

Kern County Sheriff's Office

Law Enforcement Policy Manual

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

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).

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.

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

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).

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

The Sheriff-Coroner shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect for a period of six (6) months so it may be permanently incorporated into the manual.

104.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

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

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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.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this office is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public. 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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Organizational Structure and Responsibility

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.

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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Chain of Command

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.

Chapter 5 - Traffic Operations

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. Crash Investigation Manual.

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 applicable
 - (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.

Chapter 8 - Support Services

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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Law Enforcement Policy Manual

Attachments

[grievanceformfillin.pdf](#)

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: _____

Classification: _____

Section: _____

Employee: _____

Division: _____

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: _____

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<u>Victim Type:</u> ☐ 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: _____	<u>Target of Crime (Check all that apply):</u> ☐ Person ☐ Private property ☐ Public property ☐ Other _____ <u>Nature of Crime (Check all that apply):</u> ☐ Bodily injury ☐ Threat of violence ☐ Property damage ☐ Other crime: _____ Property damage - estimated value _____
BIAS	<u>Type of Bias</u> <u>(Check all characteristics that apply):</u> ☐ 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): _____ _____	<u>Actual or Perceived Bias – Victim’s Statement:</u> ☐ Actual bias [Victim actually has the indicated characteristic(s)]. ☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i> <u>Reason for Bias:</u> Do you feel you were targeted based on one of these characteristics? ☐ Yes ☐ No <i>Explain in narrative portion of Report.</i> Do you know what motivated the suspect to commit this crime? ☐ Yes ☐ No <i>Explain in narrative portion of Report.</i> Do you feel you were targeted because you associated yourself with an individual or a group? ☐ Yes ☐ No <i>Explain in narrative portion of Report.</i> Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? ☐ Yes ☐ No <i>Describe in narrative portion of Report.</i> Are there Indicators the suspect is affiliated with a criminal street gang? ☐ Yes ☐ No <i>Describe in narrative portion of Report.</i>
	<u>Bias Indicators (Check all that apply):</u> ☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used ☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____ <i>Describe with exact detail in narrative portion of Report.</i>	
HISTORY	<u>Relationship Between Suspect & Victim:</u> Suspect known to victim? ☐ Yes ☐ No Nature of relationship: _____ Length of relationship: _____ <i>If Yes, describe in narrative portion of Report</i>	☐ Prior reported incidents with suspect? Total # _____ ☐ Prior unreported incidents with suspect? Total # _____ Restraining orders? ☐ Yes ☐ No <i>If Yes, describe in narrative portion of Report</i> 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	<u>VICTIM</u>		<u>SUSPECT</u>	
	☐ Tattoos ☐ Shaking ☐ Unresponsive ☐ Crying ☐ Scared ☐ Angry ☐ Fearful ☐ Calm ☐ Agitated ☐ Nervous ☐ Threatening ☐ Apologetic ☐ Other observations: _____		☐ Tattoos ☐ Shaking ☐ Unresponsive ☐ Crying ☐ Scared ☐ Angry ☐ Fearful ☐ Calm ☐ Agitated ☐ Nervous ☐ Threatening ☐ Apologetic ☐ Other observations: _____	
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>			
	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			
<u>Resources offered at scene:</u> ☐ Yes ☐ No Type: _____				
MEDICAL	<u>Victim</u> <u>Suspect</u> ☐ ☐ Declined medical treatment ☐ ☐ Will seek own medical treatment ☐ ☐ Received medical treatment Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No		<u>Paramedics at scene?</u> ☐ 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		

Supplemental Hate Crime Report-Agency.pdf

SUPPLEMENTAL HATE CRIME REPORT

Page 1 of 2

☐ 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

Page 2 of 2

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM	
Legal name (Last, First): _____				Suspect known to victim: ☐ Yes ☐ No	
Other Names used (AKA): _____				Nature of relationship: _____	
Date of Birth	Age	Sex	Race	Length of relationship: _____	
				☐ Prior reported incidents with suspect: <i>Total #</i> _____	
Relationship to Victim: _____				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	Recordings:	☐ Video	☐ Audio	☐ Booked	
Photos taken?	☐ Yes	☐ No	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	

Statutes and Legal Requirements.pdf

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.

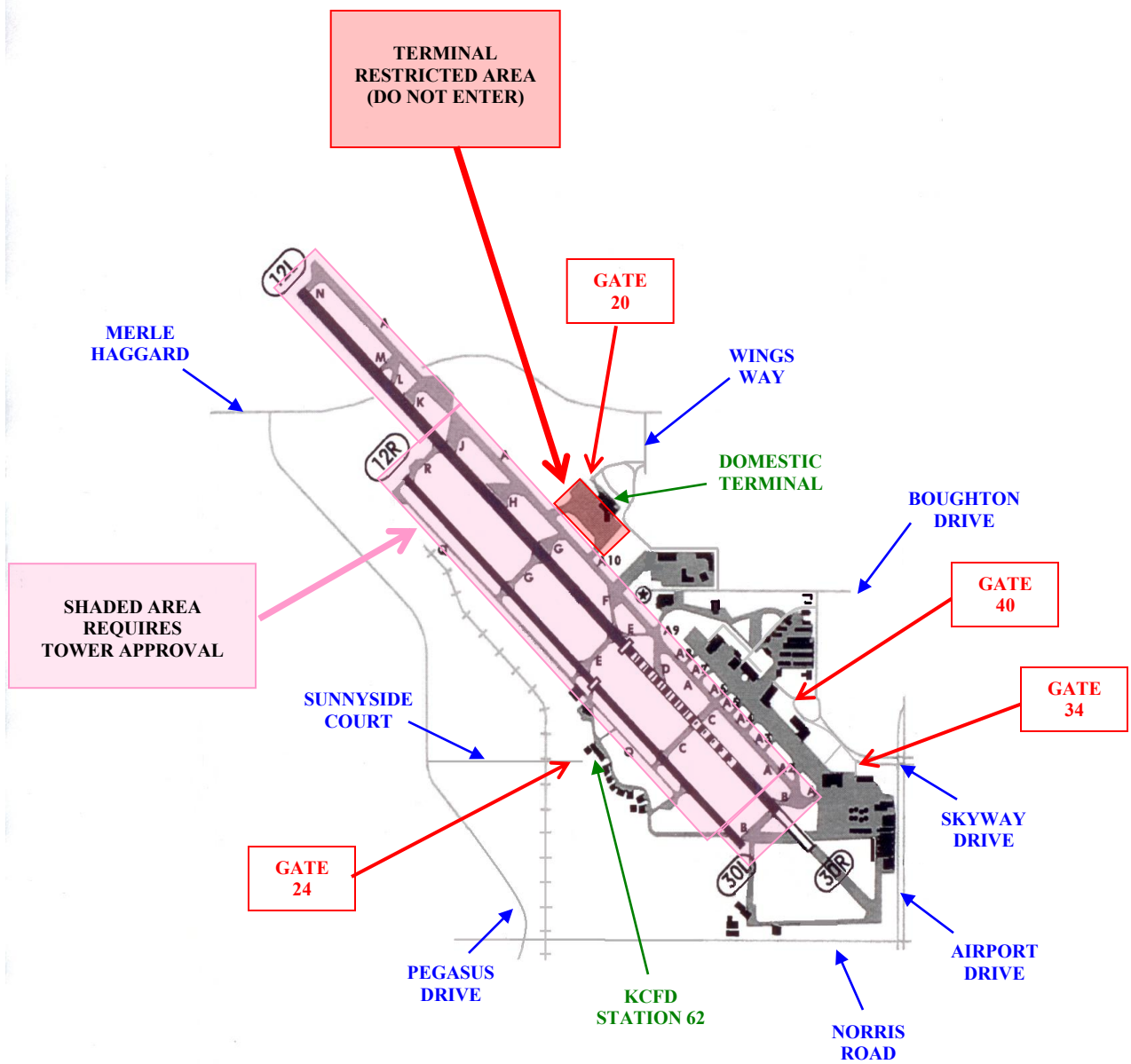
GC 6254 - Victim confidentiality.

**Meadows Field Alert Response EMERGENCY
GATE MAP Nov 2008 - Attachment 1.pdf**

MEADOWS FIELD

EMERGENCY

GATE MAP



INDEX / TOPICS