may assign an Office accident investigator to conduct the investigation.

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501.8 POST-ACCIDENT/DAMAGE VEHICLE INSPECTIONS

All Office vehicles sustaining damage shall be inspected by a designated Sheriff's Office maintenance vendor as soon as practical after the damage is discovered. The Fleet Manager shall determine how, when, and whether repairs will be made.

Any Office vehicle involved in a collision or any vehicle sustaining damage that affects steering, control, or safe operation shall be removed from service immediately. These vehicles shall not be returned to operation until they have undergone a safety inspection by an approved Sheriff's Office maintenance vendor and have been cleared for service by the Fleet Manager.

Sheriff's Office vehicles sustaining minor damage may remain in service with supervisor's approval. The Fleet Manager shall promptly inspect vehicles in this category.

501.9 ACCIDENT REVIEW BOARD (ARB)

The purpose of the ARB is to determine the preventability of accidents involving Office Vehicles and to support employee performance accountability.

The ARB shall:

(a) Shall determine if the accident was avoidable or unavoidable based on the accident reports and supporting documents;

(b) Conduct an impartial review of the facts and render a fair and objective vote on each accident before the Board; and

(c) Document each determination on forms provided by the Internal Affairs Unit, including:

1. The names of the ARB members reviewing the matter;
2. A determination of whether the accident was avoidable or unavoidable;
3. The reasons supporting the determination;
4. The date of the decision;
5. Retention of the original documentation by the Internal Affairs Unit.

(d) Refer the accident to the Discipline Review Board (DRB) when a unanimous decision is not reached.

Employee involved accidents shall be classified as:

Avoidable Unavoidable Unknown For accidents determined to be avoidable, the Support Services Division Commander or their designee will complete the Accident Matrix. Accidents that score 16 points or above shall be referred to the DRB. For those that score 15 points or less, as an alternative option to the DRB, the Support Services Division Commander may:

(a) Facilitate a First Review conducted with the affected employees' Commander and the Support Services Division Commander. If the Commanders cannot agree, the Administrative Services Division Commander will act as a tie breaker.

Accidents that result in loss of life shall be referred to DRB and/or the Critical Incident Review Board regardless of the results of the Accident Matrix.

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Chapter 8 - Support Services

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Property Room Unit

801.1 POLICY

Property and evidence are a critical responsibility of the criminal justice system.Property and evidence will be handled, stored, and processed with due regard to the chain of evidence, with clear identification of those persons authorized to remove and/or destroy property.

801.1.1 PURPOSE AND SCOPE

This policy provides the basic definitions of types of property that may be encountered by members of the Office and the proper collection, storage, and security of evidence and other property.

801.2 DEFINITIONS

Property – Includes all items of evidence, items taken for safekeeping, found property, and those designated for disposal and/or destruction.

Evidence – Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.
Safekeeping – Includes the following types of property:

(a) Property obtained by the Office for safekeeping such as a firearm;

(b) Personal property of an arrestee not taken as evidence; and

(c) Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150).

Found property – Includes property found by a member of the Office or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Property for Disposal/Destruction – Any item, including but not limited to firearms and ammunition, that has been seized from or voluntarily surrendered by a citizen to the Office for the purpose of lawful disposal or destruction.

801.3 SECURITY OF PROPERTY STORAGE AREAS

All property storage areas must remain secured during non-business hours.Access to these areas is restricted to authorized personnel only.Unauthorized entry is strictly prohibited unless one of the following conditions is met:

(a) The individual is under the direct supervision of Property Room staff;

(b) An emergency situation exists and a supervisor is present.

Any after-hours entry into secure areas of the Property Room by personnel not assigned to the Property Room Unit must be documented.The documentation shall include:

(a) The date and time of entry.

(b) The names of all individuals who accessed the restricted area.

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(c) The reason for the entry.

The associated report number shall be forwarded to the Support Services Division Commander or their designee.

Any after-hours entry into secure areas of the Property Room by personnel assigned to the Property Room Unit shall notify the Support Services Division Commander or their designee prior to entry.

Two-Person Rule – A control mechanism designed to achieve a high level of security and accountability for especially critical items of property (i.e. Money/valuable, firearms, narcotics, etc.).Under this rule, access and actions require the presence of two or more authorized members at all times.

801.4 PROPERTY HANDLING

Any member who comes into possession of any property shall retain such property in their possession until it is booked and placed in the designated property locker or storage room. Care shall be taken to maintain and document the chain of custody for all evidence in appropriate reports.

A written report is required detailing the circumstances by which property and/or evidence came into KCSO possession and describing each item of property obtained.Members shall indicate the disposition of all evidence in their report of the incident.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Office. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

801.4.1 PROPERTY/EVIDENCE TRANSPORTATION

Members shall transport property and evidence in their assigned vehicles when possible.Property or evidence shall not be stored in a member's desk, locker, vehicle, or any other container beyond the end of the shift that the property or evidence was obtained, unless prior approval has been granted by a supervisor for storage in those locations.Property not delivered to the Property Room will only be stored in authorized locations.

Exceptions: Cell phones seized that require immediate forensic analysis shall be entered into Axon and booked as evidence.The selected booking location will accurately reflect where the phone was left to maintain an accurate chain of custody record, i.e. submitted to CSI.

801.5 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the member going off duty unless otherwise approved by a supervisor. Members booking property shall follow all guidelines set forth by the property room.

Members booking property shall:

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(a) Complete the Axon booking screen by completing all applicable sections for each item booked.

(b) Seal each item with evidence tape, initialed and dated;

(c) Package each item appropriately and attach the proper evidence labels for each item; and

(d) Place the booked item(s) into the appropriate locker or designated storage space.

801.5.1 LARGE ITEMS

Large items shall be placed on designated storage racks with a property tag attached.

801.5.2 PACKAGING CONTAINERS

- Members shall package all property, except narcotics/illicit substances, firearms, or money, in a suitable container available for its size. A property label shall be securely attached to the outside upper left corner of all items or group of items packaged together. Items too large for envelopes or bags shall have a tag attached to each item.
- Knife boxes should be used to package knives.

801.6 NARCOTICS AND ILLICIT SUBSTANCES

Narcotic and/or illicit substance evidence is divided into two categories.

Narcotic and/or illicit substance evidence which has evidentiary value and requires immediate analysis.

Narcotic and/or illicit substance evidence which has no evidentiary value and does not require analysis.

When narcotics and/or illicit substances from both categories are seized together, they shall be booked separately according to current property room guidelines.

801.6.1 EVIDENTIARY NARCOTICS AND/OR ILLICIT SUBSTANCES

Narcotics and/or illicit substances that have evidentiary value require immediate analysis. Immediate analysis is required when a suspect is in custody on charges related to the narcotics and/or illicit substances being booked, a citation has been issued, request for charges to be filed, or a known suspect is at large for whom an arrest warrant will be sought.

801.6.2 NON-EVIDENTIARY NARCOTICS AND/OR ILLICIT SUBSTANCES

Narcotics and/or illicit substances that have no evidentiary value, such as found narcotics and/or illicit substances or narcotics and/or illicit substances that are not related to pending charges against a suspect, will not be analyzed.

801.6.3 PACKAGING NARCOTICS AND/OR ILLICIT SUBSTANCES

All narcotics and/or illicit substances must be booked in accordance with the current Property Room guidelines. Property Room personnel are responsible for ensuring that all packaging and documentation meet the established requirements. Any narcotics, illicit substances, or paraphernalia containing visible drug residue must be double-packaged using heat-sealed K-Pak

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bags. However, marijuana and large items such as scales are exempt from this double-packaging requirement.

All narcotics or illicit substances must be weighed, including their packaging, and the approximate weight must be clearly documented in the booking paperwork, and must be printed on the label.

If lab analysis is required, the narcotics must be placed in a Narcotics Evidence Lab Envelope or an appropriately sized container, along with a completed District Attorney Crime Lab request for analysis. It is the responsibility of the seizing, booking, or investigating deputy to provide both the lab request and the necessary approval letter to the Property Room for processing.

801.7 EXPLOSIVES

The Bomb Squad shall be solely responsible for the handling, storage, sampling and disposal of all suspected explosives, as well as illegal, homemade, or modified fireworks.Explosives and restricted fireworks shall not be stored at any Office facility under any circumstances.Once identified, such items shall be immediately transferred to the Bomb Squad for proper management in accordance with safety and legal protocols.

Fireworks classified as "safe and sane," along with road flares and similar signaling devices, may be booked into the Property Room. These items must be stored in approved containers within a designated area specifically intended for flammable materials. Property Room personnel are responsible for ensuring that these materials are stored safely and securely.
The routine disposal of flammable materials booked into the Property Room shall be managed by Property Room staff. Disposal must be coordinated through the appropriate channels, either by releasing the materials to the Bomb Squad or to the Fire Department, depending on the nature of the items and Office procedures.

801.8 FIREARMS

Individuals who relinquish firearms pursuant to, who are subject to the relinquishment provisions of Penal Code § 29850 shall 29810(a)(1), shall be issued a receipt that describes the firearm, the serial number, or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold, or otherwise transferred, unless (Penal Code § 29810):
A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or The Automated Firearms System indicates that the firearm was reported lost or stolen. In such event, the firearm shall be restored to the lawful owner as soon as it is

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no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Office has complied with the requirements of Penal Code § 33850 et seq.

The Sheriff's Aide shall ensure the Records Administrator is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section Policy).

All firearms submitted to the Property Room must be secured in either a pistol or rifle box, depending on the size and type of the weapon. A printed barcode label shall be affixed to the firearm box for identification and tracking purposes. In cases where a firearm is too large to fit into a standard box, the barcode label must be attached to a card and securely fastened to the firearm's trigger guard.

Prior to booking, all firearms must be rendered safe. This includes the removal of any cartridges, clips, or magazines, which shall be placed in a small evidence bag, booked separately as additional item(s), and submitted along with the firearm. Ensuring the firearm is safe before submission is the responsibility of the booking deputy.
If a firearm is contaminated with blood or other bodily fluids, it must still be rendered safe and then packaged in accordance with biohazard evidence protocols. The exterior of the firearm box must be clearly marked to indicate that it contains a firearm and that it is classified as a biohazard.

Upon receipt, Property Room personnel will conduct CLETS/AFS checks and initiate an E-Trace request if necessary. The results and status of these checks shall be documented as part of the evidence record.

801.9 MONEY

When booking United States currency, it must be separated from all other property or evidence and packaged independently. For example, if a wallet containing cash is found or seized, the wallet and the currency must be booked as two distinct items.

The booking officer is responsible for counting all currency and recording the total amount on a currency label. This label must be affixed to the packaging in addition to the standard evidence label to ensure proper identification and tracking.
Currency packaging must follow these guidelines:

(a) Place all money in a clear, heat-sealable K-Pak bag.

(b) If the amount exceeds the capacity of one bag, use additional bags as needed.

(c) Each bag must be heat-sealed, and evidence tape shall be applied across the seal with the booking deputy's initials written on the seal.

(d) A currency label must be used, in addition to the evidence label.

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(e) Money must be separated from other property or evidence and must be packaged separately.For example, a found or seized wallet containing money would be booked as two separate items.

Any collectible currency or coinage with value exceeding its face amount must be booked as a separate item to ensure proper handling and documentation.
Once packaged, all currency must be transferred to the designated secure money vault for safekeeping and further processing.

801.10 EXCEPTIONAL HANDLING

Certain types of property require alternative handling procedures. The following guidelines apply:

(a) County-owned property, unless directly connected to a known criminal case, should be released immediately to the appropriate County department. In such cases, formal booking is not required.

(b) If no responsible party or department representative can be located, the property shall be booked for safekeeping

801.11 PROPERTY REQUIRING REFRIGERATION

Only evidence that requires laboratory analysis or contains perishable evidence shall be booked into the Property Room evidence refrigerator. All such evidence shall be accompanied by a properly completed DA Crime Lab "request for analysis."

(a) It is the responsibility of the seizing, booking or the investigating deputy to provide the request

801.12 RECORDING AND CONTROL OF PROPERTY

Property room personnel shall receive and process all property or evidence in a timely manner according to guidelines and the applicable State and Federal laws.They will ensure all applicable documentation is complete, accurate, and all items are labeled and packaged securely and appropriately.Property Room personnel will make the appropriate log entries in FileOnQ and place the item(s) in the proper location.

Property that is being returned after it has been checked out will be inspected by Property Room personnel to confirm the item being returned is the same item that was checked out.Once the item is re-sealed with evidence tape, Property Room personnel will accept the item and scan it showing it has been returned to the Property Room.

801.13 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Property room personnel will scan the evidence out, indicating the date and time on the electronic property record.The evidence and the approved request for laboratory analysis will be transported to the Kern County DA Crime Lab by Property Room personnel or the investigating officer.

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801.14 VIEWING OF PROPERTY

It is occasionally necessary for investigating officers, attorneys, or members of the general public (when authorized) to view property being stored in the Property Room.When authorized persons properly request to view stored property or evidence, Property Room personnel will accommodate such a request within a reasonable time frame.

Property items shall not be removed individually from their packaging for viewing purposes. If an item needs to be examined, the entire package must be checked out. Upon return, the property must be repackaged in the same manner and condition as when it was originally withdrawn by the personnel who checked out the property.

All property must be signed out and signed back in following the same procedures used for standard property withdrawals. Property Room personnel will oversee and direct the signing of the property record.

The viewing of narcotics will be supervised by the Property Room Sergeant or Lieutenant.

801.15 RELEASE OF PROPERTY FOR COURT PROCEEDINGS

Evidence must be processed in various ways to obtain information for criminal prosecutions.In the event evidence must be released into the custody of allied agencies or individuals during legal proceedings, the integrity and the chain of custody must be maintained at all times to prevent evidence from becoming tainted and excluded from any cause of action.

Property room personnel will ensure proper documentation is entered into the FileOnQ system and a signature is obtained from the authorized personnel the property is released to.(Note: All narcotic evidence checked out to Office personnel shall have a court order or a subpoena. All narcotic evidence checked out to allied agency personnel shall have a court order, subpoena, or official department letterhead stating the reason for the narcotic release.)

801.16 RELEASE OF FIREARMS

Release/return of firearms will be conducted upon receipt of a request entered by the investigating officer or his/her designee in FileOnQ.Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

Property room personnel shall make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm will not be released to the person while the order is in effect.

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The Property Room Unit is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

801.17 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the firearm shall be eligible for release to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

801.18 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be eligible for release to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Office determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code §34000.

801.19 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

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(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Office shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Office to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

801.20 DISPOSITION OF PROPERTY

Requests for disposition of property items held in the Property Room will be periodically sent to seizing/investigating officers via FileOnQ. Officers will indicate if items should be held, returned to owner, disposed, or released to another agency.Officers shall appropriately respond to the dispositions within two weeks of receipt.

801.21 AUTHORIZED METHODS OF PROPERTY DISPOSAL

Return to owner:

(a) Property room personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The property shall be released upon proper identification being presented by the owner for which an authorized disposition has been received. A signature of the person receiving the property shall be recorded on the electronic property record.

Release to finder:

(a) Any finder's claim for property stored in the Property Room shall be reviewed by the Property Room Sergeant. Final approval of all finder's claims will be made by the Commander of the Support Services Division.

(b) No property shall be released pursuant to a finder's claim until such time as a diligent effort is made to find the lawful owner of the property.

(c) Any and all property with an estimated value of $250.00 or more shall be publicized pursuant to California Civil Code Section 2080.3(a) prior to release of the property under a finder's claim.

(d) Pursuant to California Civil Code Section 2080.1, all persons seeking the release of property under a finder's claim shall file an "Affidavit of Finder" with the Property Room Sergeant of the Office (attachment "A"). Property will not be released to a claimant if no affidavit is on file with the Property Room.

(e) No property will be released to a third-party claimant or the claimant's agent except in the event that the claimant is the successful bidder in a public auction as referenced in California Penal Code Section 2080.3.

(f) Release of Firearms Pursuant to a Finder's Claim: All provisions as set forth in Penal Code 33850 in regard to the lawful transfer of ownership of firearms shall be complied

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with prior to the release of any firearm pursuant to a finder's claim. No firearm shall be released under a finder's claim without the review and written approval of the Commander of the Support Services Division.

Auction:

(a) Auction of Property (ref. CC 2080 seq. & PC 12028 (c)) The Property Room Sergeant will review the potential auction list and contact the approved vendor to complete the process.The process will be followed in accordance with property room guidelines and legislative requirements.

(b) The Office will not participate in the auction of firearms.

Office or other agency use:

Converting property into the Office's custody, which was formerly evidence, recovered, abandoned or surrendered property, and has either been seized by or entrusted to the Office and has been released by proper authority for disposal, can be used to further the official duties of the Office or another agency.(Examples of conversion include but are not limited to: equipment into direct use, enhancement of existing equipment, decoy or bait in law enforcement operations, public education and law enforcement training aids.)Any person who misappropriates or diverts any property for personal use or as a gift, shall be considered to have committed embezzlement and will be subject to misconduct charges (DPPM B-100, C-100 or C-200) or criminal prosecution (California Penal Code Section 504, Kern County Ordinance Code Section 2.80.030).

Destruction:
Any item, which does not fall into the above categories and/or has been designated for destruction by a court, or any other lawful entity must be destroyed.

801.22 DESTRUCTION OF FIREARMS AND OTHER WEAPONS

The Property Room Unit supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that include but are not limited to the following (Penal Code § 18005):

(a) Identification of firearms and other weapons that need to be destroyed

(b) Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons

(c) Identification of any law enforcement agency that the Office contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this office and the other agency

If the Office contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

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The Property Room Unit supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Kern County Sheriff's Office website (Penal Code § 18005).

801.23 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

(a) Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)

(b) Animals, birds, and related equipment that have been ordered forfeited by the court (599a(Penal Code §

(c) Counterfeiting equipment (Penal Code § 480)

(d) Gaming devices (Penal Code § 335a)

(e) Obscene matter ordered to be destroyed by the court (Penal Code § 312)

(f) Altered vehicles or component parts (Vehicle Code § 10751)

(g) Narcotics (Health and Safety Code § 11474 et seq.)

(h) Unclaimed, stolen, or embezzled property (Penal Code § 1411)

(i) Destructive devices (Penal Code § 19000)

(j) Sexual assault evidence (Penal Code § 680)

801.24 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the property involved.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Office may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

801.25 RETENTION OF BIOLOGICAL EVIDENCE

The Property Room Unit Supervisor shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant’s attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Detectives Bureau supervisor

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Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property Room Unit Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Detectives Bureau supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor’s office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Detectives Bureau supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

801.26 UNCLAIMED MONEY

Currency that is booked into the Property Room and is unclaimed or abandoned is deposited into Trust Fund 24005 pending final disposition. Annually, the Financial Services Section audits monies being deposited into Trust Fund 24005. The audit consists of publishing an advertisement for the public, listing any unclaimed/abandoned funds. The advertisement identifies the Property Room Sergeant as the contact person for any claims, a claim deadline, and the Sergeants contact information. If the Sergeant is not available for an extended period of time, the Property Room Lieutenant's contact information will be used instead. Procedures for the deposit of unclaimed monies will be in accordance with Property Room guidelines.

801.27 DESTRUCTION OF FIREARMS AND OTHER WEAPONS

The Property Room Unit supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that include, but is not limited to the following (Penal Code § 18005):

Identification of firearms and other weapons that need to be destroyed

Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons

Identification of any law enforcement agency that the Office contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this office and the other agency

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If the Office contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

The Property Room Unit supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Kern County Sheriff's Office website (Penal Code § 18005).

801.28 INSPECTIONS OF THE EVIDENCE ROOM

All general property and evidence will be inventoried at least one time a year. Narcotics, firearms and money will be inventoried quarterly. The Property Room Sergeant and Lieutenant shall review the inventories upon completion to ensure any/all unaccounted-for items are documented appropriately and dealt with accordingly.The Property Room Sergeant will conduct random audits of selected areas on a regular basis.

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Chapter 10 - Personnel

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Facial Coverings

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the Sheriff's Office commitment to transparency, accountability, and public trust; to establish clear limits on the use of facial coverings by sworn personnel; and to ensure compliance with Government Code 7289, which requires law enforcement agencies in California to maintain and publicly post a written policy regarding use of facial coverings. This policy is intended to prevent indiscriminate use of masks that obscure identity and undermine trust; ensure use is narrowly tailored, necessary, and documented.

1030.1.1 DEFINITIONS

Definitions related to this policy include:

Facial covering - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item.

Facial covering does not include:

- A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with this policy.
- A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
- A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, necessary for underwater use.
- A motorcycle helmet when worn by a deputy utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.
- Eyewear necessary to protect from the use of retinal weapons, including but not limited to lasers.

In order to further the Sheriff's Office's mission and maintain the public's trust, sworn personnel shall not wear a facial covering while performing official duties, except as expressly permitted within this policy. The principle that generalized and undifferentiated fear and apprehension about officer safety shall not be sufficient to justify the use of facial coverings.

Any use of an opaque facial covering shall be approved by a supervisor prior to use only when no other reasonable alternatives exist and shall be documented via the "Facial Covering Use Report" on Sheriff Net. If more than one sworn personnel utilizes a facial covering during an incident, the use by each employee shall be documented in the submitted report. Furthermore, supervisors are prohibited from knowingly permitting violations of state law or this policy limiting the use of a facial covering. All completed "Facial Covering Use Reports" shall be submitted withing within 24 hours of the use of an opaque facial covering.

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1030.2 POLICY

It is the policy of the Kern County Sheriff's Office that facial coverings shall not be worn by deputies in the performance of their duties except as set forth in this policy.

Generalized and undifferentiated fear and apprehension about deputy safety shall not be sufficient to justify the use of facial coverings.

1030.3 FACIAL COVERINGS EXCEPTIONS

Facial coverings shall not be worn by deputies when performing their duties except under the following conditions:

(a) Active undercover operations or assignments authorized by a supervisor or court order

(b) Tactical operations where protective gear is required for physical safety

(c) Applicable law governing occupational health and safety authorizes such use (e.g., N95 masks against transmission of disease or infection, self-contained breathing apparatus against exposure to hazardous conditions)

(d) Protection of identity during a prosecution proceeding

(e) Applicable law governing reasonable accommodations authorizes such use

1030.3.1 SUPERVISOR APPROVAL AND DOCUMENTATION

Any use of an opaque facial covering shall be approved by a supervisor prior to use only when no other reasonable alternatives exist and shall be documented via the "Facial Covering Use Report" on Sheriff Net. If more than one sworn personnel utilizes a facial covering during an incident, the use by each employee shall be documented in the submitted report. Furthermore, supervisors are prohibited from knowingly permitting violations of state law or this policy limiting the use of a facial covering. All completed "Facial Covering Use Reports" shall be submitted withing within 24 hours of the use of an opaque facial covering.

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Visible Display of Identification

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all deputies to be readily identifiable to the public by the visible display of the office name and individual identifying information when performing enforcement duties, except in described limited specific circumstances (Government Code § 7288).

This policy also serves as a declaration that the Kern County Sheriff's Office is committed to transparency, accountability, and public trust.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Enforcement duties - Active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes.

Visibly display identification - To wear externally on the uniform in a size and location such as to be reasonably visible to a member of the public with whom the deputy interacts.

1031.2 POLICY

It is the policy of the Kern County Sheriff's Office that all deputies visibly display identification when performing enforcement duties except in circumstances set forth in this policy.

1031.3 VISIBLE DISPLAY OF IDENTIFICATION

Whenever performing enforcement duties, every deputy shall visibly display identification, including the name of this office and either the deputy's name or badge number, or both name and badge number.

This requirement shall not apply under the following conditions:

(a) When deputies are engaged in active undercover operations or investigative activities

(b) When deputies are wearing personal protective equipment that prevents display

(c) When exigent circumstances exist involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence, including if the deputy is responding to those circumstances while off-duty

(d) When there is a specific, articulable, and particularized reason to believe that identification would pose a significant danger to the physical safety of the deputy

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Attachments

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grievanceformfillin.pdf

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EXHIBIT A

GRIEVANCE PROCEDURE

Grievance procedures for represented employees are governed by the applicable MOU. Employees who are not in the classified service must use the process as is afforded them within their department. For all other employees, the following applies.

.1 *Application.* The following procedure applies to employee complaints relating to working conditions or policies governing personnel practices. A grievance may be filed when the employee believes an injustice has been done because of an unfair application or deviation from a departmental policy. This grievance procedure does not apply to employee disciplinary matters, which are subject to Civil Service Commission appeal. Also exempted from this grievance procedure are disciplinary reassignments, written reprimands, employee performance evaluations, and work assignments.

.2 *General Objective.* The purpose of this grievance procedure is to:

a. informally settle disagreements at the employee-supervisor level;

b. provide an orderly procedure to handle the grievance through each level of supervision;

c. correct, if possible, the cause of the grievance to prevent future complaints;

d. promote harmonious relations among employees, their supervisors, and departmental administrators;

e. assure fair and equitable treatment of all employees; and

f. resolve grievances at the departmental level before appeal to higher levels.

.3 *Definitions.*

a. *Employee:* Any employee in the classified service of the county, regardless of status.

b. *Immediate Supervisor:* The person who assigns, reviews, or directs the work of an employee.

c. *Superior:* The person to whom an immediate supervisor reports.

d. *Representative:* A person who appears on behalf of the employee.

e. *Department Head/Appointing Authority:* The officer or employee having charge of the administration of a department.

.4 *Time Limits.* Time limits are established to settle grievances quickly. Time limits may be extended by agreement of the parties. If the grievant is not satisfied with the decision rendered, it is the grievant's responsibility to initiate the action which submits the grievance to the next level of review within the time limits specified. Failure of the employee to submit the grievance within the time limits imposed terminates the grievance process, and the matter shall be considered resolved. Failure of the County to respond within the time limits specified will allow the grievant to submit the grievance to the next higher step of the grievance procedure.

.5 *Informal Grievance Disposition.* Within 20 days from the occurrence of the issue that gave rise to the complaint, or within 20 days from the employee's knowledge of the occurrence (but no later than one year from the date of occurrence), an employee will promptly and informally meet to discuss the complaint with his/her immediate supervisor. In those circumstances where the nature of the complaint involves the immediate supervisor, the employee may informally discuss the complaint with the next higher level of supervision, provided prior notification is given the immediate supervisor by the employee.

If the employee is not satisfied with the result of the informal meeting with his/her immediate supervisor or the next level of supervision in the instance of a complaint involving the immediate supervisor, the employee may use the formal grievance procedure. Grievance forms are available in the department.

.6 *Formal Grievance Procedure.*

Step 1. The grievance form and any supporting documents shall be delivered to the supervisor with whom the informal meeting was held, no later than five days from receipt of the supervisor's informal response or within ten days from the close of the informal meeting if no decision is rendered. The formal grievance procedure shall be initiated by the employee, stating the nature of the grievance, the alleged violation by section or number, if any, and the desired solution, in writing on the grievance form, together with any supporting documents attached to the grievance form.

The supervisor shall hold a formal meeting with the employee within five days of the receipt of the formal grievance to review the facts, gather all supporting documents, discuss the complaint and desired solution, and discuss the proper appeal procedure.

Step. 2. If the employee feels the immediate supervisor has not resolved the grievance, the employee may appeal to the next higher level of supervision and department head jointly. At this time, all supporting documents and evidence relative to the grievance shall be included with the appeal and made known to both parties. The person occupying the next higher level of supervision (identified by the department), together with the department head, shall hold a formal meeting with the employee and his/her representative, if requested, within ten days from the date of the appeal receipt, and attempt to settle the grievance.

A decision shall be made, in writing, on the original grievance form to the employee by the department head within ten days from the close of the formal meeting.

Step 3. If the employee is not satisfied with the decision of the department, he/she may appeal the decision to the County Administrative Officer within five days from receipt of the department head's decision. In his/her appeal to the County Administrative Officer, all supporting documents must be attached to the grievance form, together with the grievant's reason for appeal and stated remedy requested.

The County Administrative Officer or designee will review the original grievance, all supporting documents, the department head's response, and the remedy requested, and issue a written decision within ten days of the receipt of the grievance. Such decision shall be final.

In the event that the County Administrative Officer was involved in the decision that gave rise to the grievance, the County Administrative Officer shall not hear the appeal or designate any employee in the County Administrative Office to hear the appeal.

Such appeals shall be heard by an arbitrator who shall issue a written decision within ten days of the receipt of the grievance. Such decision shall be final.

COUNTY OF KERN GRIEVANCE FORM

Department: _____

Date: _____

Employee: _____ ***Classification:*** _____

Division: _____ ***Section:*** _____

Nature of Grievance:

Settlement Desired:

Signature: _____

1st Step (Immediate Supervisor) ***Date Received:*** _____

Date Discussed Informally _____

Summary of Facts:

Decision:

Date: _____ ***Signature:*** _____

Title: _____

2nd Step (Next Higher Supervisor and Department Head) Head Jointly) ***Date Received:_____***

Additional facts adduced:

Decision:

Date:_____ ***Signature:_____***

Title:_____

3rd Step (County Administrative Officer) ***Date Received:_____***

Additional facts adduced:

Decision:

Date:_____ ***Signature:_____***

Title:_____

Human Trafficking Survivors Waiver of Rights to an Advocate.pdf

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California Firearms Injury Report.pdf.doc

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POST Human Trafficking Survivors Waiver of Rights to an Advocate.pdf

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APPENDIX

Human Trafficking Survivor's Waiver of Rights to an Advocate

You have the right to have an advocate present during any interview with law enforcement and during other subsequent examinations and proceedings. Please be advised that there are certain benefits of being represented by an advocate, including, among other things, confidentiality and evidentiary privilege, emotional support, assistance in accessing resources, and assistance with understanding your legal rights. There is no cost to you if you request an advocate. If you request an advocate, the officer will contact the appropriate organization and arrange for the advocate to be present for any further interviews, examinations, or other proceedings.

Accordingly, you may request that your advocate be present for this and any further interviews or examinations.

If you choose to waive your right to an advocate, you may revoke that waiver at any time and request an advocate. By signing this document, you, as a survivor of human trafficking, are indicating that you understand and are waiving your rights to an advocate. I hereby waive my right to an advocate as a survivor of human trafficking:

Name	
Signature	Date
Declined to Sign (if the victim provides a reason for refusing to sign, state the reason):	

Waiver Provided Pursuant to Welfare & Institutions Code section 23022(b)

APPENDIX

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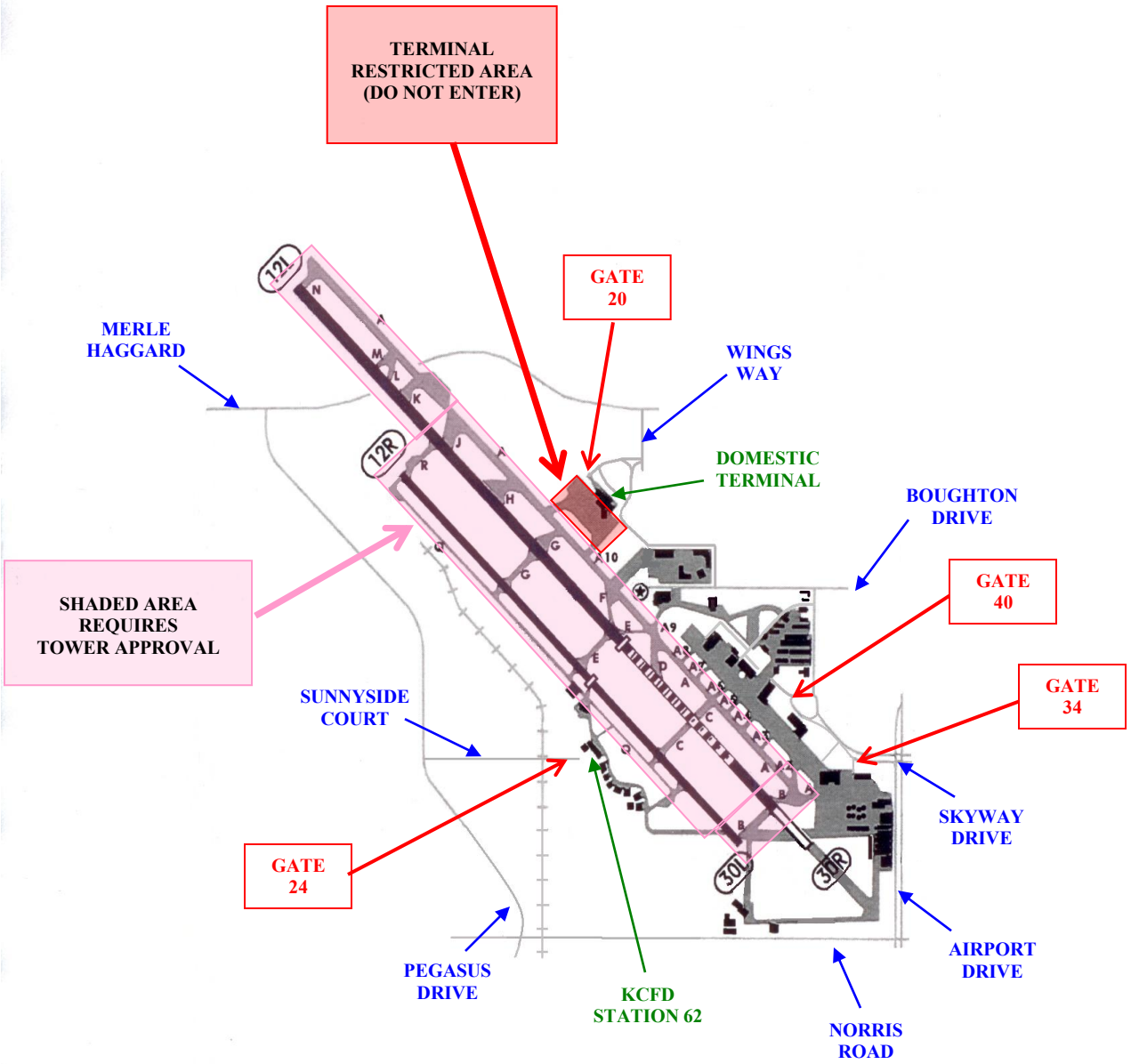
Name	
Signature	Date
Declined to Sign (if the victim provides a reason for refusing to sign, state the reason):	

Waiver Provided Pursuant to Welfare & Institutions Code section 23022(b)

Meadows Field Alert Response EMERGENCY GATE MAP Nov 2008 - Attachment 1.pdf

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MEADOWS FIELD EMERGENCY GATE MAP



Statutes and Legal Requirements.pdf

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Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Supplemental Hate Crime Report-Agency.pdf

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SUPPLEMENTAL HATE CRIME REPORT

☐ **Hate incident (No Crime Committed)** ☐ **Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)**

VICTIM

VICTIM TYPE

☐ **Individual**

Legal name (Last, First):

_____

Date of Birth	Age	Sex	Race

☐ **School, business or organization**

Name: _____

Type: _____

(e.g., non-profit, private, public school)

☐ **Faith-based organization**

Name: _____

Faith: _____

☐ **Other**

Name: _____

Type: _____

Address: _____

Date and time of incident:

_____

Location of incident:

_____

Date and time of report:

_____

Location of report:

_____

Agency Case #:

_____

NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Association with a person or group with one or more of these characteristics (actual or perceived)
☐ Other:
_____

ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].
☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No

BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

SUPPLEMENTAL HATE CRIME REPORT

HISTORY

SUSPECT INFORMATION

Legal name (Last, First):

_____

Other Names used (AKA):

_____

Date of Birth	Age	Sex	Race

Relationship to Victim:

_____

RELATIONSHIP BETWEEN SUSPECT & VICTIM

Suspect known to victim: ☐ Yes ☐ No

Nature of relationship:

_____

Length of relationship: _____

☐ Prior reported incidents with suspect: *Total #* _____

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown

WEAPONS/FORCE

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____

Force used during incident? ☐ Yes ☐ No Type: _____

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known

RESOURCES

Resources offered at scene: ☐ Yes ☐ No

☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment
☐	☐	Injuries observed

Completed by	***Date***

Name/Title/ID number

Hate Crime Checklist.pdf

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HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

BIAS

Type of Bias
(Check all characteristics that apply):

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	☐ Yes	☐ No
Has suspect ever harmed you?	☐ Yes	☐ No
Does suspect possess or have access to a firearm?	☐ Yes	☐ No
Are you afraid for your safety?	☐ Yes	☐ No
Do you have any other information that may be helpful?	☐ Yes	☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

POST Human Trafficking Survivor’s Waiver of Rights to an Advocate.pdf

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Name	
Signature	Date
Declined to Sign (if the victim provides a reason for refusing to sign, state the reason):	

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