SHERIFF'S INTRODUCTION TO THE DEPARTMENT STANDARDS MANUAL

This Department Standards Manual is a living document that is subject to constant change. This manual was prepared with technical and professional guidance while taking into consideration laws, court decisions, county ordinances, and best practices of law enforcement agencies throughout the state. The Department Standards Manual will be the subject of continual review of these considerations and will experience future revisions where necessary and appropriate.

No set of policies and procedures, no matter how complete, can hope to address all the situations that may be encountered by members of this Department. There will be situations that occur that must be left to the good judgment and discretion of the personnel involved. Such discretion must be employed with a reasonableness standard that is the standard for governmental actions.

It is the responsibility and duty of every member to become thoroughly familiar with the contents of this manual. The information contained in the manual should be followed as closely as circumstances permit.

Upon distribution of this manual in its entirety, all previously issued Department Directives and General Orders are revoked.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Riverside County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

While this Department recognizes the power of peace officers to make arrests and take other enforcement action, Deputies are encouraged to use sound discretion in the enforcement of the law. This Department does not tolerate the abuse of law enforcement authority and shall take into consideration both the letter, and the spirit of the law in all its duties and enforcement activities.

100.3 CONSTITUTIONAL AUTHORITIES AND CONSTRAINTS

All employees shall observe and comply with every person's clearly established rights under the United States and California Constitutions, clearly understand the powers granted to them within those documents, and clearly understand and respect the constraints upon their authority as outlined in those documents.

100.4 AUTHORITY AND DUTY OF THE SHERIFF

The Sheriff derives his authority from the Constitution of the State of California and State Statutes, mainly found in the Government Code and the Penal Code, which briefly state:

(a) Article XI, Section 6 of the State Constitution-Municipal Corporations are formed under general law.

(b) Government Code Section 24000-Designation and Definition of a County officer. The Sheriff is a county officer. A county officer is a public officer and may be defined as one who fills a ministerial position in the county, and who is selected by the political subdivision of the State known as the county. The Sheriff is elected to carry out specific acts on behalf of the public.

(c) Government Code Section 26600-Preservation of Peace. The Sheriff shall preserve the peace, and to accomplish this objective may sponsor, supervise or participate in any project of crime prevention, or suppression of delinquency.

(d) Government Code Section 24004-Prohibited Activities of the Sheriff, Clerk, or Deputies. A Sheriff, Clerk, or Deputy shall not do the following:

1. Practice law where a conflict of interest may be present.
2. Act as a collector or perform this task for any collection agency in the county where they reside and hold office.
3. Have as a partner, a lawyer or collector or anyone who acts as a lawyer or collector for a collection agency.

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(e) Government Code Section 26601- Duty to Arrest. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed a public offense.

(f) Government Code Section 26602-Public Order. Prevent and suppress any affrays, breaches of the peace, riots and insurrections that may come to his knowledge, and investigate public offenses that have been committed.

(g) Government Code Section 26603-Duties in Court. Attend all Courts held within the County, and obey all lawful orders and directions of all Courts held in the County.

(h) Government Code Section 26604-Command Aid. Command the aid of as many inhabitants of the County as he may think is necessary in the execution of these duties.

(i) Government Code Section 26605-County Jail Facilities. Take Charge of and keep the County Jail and the prisoners in it.

(j) Government Code Section 26608-Legal Processes. Serve all processes and notices in the manner prescribed by law.

100.5 AUTHORITY OF THE CORONER

Pursuant to Government Code Section 27491, it shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of specified deaths including:

(a) Violent, sudden, or unusual deaths;

(b) Unattended deaths;

(c) Deaths wherein the deceased has not been attended by a physician in the 20 days before death;

(d) Deaths related to or following known or suspected self-induced or criminal abortion;

(e) Known or suspected homicide, suicide, or accidental poisoning; and

(f) Other deaths as detailed in Government Code section 27491.

Inquiry pursuant to this section does not include those investigative functions usually performed by other law enforcement agencies. In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death. If the death occurred in a state hospital, the coroner shall forward a copy of his or her report to the state agency responsible for the state hospital.

The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

For the purpose of inquiry, the coroner shall have the right to exhume the body of a deceased person when necessary to discharge the responsibilities set forth in this section.

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Pursuant to California Health and Safety Code 102860, the coroner shall state on the certificate of death the disease or condition directly leading to death, antecedent causes, other significant conditions contributing to death and other medical and health section data as may be required on the certificate, and the hour and day on which death occurred.

100.6 THE SHERIFF AND THE ARREST AUTHORITY OF DEPUTIES

The Sheriff is the Chief Executive Officer of the Department and is subject to the qualifications set forth in Government Code Section 24004.3. The Sheriff is the final authority in all matters dealing with the Department. The Sheriff may delegate authority to his executive staff.

100.6.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE RIVERSIDE COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the Riverside County Sheriff's Office includes (Penal Code § 830.1; Penal Code § 836):

(a) When the deputy has probable cause to believe the person has committed a felony, whether or not committed in the presence of the deputy.

(b) When the deputy has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the deputy.

(c) When the deputy has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the deputyand the deputy reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the deputy has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the deputy such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.6.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

The arrest authority outside the jurisdiction of the Riverside County Sheriff's Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the deputy has probable cause to believe the person committed a felony.

(b) When the deputy has probable cause to believe the person has committed a misdemeanor in the presence of the deputy and the deputy reasonably believes there is immediate danger to person or property or of escape.

(c) When the deputy has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the deputy such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

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(d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

(e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed within the County, or while assisting another agency.

On-duty deputies who discover criminal activity outside the jurisdiction of the County should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

100.6.3 DELIVERY TO NEAREST MAGISTRATE

When a deputy makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the deputy shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

100.6.4 TIME OF MISDEMEANOR ARRESTS

Deputies shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:

1. A misdemeanor committed in the presence of the deputy
2. Misdemeanor domestic violence offenses (see the Domestic Violence policy)

(b) The arrest is made in a public place

(c) The arrest is made with the person in custody pursuant to another lawful arrest

(d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night

100.6.5 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when deputies are acting:

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents

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or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Riverside County deputy sheriffs have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, deputies should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, sworn employees exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.6.6 LA PAZ COUNTY, ARIZONA AUTHORITY

Department personnel assigned to the Colorado River Station, as well as those personnel who work in that general region, should become familiar with the Memorandum of Understanding between the department and the La Paz County Sheriff's Department in Arizona. The document outlines a mutually binding agreement for sharing resources and personnel to further both agencies' law enforcement mission along their shared border.

The document is available at the Colorado River Station and personnel assigned there are regularly trained on its contents.

100.7 CALIFORNIA PEACE OFFICER POWERS

Sworn members of this Department shall be considered peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

(a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or

(b) Where the peace officer has the prior consent of the chief of police, or person authorized to give consent, if the place is within a city; or of the sheriff, or person authorized to give such consent, if the place is within a county; or

(c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

100.7.1 POLICING TRIBAL LANDS

See the Policing Tribal Lands Policy for details.

100.8 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

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(b) When a deputy sheriff enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

100.9 ARMED CORRECTIONAL AUTHORITY

The Sheriff has authorized on-duty correctional deputies who have met the Riverside County Sheriff's Department's qualifications and the requirements set forth by the Standards and Training for Corrections (STC) to carry firearms in the performance of specific assigned duties identified by the Sheriff or his designee. While this policy cannot anticipate all possible circumstances or incidents which an armed correctional deputy may encounter, the department expects them to use good judgment in protecting the life and safety of members of the public, other department members and themselves.

Pursuant to California Penal Code section 830.1(c)

> [...] *a correctional deputy who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in the state* ***only*** *while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency.*

(Amended by Stats. 2012, Ch. 66, Sec. 1. (SB 1254) Effective January 1, 2013.)

100.9.1 ARMED CORRECTIONAL DEPUTY ASSIGNMENTS

Armed Correctional Deputies may be assigned to:

(a) Designated armed positions at a correctional facility, or locations specifically designated by the Sheriff

(b) Participate in Mobile Field Force (MFF) supportive roles when activated during a local state of emergency

(c) Conduct facility security perimeter checks around a correctional facility

(d) Make lawful arrests within a custodial facility

(e) Other custodial-related designated armed assignments such as facility lobby security, inmate medical transportation and routine inmate transportation

(f) Determine reasonable suspicion for strip searches as described by PC 4030 (See DM #19-170).

Armed correctional deputies shall only become involved in a field incident when encountering an unavoidable and immediate life threatening situation. Armed correctional deputies shall take

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reasonable action to preserve life, immediately notify Dispatch, request assistance, and notify their supervisor as soon as reasonably possible.

An on-duty, armed correctional deputy who becomes involved in a field incident shall immediately identify themselves as an armed correctional deputy to responding law enforcement personnel.

Any armed correctional deputies who is deployed outside of a correctional facility shall have and maintain radio communications with Sheriff's Dispatch. If equipped with a body worn camera, armed correctional deputies shall adhere to the guidelines in DSM #410.

100.9.2 ARMED CORRECTIONAL DEPUTIES PROHIBITIONS

Armed correctional deputies shall not engage in the following activities outside of a correctional setting and with no direct nexus nor immediate proximity to a correctional facility:

(a) Patrol duties typically assigned to sworn, field trained, deputy sheriffs

(b) Respond as a back-up for those working in patrol operations

(c) Respond to calls for service

(d) Any type of traffic enforcement

(e) Pedestrian checks

(f) Search or arrest warrant services (outside of a correctional facility)

(g) Parole, Probation, or Supervised Electronic Confinement Program residence checks

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Riverside County Sheriff's Department Value Statement

101.1 VALUE STATEMENT

The Department has adopted a Value Statement, written by the employees. It is each employee's responsibility to read, understand, and uphold their role within the context of the Value Statement.

The members of the Riverside County Sheriff's Department, fill a variety of difficult and demanding roles as we provide law enforcement and related services to our communities. We recognize that trust and support are not automatically granted, but must be earned.

To achieve and maintain superior service we proudly commit ourselves to exercise and display the following values:

I. INTEGRITY

We are dedicated to honesty and integrity in all our actions and will uphold our ethical beliefs regardless of the consequences. Our actions must be above reproach. We will:

•Promote and recognize ethical behavior and actions.

•Demand honesty and loyalty.

•Prevent abuse of the laws and violation of civil rights.

•Report and confront employees who violate laws and the basic values of the organization.

II. LOYALTY

We are dedicated and loyal to the citizens of our communities, our Department, and our co-workers. Above all, we will be loyal to the Law Enforcement Code of Ethics. We will:

•Reward and recognize those who contribute to the development of more effective ways of providing the policing service.

•Take all reasonable steps and precautions to protect both the employees' and the Department's interest in incidents that present either danger or civil exposure.

III. PROFESSIONALISM

We will serve with honor and vitality. Our professionalism dictates critical self-appraisal and objective analysis, with a commitment to community betterment. We will maintain the position of honor entrusted to us by those we serve. We will:

•Openly discuss both ethical and operational issues.

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•Promote an atmosphere that encourages reasonable risk-taking and recognizes that growth and learning may be spawned by honest mistakes.

•Recognize that it is our duty to prevent, report, and investigate crimes, and to pursue, apprehend, and prosecute lawbreakers.

•Require professional performance for all members of the Department.

IV. LEADERSHIP

We are mandated by law and public expectation to be leaders. We will lead by example and by adherence to our professional ethics and values. We will:

•Listen to and promote suggestions emanating from all levels of the Department.

•Review and react to individual performance based upon the totality of the circumstances surrounding a decision or action.

•Publicly acknowledge and praise employees who excel at their jobs.

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Mission Statement

102.1 RIVERSIDE COUNTY SHERIFF'S DEPARTMENT MISSION STATEMENT

The mission of the Office of Sheriff is to meet the mandates prescribed by California law, provide responsive, innovative and efficient public safety; while working in partnership with the community and our allied agencies.

In partnership with the public, we serve to protect the public by the suppression and prevention of crime, and the reduction of criminal recidivism; and,

Perform all mandates of the Office of Sheriff as provided in the U.S. Constitution, California Constitution, and laws of the State of California, including upholding federal laws, and the investigation and enforcement of violations of state laws and local ordinances in a fair and reasonable manner; and,

Serve our superior courts by providing court security, service of civil process, and execution of lawful orders of the court; and, maintain the county jails and prisoners committed therein pursuant to state guidelines, regulations and as prescribed by law in a fair and humane manner; and, perform Coroner-Public Administrator functions pursuant to law.

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Law Enforcement Code of Ethics

103.1 PURPOSE

To insure that all peace officers are fully aware of their individual responsibilities to maintain their own integrity and that of their agency, every peace officer, during basic training, or at the time of appointment shall be administered the Law Enforcement Code of Ethics, as prescribed in POST Regulation 1013.

103.2 LAW ENFORCEMENT CODE OF ETHICS

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 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.

ADOPTED. 1956. THE PEACE OFFICERS' ASSOCIATION OF THE STATE OF CALIFORNIA

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Correctional Deputy Code of Ethics

104.1 CORRECTIONAL DEPUTY CODE OF ETHICS

As a Correctional Deputy, it is my fundamental duty to honor the Correctional Deputy Code of Ethics and the Value Statement of the Riverside County Sheriff's Department. By doing so, I will demonstrate the true meaning of integrity, loyalty, professionalism, and leadership.

I will always be fair in the performance of my duties, never seeking to use my authority over others unjustly. I will perform my duties without prejudice or bias. I will maintain honesty of word and deed. I will act with integrity at all times, keeping my private life unsullied as an example. I will be exemplary in obeying the laws of the land and the regulations of my Department.

I will maintain calm in the face of ridicule and contempt, never employing more force than is necessary. I will never act officiously or permit personal feeling or friendship to influence me. I will always be aware of the safety and security of all those around me by maintaining a safe and secure environment. I will never use my position for personal gain, never accepting gratuities, nor will I exaggerate the limits of my authority.

I recognize the badge as a symbol of my profession and of the Department. I will maintain the integrity of my badge and position.

I will strive to achieve and embody the highest ideals and ethics of the Department, while always displaying the highest degree of professionalism ---As a Correctional Deputy.

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Chief Executive Officer

105.1 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.

105.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment (Penal Code § 832.4).

105.1.2 SHERIFF CANDIDATE REQUIREMENTS

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

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Oath of Office

106.1 PURPOSE AND SCOPE

All Deputies of this Department are sworn to enforce the law and uphold and defend the federal and state constitutions, local and state laws, and the ordinances of Riverside County.

106.1.1 OATH OF OFFICE

Upon employment, all employees shall be required to affirm the following oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer:

"I so solemnly swear 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."

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Department Standards Manual

107.1 PURPOSE AND SCOPE

The Standards manual of the Riverside County Sheriff's Department is hereby established and shall be referred to as the "Department Standards Manual" (DSM). The Department Standards Manual is a statement of the current policies, procedures, rules, guidelines and expectations of this Department and its employees. All employees of this Department are to conform to the provisions of this DSM. All prior and existing manuals, orders and regulations which are in conflict with the published segments of this DSM are revoked, except to the extent that portions of existing manuals, orders and other regulations which have not been included herein shall remain in effect.

Except where otherwise expressly stated, the provisions of this DSM are to be considered as Department guidelines and expectations. It is recognized, however, that law enforcement is not always predictable and circumstances may arise which warrant reasonable and defensible departure from these policies. It is the department's intent that the DSM be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this Department under circumstances faced that could not have been reasonably avoided, and with the information available or reasonably obtainable at the time of any incident or conduct.

107.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the DSM rests with the Sheriff. Since it is not practical for the Sheriff to solely prepare and maintain the manual, the Research and Development Team will do so.

107.2.1 SHERIFF

The Sheriff shall be considered the ultimate authority for the provisions of the DSM and may continue to issue Departmental Directives until the completion of this standards manual. Any Departmental Directives shall remain in effect until replaced by a corresponding policy within this manual.

107.2.2 EXECUTIVE STAFF

The Executive Staff shall consist of the Sheriff, the Undersheriff, the Assistant Sheriffs and the Chief Deputy from each division. The Executive Staff shall review all recommendations regarding proposed changes to the DSM at periodic staff meetings.

107.2.3 OTHER PERSONNEL

All Department employees suggesting revisions to the Department Standards Manual shall forward their suggestion and any supporting research, in writing, to their Station Commander who will consider the recommendation and forward it to their supervisor if appropriate.

107.3 STANDARDS MANUAL DEFINITIONS AND ABBREVIATIONS

Abbreviations and definitions used in the Department Standards Manual include the following:

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107.3.1 DEFINITIONS

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

Adult - Shall mean any person eighteen years of age or older.

Bureau - Shall refer to a department location with a specialized function such as Cal-ID or Special Investigations Bureau, for example.

CD - Shall refer to a Correctional Deputy.

CHP - Shall refer to the California Highway Patrol.

Department/RCSD - Shall mean the Riverside County Sheriff's Department.

Deputy - Applies to those employees, regardless of rank, who are sworn employees of the Riverside County Sheriff's Department.

DMV - Shall refer to the Department of Motor Vehicles.

DSM- Shall refer to the Riverside County Sheriff's Department Standards Manual and its contents.

Employee/Member - Term applied to all persons who are employed by the Sheriff's Department and shall include sworn deputies and civilian employees. This includes reserve deputies and volunteers.

Facility - Shall Refer to a jail or correctional facility within the Corrections Division.

Manual/Standards Manual - Shall refer to the Riverside County Sheriff's Department Standards Manual.

Minor/Juvenile -Shall mean any person under the age of eighteen years.

Off-Duty - Shall mean any time an employee is not expected to be on-duty by the department, is not being compensated, or to a time period when an employee does not have prior approval (and/or departmental expectation) to be on-duty.

OIS - Shall refer to an officer involved shooting.

On-Duty - Shall mean any time an employee is engaged in the performance of his or her assigned duties during a scheduled or otherwise approved time period with applicable compensation as approved and required.

Order - A legal instruction, either written or verbal, issued by a superior that is to be immediately complied with absent any reasonable claim that the order is illegal.

POBOR - Shall refer to the Peace Officer Bill of Rights (Government Code §3300 et seq.).

Rank - Shall mean the title within the classification held by a deputy or other non-sworn employee.

Shall - Indicates a mandatory action that is to be carried-out or abided by, regardless of minor or unreasonable reasons not to, and regardless of a subordinate's unwarranted objection.

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Should - Indicates a permissive or discretionary action that is encouraged to be carried-out or completed unless extenuating circumstances warrant reasonable deviation.

Station - Refers to a patrol station.

107.4 STANDARDS MANUAL ACKNOWLEDGMENT

All employees are required to read and obtain necessary clarification of the policies and expectations contained within the DSM. All employees are required to acknowledge that they have received a copy, or have been provided access to the Department Standards Manual and understand they are responsible to read and properly interpret its contents. Every department member is required to acknowledge newly released policies within the DSM within 30 calendar days of the recorded issue date.

107.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all DSM revisions. All changes to the DSM will be made known to all employees via the Lexipol website and an intra-departmental e-mail to them. Each employee shall review the revisions, seek clarification as needed, and acknowledge their understanding.

Each commander/manager will ensure that employees under his/her command are acknowledging new policies as they are released. No changes shall be made to the DSM without authorization from the Sheriff or the authorized designee.

107.5 ACCESS TO THE STANDARDS MANUAL

An electronic version of the DSM will be made available to all members on the department network for viewing, research, and printing. Any employee who is unable to access the manual, shall notify a supervisor as soon as practical. In addition, all portions of the DSM that would be released pursuant to a California Public Records Act request are accessible to the public via the department's website, beginning on January 1, 2020 (SB 978). The department may update, edit, or replace policies contained on the website as needed.

107.6 PERIODIC REVIEW OF THE STANDARDS MANUAL

The Sheriff will ensure that the Department Standards Manual is periodically reviewed and updated as necessary to comply with new laws, to notify of new or changing mission priorities, to address personnel matters, or to comply with training mandates.

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Chapter 2 - Organization and Administration

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Organizational Structure and Management

200.1 PURPOSE AND SCOPE

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

200.2 OPERATIONAL AREAS

The Sheriff is responsible for administering and managing the Department. The Department is divided into three major operational areas as follows:

- Field Operations
- Corrections
- Support
    - Courts/ Administration/ Coroner and Public Administrator

200.3 ORGANIZATIONAL STRUCTURE AND ASSIGNMENT

Each area of responsibility and the department chain of command is outlined in the Department Organization Chart located on the Sheriff's Department Intranet and Internet sites.

200.4 CHAIN OF COMMAND

The Sheriff is the Chief Executive Officer of the Department and, for the effective operation of the Department, must delegate and assign some duties to other Departmental personnel. The chain of command identifies not only the authority a member has to perform the duties of the Sheriff, but also assigns the responsibility for those duties. Each member of the Department is governed by the chain of command and, in the proper and effective execution of assigned duties, is responsible to one designated supervisor. The chain of command identifies the avenues of communications and the rank structure within the Department. A member of the Department must follow that structure when dealing with matters of the Department, with some limited exceptions.

Nothing in this section shall prohibit a member of the Department from diverting from the established chain of command in an emergency situation, or when confronted with exigent circumstances.

200.5 UNDERSHERIFF

The Undersheriff is appointed by the Sheriff and is the Chief Operations Officer of the Department. The Undersheriff is the second in command of the Department. The Undersheriff is responsible for long-term, department-wide policy and initiative implementation, as developed in coordination with the Sheriff. The Undersheriff also has direct responsibility for three Assistant Sheriffs and the following areas of operation:

1. Accounting and Finance

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2. Media Information Bureau

200.6 ASSISTANT SHERIFFS

Each of the operational areas is assigned to one of three Assistant Sheriffs, who are responsible for the general management, direction, and control of their respective commands as follows:

(a) The Assistant Sheriff of Field Operations is responsible for the following divisions:

1. Field Operations - East and West Patrol Stations
2. Field Support - Enforcement teams who work in support of the patrol mission

(b) The Assistant Sheriff of Corrections is responsible for the following divisions:

1. Corrections Operations - All jails
2. Corrections Support - Units that work in support of headcount and program management

(c) The Assistant Sheriff of Administration is responsible for the following divisions and bureaus:

1. Administration
   - (a) Dispatch
   - (b) Fleet
   - (c) Information Services Bureau (ISB)
   - (d) California Identification System (Cal-ID)
   - (e) Technical Services Bureau (TSB)
   - (f) Public Safety Enterprise Communication (PSEC)
   - (g) Ben Clark Training Center (BCTC) - JOB and TEB
   - (h) Personnel Bureau
   - (i) Concealed Weapons Permits (CCW)
   - (j) Research and Development Team (R&D)
2. Professional Standards Bureau(PSB) & Civil Litigation Unit
3. Courts
4. Coroner / Public Administrator
5. Support Services

200.7 CHIEF DEPUTIES

A Chief Deputy is responsible for command and control of a division. The six divisions of the Department are:

- Field Operations
- Corrections

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- Courts
- Support
- Coroner / Public Administrator
- Administration

200.8 COMMANDERS

A Commander is a Captain or Lieutenant. The Commander is the top level of authority at a Station, Bureau, or Facility and is responsible for the operation therein. A classified employee may be charged with command responsibility over a specific technical or support service operation. A Captain may be a sworn peace officer or a non-sworn Correctional Captain.

200.8.1 TEMPORARY COMMAND

Employees placed in command during a stated or lengthy absence such as vacation, leave, or illness of the Commander, possess full authority and responsibility of the command.

200.9 LIEUTENANTS

A Lieutenant is a mid-level manager and generally serves as the second in command in most Stations, Bureaus, and Correctional Facilities and may command the activities of a facility or subdivision of the Department. A Lieutenant may be a sworn peace officer or a non-sworn Correctional Lieutenant. Managers at this level may also be civilian employees overseeing personnel in a variety of support positions within the department.

200.10 SERGEANTS / SUPERVISORS

A Sergeant is a front-line supervisor responsible for the work-related activities of subordinates. A sergeant may be a sworn peace officer or a non-sworn Correctional Sergeant. Civilian employees may also have the title of supervisor within specific areas and job classifications throughout the department.

200.11 CORPORALS/CORRECTIONAL CORPORALS

This is the advanced journey level class in the Deputy Sheriff Series. Incumbents is this class typically report to a Sheriff Sergeant, Correctional Sergeant, or sworn supervisory personnel and perform a variety of responsible specialized law enforcement functions, and custodial and security duties which result in additional accountability beyond the level of responsibility generally assigned to the incumbents at the journey level Deputy Sheriff or Correctional Deputy. Incumbents in the Sheriff Sergeants or Correctional Sergeants classes differ from incumbents in this class in that the latter are first line supervisors.

200.12 INVESTIGATORS

Under general supervision, Sheriff's Investigators initiate and conduct investigations of suspected criminal activities and actual law violations from misdemeanors to felonies; to apprehend suspected criminals; to perform special assignments in crime prevention, training, and community

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relations programs; and to do other work as required. Investigators may attain the rank of Master Investigator after having met established career benchmarks and education requirements.

200.13 DEPUTY SHERIFFS

Deputy Sheriffs are peace officers empowered to continuously bear arms and perform the full range of peace officer duties as delegated by the Sheriff across all areas of department responsibility.

200.14 RESERVE DEPUTY SHERIFFS

Reserve deputies are Commissioned members who are appointed and volunteering to perform specific limited peace officer duties as delegated by the Sheriff. A Reserve is a volunteer, possessing Peace Officers Standards and Training (POST) required training, who serves at the pleasure of the Sheriff in a non-vested, part-time and uncompensated position.

200.15 CORRECTIONAL DEPUTIES

A Correctional Deputy is a Public Officer empowered to perform certain limited peace officer duties and/or may be empowered to bear arms on a limited basis for
a specific purpose, or perform other tasks as delegated by the Sheriff. A rank structure does exist within the Correctional Deputy classification.

200.16 CLASSIFIED PERSONNEL

Classified Personnel are employees who perform specific job tasks as delegated by the Sheriff and are assigned to support services only. Management classifications may be established within support members.

200.17 ALL EMPLOYEES

All employees are responsible for the proper execution of their assigned duties; the maintenance of proper community relations; adherence to policies, procedures, rules, and regulations of the Department and the County of Riverside; proper care, control, and use of any Departmental resources; and enforcement of the aforementioned among subordinates.

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Orders

201.1 DEFINITION

An order is an instruction, either written or verbal, issued by a superior officer or supervisor.

201.2 LAWFULNESS OF ORDERS

All orders, when issued by a superior, are presumed to be lawful. All members of the Department shall obey orders promptly and willingly.

201.2.1 SUPERVISOR RESPONSIBILITIES

No supervisor shall knowingly and willfully issue an order in violation of any law or any policy, procedure, rule, or regulation of the Department.

Nothing in this section authorizes a supervisor to issue an order that is contrary to Departmental policies. Emergencies or exigent circumstances may justify reasonable and defensible deviance from this rule, and require written justification to the Commander regarding the circumstances requiring the issuance of any order contrary to policy.

201.2.2 INSUBORDINATION

The failure or deliberate refusal to obey an order given by a superior officer of the Department shall be deemed insubordination. All members of the Department shall refrain from public criticism or comment on orders received. Flouting the authority of any superior officer by wanton disrespect or by disputing the order is also insubordination. Insubordination may be cause for dismissal from the Department.

201.3 CONFLICTING OR UNJUST ORDERS

A member who has been given an order and subsequently given a second and conflicting order shall inform the person giving the second order. The superior giving the second order has the authority to direct the sequence in which the orders shall be accomplished. The right of appeal exists only after orders have been carried out.

A member who has been given an order that they feel is unjust or in contradiction to any policy shall first obey the order to the best of their ability, and then may appeal the order.

An appeal to an order shall be made in writing to the member's Commander. If the Commander is unable to satisfy the appeal, it will proceed through the chain of command. The appeal must state the circumstances and justify the reason(s) for the appeal.

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Business Management

202.1 OPERATIONS

Business Management Operations shall mean the management of the day-to-day operation of the department and shall include, but not be limited to, internal and external communications, preparation and maintenance of fiscal business records and reports.

Departmental communications, fiscal and business operations records and reports shall be maintained in a timely fashion with accuracy and thoroughness.

All communications, fiscal and business operations records, shall be prepared, processed, maintained and retained in accordance with accepted and established business record principles and directives of the department.

All fiscal records and reports shall be prepared, processed, maintained and retained in compliance with the procedures as established by the Board of Supervisors, Office of Auditor- Controller and the Accounting and Finance Bureau.

All communications, fiscal and business operations records and fiscal records and reports may be reviewed and audited by authorized representatives of the state,
county or department upon authorization and demand in accordance with statute, ordinance, and the procedures of the county and department.

The division chief shall ensure that communications, fiscal and business operations records and reports within their division are maintained in an accurate and standardized manner.

Commanders shall ensure the integrity and management of communications, business operations records and fiscal records and reports within their station, bureau, or facility.

Any employee who is responsible for care and custody of communications, business and/or fiscal records, shall maintain such records and reports in an accurate and standardized manner. Such record system shall follow accepted and established business record principles and shall meet the standards as established by the department.

Communications, business and/or fiscal records, shall have a numbering, indexing or standardized title system for easy and accurate retrieval. All records should be kept in chronological order by year.

Department communications and business records shall be considered confidential except those records, or portions thereof, deemed public information.

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Fiscal Operations

203.1 ACCOUNTING AND FINANCE BUREAU

The Accounting and Finance Bureau shall provide fiscal services for the department and perform other duties as directed by the Sheriff. The Accounting and Finance Bureau is under the administration of the Undersheriff.

Command and control of Accounting and Finance is the responsibility of a Chief Deputy or classified equivalent. The operation and management of Accounting and Finance is under the authority of a Finance Director.

203.2 ACCOUNTABILITY OF FUNDS

Accountability of funds is the appropriate maintenance of documentation to ensure lawful expenditure of governmental funds. All county or departmental funds which are used for any departmental operation shall be accounted for by an employee. Accountability of funds shall include written documentation of fund use on appropriate county and/or departmental forms to ensure that the funds were used in accordance with county and department regulations.

203.2.1 REIMBURSEMENT

An employee is responsible for submitting an "Expense Reimbursement Claim," General Form #14, to the Accounting and Finance Bureau within five (5) working days following completion of the department travel, business, training assignment and/or other approved expenditure. Proper receipts for allowable expenditures
shall be attached. All documents used by a department member to account for the expenditure of departmental funds are subject to review and audit.

See DSM 1029 - Travel Regulations, for further direction.

203.3 AUTHORIZATION FOR CHECKING ACCOUNTS

The department may establish and maintain checking accounts to conduct departmental business. All checking accounts shall have a Division Chief's and the County Auditor/Controller's approval prior to the establishment of such an account. The establishment of a checking account shall meet all requirements and specifications of the department and the County Auditor-Controller.

Any checking account maintained for departmental purposes shall be in accordance with accepted and established business principles and policies of the department and the County of Riverside. All departmental checking accounts should be interest bearing. A checking account may be reviewed and audited by an authorized representative of the county or department.

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Fair Political Practices Commission - Disclosure Requirement

205.1 PURPOSE

Government Code 81000 requires that state and local government agencies adopt and publish a Conflict of Interest Code and Riverside County is considered a local agency under Government Code 82041. A Conflict of Interest Code is intended to improve transparency related to the purchasing decisions made within the agency and those who are empowered to make or influence them. The Fair Political Practices Commission (FPPC) sets the standards for completing and implementing the Conflict of Interest Code.

This policy will outline filing procedures and identify those within our department who are required to complete and submit a FPPC Form 700, also known as a Statement of Economic Interests.

205.2 POLICY

The department will comply with Riverside County Board Resolution 2017-011 in reference to those department members who shall complete and submit a FPPC Form 700 to Sheriff's Administration. The Sheriff's form shall be submitted by March 2, and all others shall be submitted by April 1 of each year.

205.3 AFFECTED PERSONNEL

The following department members shall complete and submit a FPPC Form 700:

- All Sheriff's Command Staff outlined in Board Resolution 2017-011
- All Commanders (Lieutenant or Captain) who have been given the purchasing authority as outlined in the FPPC guidlines. This authority may be granted by the Sheriff or be given by a contract city where the Lieutenant or Captain are considered the Chief of Police. Personnel in these assignments shall consult with their respective Chief Deputy and associated City Manager to determine if they meet the filing requirements.

205.3.1 DISCLOSURE REQUIREMENTS

In general, economic interests must be disclosed if they fall into the following categories:

- Stocks, bonds, 401k-type accounts
- Business ownerships or partnerships
- Second sources of employment or income (including spouse's)
- Rental properties within the department's jurisdiction
- Gifts from vendors
- Travel payments received from third parties

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For more information on disclosures and to obtain a FPPC Form 700, you may visit the following link:

http://www.fppc.ca.gov/learn/rules-on-conflict-of-interest-codes.html

205.4 RETENTION AND REPORTING

Each form is filed with, and retained by, Sheriff's Administration, with the exception of the Sheriff's form which must be filed with the Clerk of the Board of Supervisors. The Deputy Director of Administrative Services shall ensure annually, that all forms have been submitted by affected department personnel.

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Disaster Plan (Unusual Occurrences)

206.1 PURPOSE AND SCOPE

The County of Riverside has prepared an Emergency Operations Plan Manual for use by all County employees in the event of a major disaster or other emergency event. For greater detail, department members should also refer to the Basic Unusual Occurrences Plan, within the Emergency Operations Plan document within each station or bureau. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Sheriff's Department, the Sheriff's Emergency Services Coordinator or the highest-ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

206.3 LOCATION OF MANUALS

The manual for the employees is available in Administration and the Watch Commander's office of each station. All supervisors should familiarize themselves with the Emergency Operations Plan and what roles Sheriff's personnel will play when the plan is implemented.

206.4 UPDATING THE MANUAL

The Sheriff's Emergency Services Coordinator shall conduct an annual review of the manual to ensure that it is current with the State of California's Office of Emergency Services guidelines.

206.4.1 DISTRIBUTION OF PERIODIC UPDATES

Distribution of periodic updates of the Emergency Operations Plan Manual shall be the responsibility of the Sheriff's Emergency Services Coordinator. The Station Commander or designee shall be responsible for ensuring the updates are placed in the manuals and the manuals are kept current.

206.5 EVACUATION TERMINOLOGY

The State of California, Office of Emergency Services, standardized evacuation terminology used during a major disaster or other emergency event includes:

1. Shelter in place - Go indoors. Shut and lock doors and windows. Prepare to self-sustain until further notice and/or contacted by emergency personnel for additional direction.
2. Evacuation Warning - Potential threat to life and/or property. Those who require additional time to evacuate, and those with pets and livestock should leave now.
3. Evacuation Order - Immediate threat to life. This is a lawful order to leave now. The area is lawfully closed to public access.

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Training Policy

208.1 PURPOSE AND SCOPE

The policy of the Riverside County Sheriff's Department is to administer a training program that will provide for the professional growth and continued development of its personnel. By so doing, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

The Department shall adhere to the training and background requirements as set by the California Commission on Peace Officer Standards and Training (POST) and the Standards and Training for Correctional Officers (STC). The department may provide training for its members as the Sheriff deems necessary for the proper execution of assigned duties.

The Support Services Division Chief shall be responsible for the development and maintenance of Departmental training.

208.2 PHILOSOPHY

The Riverside County Sheriff's Department seeks to provide on-going training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on POST.

208.3 OBJECTIVES

The objectives of the Riverside County Sheriff's Department's training program are to:

(a) Enhance the level of law enforcement and related services to the public;

(b) Increase the technical expertise and overall effectiveness of our personnel;

(c) Provide for continued professional development of Department personnel;

(d) Practice sound risk-management strategies and minimize liability through training.

208.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Coordinator. It is the responsibility of the Commander of the Training and Education Bureau to maintain, review, and update the Training Plan on an annual basis. The plan will address the following areas:

(a) Legislative changes and case law;

(b) State mandated training;

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(c) Critical issues training.

208.4.1 COMMANDER RESPONSIBILITIES

The commander of each station or bureau within the department shall ensure that members of all classifications within their command receive training necessary to perform their duties. Commanders may designate a training coordinator to record, track, and assist with scheduling of all assigned training. All training shall be consistent with the standards established and approved by the Training and Education Bureau.

208.4.2 INITIAL TRAINING PROGRAMS

The Department administers and maintains a variety of training programs related to an employee's initial assignment to one of the Sheriff's primary functions. Station or Bureau training personnel shall adhere to policies and procedures set forth in the applicable training manual and shall remain aware of current training mandates as required by POST or the Training and Education Bureau.

The department shall have a Field Training Program (FTO), a Corrections Training Program (CTO), a Court Services Training Program (CSTO) and a Communications Training Program (CTO) to provide on-the-job training and prepare the most qualified department members for independent performance.

The training programs will follow procedures that are specified in the departmental training program manuals and approved by the Training and Education Bureau.

208.4.3 SUPPLEMENTAL TRAINING

The Sheriff or designee, may assign any department employee to attend supplemental training, in addition to what is mandated, for the purpose of improving overall performance or a specific skill. Such assignment to supplemental training may be to reduce the likelihood of misconduct or unsatisfactory performance, to minimize civil liability and practice sound risk management, to meet/maintain the requirements of a specialized license or enforcement authority, to prepare an employee for a specific assignment or task, or be intended to restore an employee to satisfactory performance during a Performance Improvement Plan (PIP).

208.4.4 TRAINING ORDERS AND ASSIGNED TRAINING

Training orders, as published by the department, are orders from the Sheriff to attend training. Such orders may direct department members to a location away from their assigned duty station. The assigned location is the department member's duty station for the prescribed time period. Attendance is not optional and assigned personnel shall communicate with their supervisors regarding the orders.

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208.4.5 SPECIAL ORDERS AND ASSIGNED TRAINING
Special orders, as published by the department, require a completed Form 320 to request a payment from the County of Riverside for but not limited to; registration fee, tuition fee, membership fee, airline tickets, lodging, meals, car rental, parking fees, taxi, shuttle, bus, etc.

208.4.6 EARLY RELEASE
If released from any training more than one hour before its scheduled end time, department members shall call an on-duty supervisor for instructions regarding the remaining time.

208.5 TRAINING NEEDS ASSESSMENT
The Training Bureau will conduct an on-going needs assessment of the Department training component. This assessment will be conveyed to the Chief Deputy of the Training and Education Bureau and will, in part, form the basis for the training plan for the fiscal year.

208.6 TRAINING ATTIRE
The Sheriff, or his designee, has discretion to adjust the attire to be worn during assigned training based on the training goals and to facilitate a realistic training experience. For example, deputies assigned to the Perishable Skills Program training, Annual Jail Training, Range Training, Firearms Qualifications, and Force Options Simulator, may be required to wear their regular duty uniforms and all corresponding equipment. Department members shall carefully read and adhere to the specific uniform and equipment requirements indicated in department training and special orders.

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Electronic Communication Systems

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of Electronic Communication Systems including but not limited to Electronic Mail Systems (EMS), Mobile Data Terminals (MDT) Mobile Data Computers (MDC), and County desktop and cellular phones/ wireless communication devices and their related message systems. Electronic Communication Systems are communication tools available to Department employees to enhance the efficiency in the performance of job duties and are to be used in accordance with generally accepted business practices and current law. Messages transmitted over the Electronic Communication Systems must only be those that involve official business activities or contain information essential to County employees for the accomplishment of business-related tasks, and/or communication directly related to County business, administration or practices.

212.2 ELECTRONIC COMMUNICATIONS RIGHT OF PRIVACY

All electronic messages transmitted over any Department Electronic Communication System or network are considered official Department records and, therefore, the property of the Department. The County reserves the right to access, audit and disclose, for whatever reason, all messages transmitted over its Electronic Communication Systems or placed into its storage.

Electronic Communications Systems are not a confidential system since all communications transmitted on the systems are the property of the County. Therefore, Electronic Communication Systems are not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of Electronic Communications Systems. Employees using the Department's Electronic Communication Systems shall have no expectation of privacy concerning communications in the system.

212.3 PROHIBITED USE OF ELECTRONIC COMMUNICATION SYSTEMS

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on any County Electronic Communication System will not be tolerated.

No labor union related messages may be disseminated without prior approval of the Sheriff.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure is intended to prevent the misuse of an individual's e-mail, name and/or password by others.

212.4 RESTRICTIONS ON THE USE OF COUNTY ELECTRONIC COMMUNICATION SYSTEMS

Electronic Communication System messages addressed to an entire Station are only to be used for County business related items that are of particular interest to the receiving users and must

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be approved by the sending employee's Station Commander via chain of command. Personal advertisements are not acceptable.

Electronic Communication System messages addressed to the entire Department or "ALL SHERIFF" are only to be used for County business related items that are of particular interest to all users and must be approved by a member of the Sheriff's Executive Staff. Personal advertisements are not acceptable. Once approved, "ALL SHERIFF" broadcasts shall be sent by a Sheriff's Administration Executive Assistant or their designee.

Criteria for issuance of an "ALL SHERIFF" message include, but are not limited to, the following:

(a) Conveying information requiring immediate dissemination concerning a critical incident of Departmental, local, regional or National interest;

(b) Conveying technical or operational system information requiring immediate dissemination to all system users;

(c) Conveying information which, while not of a critical nature, would benefit from rapid distribution and for which other means of distribution are deemed likely to be inefficient or ineffective.

Command requests to issue "ALL SHERIFF" broadcasts shall be directed to the respective Chief Deputy responsible for the Station desiring to send the broadcast, or, if that person is unavailable, to another member of the Sheriff's Executive Staff.

212.5 MANAGEMENT OF ELECTRONIC COMMUNICATION SYSTEMS

Because the Electronic Communication Systems are not designed for long-term retention of messages, messages that the employee desires to save or that becomes part of an official record should be printed and / or archived. Users of these systems are solely responsible for the management of their mailboxes. Messages should be purged regularly by the user. Messages retained in excess of one month may be deleted at regular intervals from the server computer without notice.

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Administrative Communications

214.1 PURPOSE AND SCOPE

The administrative communications of this Department are governed by the following policies and shall be retained according to applicable retention schedules, if any.

214.2 DEPARTMENT DIRECTIVES (DD)

A Department Directive is a written directive issued by the Sheriff or at his direction. A Department Directive provides for immediate direction regarding a specific issue or topic. Department Directives are to be considered a direct order from the Sheriff and unless otherwise indicated are effective immediately upon issuance. Department Directives may temporarily modify or alter Department Policies or Standards.

214.3 OTHER ADMINISTRATIVE COMMUNICATIONS

214.3.1 DEPARTMENTAL MEMORANDUMS (DM)

Departmental Memorandums may be issued by the Sheriff or at his direction. A Departmental Memorandum is informational - advising announcements, suggestions, or Department information on various topics or issues and may be directed outside the Department.

214.3.2 SPECIAL ORDERS (SO)

A Special Order is an order issued by the Sheriff, or at his direction, which affects any portion or all of the Department on a temporary basis for a specific incident or event. Special Orders are not permanent and expire when the specific incident or event passes. Special orders are typically used for assignment of personnel to training or related activities.

214.3.3 CORRESPONDENCE

All external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Sheriff. Personnel should use Department letterhead only for official business and with approval and signature of the station commander or above.

214.3.4 DEPARTMENT SURVEYS

All surveys made in the name of the Riverside County Sheriff's Department shall be authorized by the Sheriff before being conducted.

214.3.5 INTERNAL COMMUNICATIONS

All internal communications shall be sent via chain of command except in situations otherwise provided for in the Department Standards Manual.

214.4 NUMBERING PROTOCOL FOR SPECIFIED COMMUNICATIONS

Specific types of administrative communications shall be numbered consecutively starting with abbreviation for the type of communication, the last two digits of the year, followed by the number

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"001", etc. For example, DD 19-001 would be the first Department Directive for 2019. This numbering system shall apply to the following types of administrative communications:

- Department Directives
- Departmental Memorandums
- Special Orders

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Department Online Briefing and Safety Training Program

215.1 PURPOSE AND SCOPE

This policy outlines the Department Online Briefing and Safety Training Program, commonly referred to as a "DocRead." The internal Sharepoint website is used to distribute DocRead topics and tasks to employees on a regular basis. The training topics and tasks will be in digital format via document, video or audio.

215.2 POLICY

Members of the Riverside County Sheriff's Department shall use information technology resources, including the Department Online Briefing and Safety Training Program, in accordance with this policy.

All DocRead postings require a chief deputy approval. DocRead postings can be sent to DocRead@riversidesheriff.org along with a completed DocRead coversheet. DocRead coversheet can be found on the Sheriff's Intranet in the DocRead section. The Technical Services Bureau will maintain the Sharepoint website.

215.3 DEFINITIONS

- **Task** - Content provided via Sharepoint that provides information about a topic. Tasks can either be required or recommended.
- **Required** - Content that employees must review and must confirm their understanding by a set date.
- **Recommended** - Content that employees are encouraged to review, but is not required.
- **Overdue** - Required content that has not been completed by a specified date.

215.4 SUPERVISOR RESPONSIBILITIES

Supervisors are required to review all training topics assigned to their subordinates. Supervisors will receive a notification when a new task has been assigned. Supervisors can use the content provided for shift briefing and should facilitate an expanded discussion about it. Training content will be short in nature so it can be viewed, explained, and discussed in briefings without impacting normal Department operations. Extensive or in depth topics will be divided into smaller sections or a series so they can be adequately covered.

215.5 MEMBER RESPONSIBILITIES

Once an employee participates in a shift session on a specific topic, they can receive credit for it by completing the steps indicated in the email they received. Should an employee miss a shift briefing session on an item, they can still complete the topic by

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reviewing the content provided via email and confirming their understanding of it. In this manner, all employees will receive consistent training content on a periodic basis. Once a task has been completed, the employee will receive a confirmation email and the task will be automatically uploaded to their training record.

Employees in an off-work status for an extended period of time will continue to receive training notification emails, employees will need to complete any overdue items upon their return to work.

215.5.1 TASK COMPLETION

Each required task will be given a completion date. If the task is not completed by that date, an additional email will be sent to the employee and their working supervisor (as shown in AgencyWeb) alerting them the task is now overdue. As employees change ranks, assignments or work locations, it is possible training items that were formerly "recommended" will change to "required" and a notification email sent.

Recommended tasks do not have completion dates and can be completed by employees if desired. All content provided via this system remains available to employees via an internal online resource library accessible from Department computers.

215.6 REVOCATION/RESCIND PRIOR DEPARTMENT DIRECTIVE(S)

With the adoption of DSM 215, Department Directive 16-077 and any supplemental directives are rescinded.

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License to Carry a Firearm

218.1 PURPOSE AND SCOPE

The Sheriff is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

218.2 POLICY

All applications to carry a concealed weapon will be fairly and impartially considered in accordance with applicable law and this policy.

218.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

(a) Be a United States citizen or possess a resident alien card.

(b) Be a resident of the County of Riverside County (Penal Code § 26150; Penal Code § 26155).

(c) Be able to legally possess and register a firearm (Penal Code § 29610).

(d) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.

(e) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.

(f) Be of good moral character (Penal Code § 26150; Penal Code § 26155). Legal judgments of good moral character can include consideration of honesty, trustworthiness, diligence, reliability, respect for the law, integrity, candor, discretion, observance of fiduciary duty, respect for the rights of others, absence of hatred and racism, fiscal stability, profession-specific criteria such as pledging to honor the constitution and uphold the law, and the absence of criminal conviction.

(g) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).

1. Criteria that may establish good cause include the following:

(a) Specific evidence that there has been or is likely to be an attempt on the part of a second party to do great bodily harm to the applicant.

(b) The nature of the business or occupation of the applicant is such that it is subject to high personal risk and / or criminal attack, far greater risk than the general population.

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(c) A task of the business or occupation of the applicant requires frequent transportation of large sums of money or other valuables and alternative protective measures or security cannot be employed.

(d) When a business or occupation is of a high-risk nature and requires the applicant's presence in a dangerous environment.

(e) The occupation or business of the applicant is such that no means of protection, security or risk avoidance can mitigate the risk other than the carrying of a concealed weapon.

(f) Personal protection is warranted to mitigate a threat to the applicant that the applicant is able to substantiate.

(g) Good cause could include, but is not limited to, documented instances of threats to the personal safety of the applicant, his / her family or employees. Threats to personal safety may be verbal or demonstrated through actual harm committed in the place of work, neighborhood or regular routes of travel for business. The applicant should articulate the threat as it applies personally to the applicant, his / her family or employees.

(h) The finding of good cause should recognize that individuals may also face threats to their safety by virtue of their profession, business or status and by virtue of their ability to readily access materials that if forcibly taken would be a danger to society. Threats should be articulated by the applicant by virtue of his / her unique circumstances.

(i) These examples are not intended to be all-inclusive they are provided merely for your reference. Also, state and local laws do not prohibit an adult from having a concealed firearm in their home or place of business.

(h) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.

1. The County of Riverside fees are waived for Reserve Peace Officers and Correctional Deputies.

(i) Provide proof of ownership or registration of any firearm to be licensed.

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

(k) Complete required training (Penal Code § 26165).

218.4 APPLICATION PROCESS

The application process for a license to carry a concealed weapon must be completed by all applicants. Applicants will advance through the process until the license is either denied or issued.

(a) **Application:**

1. Any individual applying for a license to carry a concealed weapon shall complete a California Department of Justice (DOJ) Application. The application will be

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submitted and signed, under penalty of perjury, during the background interview. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

(b) **Background Interview:**

1. The applicant will schedule an appointment with the CCW Unit to submit the completed application and conduct a background interview.

   (a) If an incomplete application package is received, the Sheriff or authorized designee may do any of the following:

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

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

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

(c) **Psychological Examination:**

1. The Sheriff may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a concealed firearm. This testing is not intended to certify in any other aspect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a concealed firearm, the applicant shall be removed from further consideration (Penal Code § 26190(f)(1).

(d) **Good Cause Determination:**

1. The Sheriff, or authorized designee, will review the completed application package and relevant background information and determine whether the requirement of good cause has been satisfied (Penal Code § 26150). The applicant will receive notification of a conditional approval, or a denial if the requirement of good cause or any other statutory requirement has not been satisfied. Applicants that receive conditional approval notifications will continue in the process (Penal Code § 26202). Applicants who receive conditional approval may proceed to the training and fingerprinting portion of the process.

(e) **Training:**

1. The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165. The applicant will not be required to complete or pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

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2. The applicant shall successfully complete a departmentally approved firearms safety and proficiency examination with each firearm to be licensed, and provide proof of successful completion. The cost of any training, inspection, and examination shall be the responsibility of the applicant.

3. The applicant's firearm(s) is/are subject to inspection by the Sheriff or designated Department Member. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is deemed unsafe (Penal Code § 31910).

(f) **Fingerprinting and DOJ Background Check:**

1. The applicant shall be required to submit to fingerprinting and a complete criminal background check. Photographs are taken on site for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, et seq., or Penal Code § 29900 or Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a concealed weapon. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

2. Applicants may use any Live Scan fingerprinting service authorized by the California Department of Justice to complete the fingerprinting process. Applicants are encouraged to use the Sheriff's Live Scan facilities to expedite the process and reduce the applicants costs. Independent Live Scan operators charge additional fees not covered in the CCW billing/fees.

   (a) A current list of Live Scan locations is available on the DOJ website at : www.ag.ca.gov/fingerprints/publications/contact.php**.**

(g) **Application Fees:**

1. The applicant will be required to pay all application fees associated with the CCW licensing process. Application fees include a County processing fee and a Department of Justice application processing fee.

   (a) Applicants will pay the DOJ application processing fee when they are fingerprinted.

      1. Fees will be paid directly to the Live Scan fingerprinting service provider.

      2. If the Sheriff's Department Live Scan service is used, applicants shall submit a check made payable to the Riverside County Sheriff's Department for the required DOJ application processing costs.

   (b) Payment of the County's fee will be required upon issuance of a license.

   (c) The County's fee does not include any additional fees required for training or psychological testing.

   (d) All fees paid are non-refundable.

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218.4.1 APPROVAL OR DENIAL NOTIFICATION

Once the Sheriff or authorized designee has verified the successful completion of the process, a final determination will be made. The application for a license to carry a concealed weapon will either be approved or denied.

Whether an application is approved or denied during any step of the process, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

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

218.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

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

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

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

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

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

218.6 ISSUED CARRY A CONCEALED WEAPON LICENSE

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

(a) The license will not be valid outside the State of California, unless recognized by another State.

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

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).

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2. The licensee will be required to sign a Terms of License Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(c) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.

1. Each license shall be numbered and clearly identify the licensee.

2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer.

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

1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.

2. A license issued under Penal Code § 26170 to any reserve peace officer appointed pursuant to Penal Code § 830.6, will be valid for a period not to exceed four years, except that such license shall be invalid upon the conclusion of service as a reserve peace officer or custodial officer.

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

(f) The licensee shall notify this department in writing within 10 days of any change of place of residency.

218.6.1 LICENSE RESTRICTIONS

(a) The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed.

2. Falsely representing him/herself as a peace officer.

3. Unjustified or unreasonable displaying of a firearm.

4. Committing any crime (excluding minor traffic infractions).

5. Being under the influence of any medication or drug while armed.

6. Interfering with any law enforcement officer's duties.

7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.

8. Loading the permitted firearm with illegal ammunition.

(b) The Sheriff or designee reserves the right to inspect any license or licensed firearm at any time.

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(c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

218.6.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting an on-line license along with the current processing fee to the Department in order to (Penal Code § 26215):

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

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

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

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

218.6.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Sheriff for any of the following reasons:

(a) The licensee has violated any of the restrictions or conditions placed upon the license.

(b) The licensee becomes psychologically unsuitable to carry a firearm.

(c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.

(d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.

(e) If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26195 and 26225).

218.6.4 LICENSE RENEWAL

90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

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

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

(c) Paying a non-refundable renewal application fee.

1. **Note:** The County of Riverside fee for renewal of a license is waived for Reserve Peace Officers and Correctional Deputies with the Riverside County Sheriff's Department.

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(d) The applicant's firearm(s) is/are subject to inspection at the discretion of the Sheriff or designated department member. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910)

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant’s criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

218.7 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Sheriff shall maintain a record of the following and immediately provide copies of each to the California DOJ:

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

(d) The amendment of a license

(e) The revocation of a license

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

218.8 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner or judge contained in an application shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant’s medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

218.9 CCW TRAINING PROVIDERS

As part of the state requirements under Penal Code § 26165, the course of training for issuance of a license may be any course acceptable to the Sheriff's Department shall be a minimum of eight (8), but not exceed sixteen (16) hours, and shall include instruction on at least firearms safety and the law regarding the permissible use of a firearm. For license renewal applicants, the course of training shall be no less than four (4) hours.

The Riverside County Sheriff's Department requires that the training provided include classroom instruction and a practical application shooting examination. At minimum, the course must provide instruction on current applicable firearm laws, weapons safety and include hands on training.

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Training providers must impress upon the students the grand importance and responsibility of being licensed to carry a loaded firearm. The goal of this program is to ensure that the citizens of Riverside County are provided with high quality firearms training.

218.10 MINIMUM STANDARDS OUTLINE

The learning objectives for the Concealed Weapons Training course shall be a minimum of eight (8) hours but not exceed sixteen (16) hours of training for an initial license and shall not be less than four (4) hours of training for a license renewal.

Students will be required to:

1. Understand and demonstrate adequate knowledge of handgun safety and handling (to include cleaning, disassembly and assembly) and handgun storage.
2. Understand and demonstrate adequate knowledge of techniques and equipment used to safely carry weapons, retain control of weapons and avoid unwarranted detection of weapons.
3. Understand and demonstrate adequate knowledge of California Penal Code sections relating to firearms and sections dealing with the permissible use of a firearm.
4. Understand and demonstrate adequate knowledge of locations where firearm possession is prohibited (i.e. air travel).
5. Understand and demonstrate adequate knowledge of civil and penal liability laws regarding firearms for the state of California.

Prior to the live fire course, each handgun must be checked for safe and mechanically sound condition. All safety considerations and precautions must be taken during live fire and weapon handling. The student must demonstrate shooting proficiency and safe technique for all weapons to be listed on the CCW license.

Sample Training Course of Fire

The course of fire utilized by the Sheriff's Department is as follows:

1. A passing score of 70% on a live fire course using the same weapon(s) that will be listed on the license. The live fire course will be at minimum, 18 total rounds fired at standard silhouette B-27 scoring targets placed 7, 10 and 15 yards from the shooter; 6 rounds per distance. The live fire course should be conducted after the classroom portion of the certification course.

218.11 APPROVED TRAINING PROVIDER LIST

Approved training providers are subject to review by the Department at any time. The Department may require approved training providers to submit additional information and materials to verify compliance with minimum standards. If at any time, the Department determines that an approved training provider is not complying with the minimum standards, the training provider will be removed from the approved list. Training providers removed from the approved list who would

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like to be reconsidered for approval, will need to resubmit all instructor certifications and course materials for review and consideration by the CCW Unit.

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Retiree Concealed Firearms

219.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired deputies of this Department.

219.2 QUALIFIED RETIREES

Any full time sworn member of this Department who was authorized to, and did, carry a concealed firearm during the course and scope of their employment may be issued an identification card with a "CCW Approved" endorsement upon honorable retirement. (Penal Code § 25460(c)). Reserve Deputies who have served 10 or more consecutive years may be issued an identification card with a "CCW Approved" endorsement upon honorable retirement from the Department in compliance with CA Penal Code 26300(a)(2).

(a) For the purpose of this policy, "Honorably retired" includes all peace officers who have qualified for, and accepted, a service or disability retirement; however, shall not include any member who retires in lieu of termination. Reserve Deputies may be "Honorably retired" after 10 years of consecutive service as referenced above.

(b) No "CCW Approved" endorsement shall be issued to any member retiring because of a psychiatric disability.

219.3 MAINTAINING A CCW ENDORSEMENT

In order to maintain a "CCW Approved" endorsement on an identification card, the retired member shall:

(a) Qualify annually with a firearm (in compliance with HR 218) at a course approved by this Department at the retired member's expense. The qualification course must be done by a certified NRA instructor or active duty Range Master from a law enforcement agency.

(b) Remain subject to all Department rules and policies as well as all federal, state and local laws. (Penal Code § 26305(b)).

219.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC 926C and Department Standards Manual Policy qualified retired deputies of this Department may be authorized to carry a concealed weapon in other states.

219.4.1 HR218 LAW ENFORCEMENT OFFICER'S SAFETY ACT OF 2004

Pursuant to HR218, the Law Enforcement Officer's Safety Act of 2004, qualified retired Deputies from this Department may be authorized to carry a concealed firearm in other states. A separate identifying card will be issued showing compliance with HR218 for those retirees who meet the qualifications under HR218.

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This card will minimally include the date of the retiree's last qualification and the type of firearm authorized for carry such as semi-automatic or revolver.

219.5 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired member shall be 2 x 3 inches and minimally contain the following (Penal Code § 25460(c).:

(a) Photograph of the retiree;

(b) Retiree's name, home address, and date of birth;

(c) Date of retirement;

(d) Name and address of this Department;

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

219.6 DENIAL OR REVOCATION OF CCW ENDORSEMENT

The CCW endorsement for any member retired from this Department may be denied or revoked only upon a showing of good cause. Good cause, if challenged, shall be determined in the following manner:

(a) In the event that a CCW endorsement is initially denied, the retired member shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. (Penal Code § 26310(b)).

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

1. The retiree shall have 15 days from the Department's verification of service to file a written request for a hearing.

2. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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

1. The decision of such hearing board shall be binding on the Department and the retiree.(Penal Code 26320(b))

2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege"

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Retiree Concealed Firearms

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the deputy at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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The department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable deputy under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 FAILURE TO INTERCEDE

A deputy who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the deputy who used force beyond that which is necessary (Government Code § 7286(b)).

300.3 USE OF FORCE

Deputies shall use only that amount of force that is objectively reasonable given the facts and totality of the circumstances known to or perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that is objectively reasonablein a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Department. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to accomplish a legitimate law enforcement purpose.

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) The apparent immediacy and severity of the threat to officers or others (Penal Code§ 835a).
(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
(d) The conduct of the involved officer (Penal Code § 835a).
(e) The effects of drugs or alcohol.
(f) The individual's apparent mental state or capacity (Penal Code § 835a).
(g) The individual’s apparent ability to understand and comply with officer commands (Penal Code § 835a).
(h) Proximity of weapons or dangerous improvised devices.
(i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
(k) Seriousness of the suspected offense or reason for contact with the individual.
(l) Training and experience of the officer.
(m) Potential for injury to officers, suspects, and others.
(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
(o) The risk and reasonably foreseeable consequences of escape.
(p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

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(r) Prior contacts with the subject or awareness of any propensity for violence.
(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers should only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 CAROTID CONTROL HOLD

Effective June 10, 2020, the Carotid Restraint Control Hold is no longer an authorized force option for members of the department.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies should consider the severity of the crime and the value of retrieving the evidence against the force needed to retrieve it.

300.3.6 USE OF FORCE AGAINST A VICIOUS ANIMAL

The reasonable use of force against a dangerous or vicious animal is authorized. When encountering a vicious animal, department members shall, when possible:

(a) Request Animal Control officials;

(b) Avoid the animal;

(c) Secure or isolate the animal;

(d) Attempt to find the owner;

(e) Use the lowest level of force given the threat presented.

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300.3.7 EUTHANIZATION OF INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

300.3.8 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Deputies of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.3.9 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict a deputy's use of reasonable control methods when attempting to restrain a combative individual, deputies are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the deputy shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a(5)(c)(1)(B)).

If an objectively reasonable deputy would consider it safe and feasible to do so under the totality of the circumstances, deputies shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, deputies should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the deputy reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

(a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.

(b) A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably

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> believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Deputies shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable deputy would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. A deputy’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies shall not shoot at any part of a vehicle in an attempt to disable the vehicle, except as described above.

300.4.2 WARNING SHOTS

The firing of warning or attention shots into the air, ground or any other medium is strictly prohibited.

300.5 MEDICAL ATTENTION

As soon as it is safe to do so, medical assistance shall be summoned for or applied to, by deputies at the scene, any person who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. Any person exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically assessed.

Based on the initial member's assessment of the nature and extent of the person's injuries, the appropriate medical assistance required here may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such person refuses medical attention, it shall be fully documented in related reports and, whenever practicable, should be witnessed by another member and/or medical personnel. If a recording is made of the contact or interview with the person, any refusal should be included in the recording, if possible.

The on-scene supervisor or a deputy shall inform attending medical personnel the person was subjected to force, and shall include a description of the force used and any other circumstances the member reasonably believes would present potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

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Persons who exhibit extreme agitation and/or violent, irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and impervious to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple members to be brought under control, may be at an increased risk of sudden death. Members who reasonably suspect a medical emergency shall request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.6 DEPARTMENT MEMBER RESPONSIBILITIES

All department members are expected to promptly notify their supervisor of a use-of-force incident as soon as it is safe to do so. Deputies shall do the following consistent with the Risk Management Policy and the Use of Force Reporting:

(a) Complete use-of-force paperwork and thoroughly document the incident prior to EOW, absent extenuating circumstances. Reports may only be held with permission from the supervisor overseeing the collection of documentation for the incident.

(b) Attempt to obtain a thorough recorded interview with the suspect. The interview shall establish:

1. Violations of law
2. Explanation as to why the suspect resisted.
3. Details of commands given to the suspect
4. Knowledge that the department member was identified or identifiable as law enforcement
5. Use of drugs or alcohol
6. Attempts to cause injury or resistance likely to cause injury
7. Attempts to resist, delay, obstruct

(c) Identify witnesses and conduct recorded interviews. The interviews shall establish:

1. Observation of the suspect’s behavior before the use-of-force
2. Observation of the use-of-force
3. Observation of the suspect’s actions resulting in a use-of-force
4. Observation of the department member’s verbal commands
5. Observation of the department member’s attire (were they readily identifiable as law enforcement)
6. Observation of the suspect’s behavior toward the department member
7. Observation of the suspect’s use of drugs or alcohol

(d) Identify and collect evidence to include taking digital photographs of the scene, involved department members, and suspects. Photographs should include:

1. Overall photographs of involved department members (front, back, left, right)
2. Photographs of any items of physical evidence

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3. Overall photographs of the scene
4. Close up photographs of injuries
5. Overall photographs of the suspect (front, back, left, right)

(e) Canvass area for video surveillance from residences and/or businesses in the vicinity of the incident.

(f) Evaluate the suspect for drug and alcohol use, consider relevant related charges and the need for a blood or urine sample.

(g) Advise a supervisor if the incident involved a significant use-of-force or caused significant injury to either the suspect or department member. Dependent upon the situation and severity of injury a supervisor may consider treating the department member as a victim and assign uninvolved personnel to investigate and transport the suspect.

(h) Book body worn camera footage from all department members who respond to the scene. Footage shall be booked before EOW, unless permission to delay is granted by a supervisor due to extenuating circumstances.

(i) File all relevant related charges, which led the department member to contact the suspect, and to ultimately use force.

(j) File all relevant charges related to crimes against peace officers (148 PC, 69 PC, 243(b) PC).

(k) Conduct additional follow-up, as instructed by a supervisor or by the CAPO Unit.

300.7 SUPERVISOR RESPONSIBILITIES

When available, supervisors shall respond to calls when they reasonably believe there is a likelihood force may be used, or when possessing knowledge that force was used. Supervisors shall respond to all deadly force incidents.

Upon a supervisor's arrival, they shall assess the circumstances, take command of the scene if necessary, expand or reduce resources as necessary, direct personnel actions, and later review each incident to insure compliance with department policy and the law. Other actions shall include:

(a) Ensure medical attention is promptly provided to both department members and suspects.

(b) Ensure a thorough interview of the suspect is attempted and recorded.

(c) In the event the suspect invokes Miranda Rights, attempt to conduct a civil/risk management interview with the suspect.

1. Civil interviews may only be recorded with the knowledge of the suspect.
2. BWC recordings and/or audio recordings of a civil interview shall be uploaded in LEFTA and labeled as a "Civil Interview."

(a) In the event a BWC recording is not available, the civil interview shall be documented in an Intra-Department Memorandum and forwarded to PSB.

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(d) Ensure all witnesses are identified and recorded interviews are completed.

(e) Ensure the area is canvassed for video surveillance from residences and businesses, if possible.

(f) Ensure the scene, department members, and suspects are photographed. See deputy responsibilities for details.

(g) Evaluate the need for Forensics to respond due to either the nature of the incident or the nature of the injuries sustained.

(h) Dependent upon the situation and severity of injury to department member consider treating the department member as a victim and assign uninvolved personnel to investigate and transport the suspect.

(i) Consider the need for an immediate notification and/or response from station investigations. PSB Civil/CAPO, and the Force Investigation Detail when the following factors are present:

1. Significant force/injuries
2. Social media or media attention highly likely
3. High profile case and/or suspect

(j) Ensure all use-of-force paperwork and initial and supplemental reports are completed by EOW (unless extenuating circumstances exist).

(k) Ensure all personnel on-scene book their body worn camera footage as evidence by EOW.

(l) Watch all body worn camera footage prior to approving initial and supplemental reports.

(m) The use-of-force packet and review of reports should be handled by the supervisor most knowledgeable about the incident. Establish a primary sergeant who will be responsible for reviewing all use-of-force reports, crime reports, and body worn camera footage. There may be times when extenuating circumstances make this impractical, but reasonable attempts should be made to ensure continuity in the review process.

(n) Ensure Internal Force Number (IFN) has been assigned by Dispatch and references the original file number.

(o) Notify Facility/Station/Bureau administration of the incident and follow any additional direction provided.

(p) **Email PSBAdmin@riversidesheriff.org before EOW and provide the file number, Incident Force Number, and include a working copy of the initial report with full block-out information for all suspects, witnesses, and others. No other summary or outline is needed.**

300.8 DISPATCH RESPONSIBILITIES

Dispatch personnel shall be responsible for the following actions following a use of force:

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(a) Assign Internal Force Number (IFN) when use of force occurs. Qualifying indicators include:

1. Department member reporting a use of force
2. Request for back up when a suspect is becoming “physical.”
3. Supervisor or deputy requests IFN
4. Request for “medical” or AMR due to an injury resulting from a use-of-force
5. Perceived use-of-force based on radio traffic

When an IFN is generated, Dispatch shall notify the watch commander. The original file number and IFN shall be referenced in each file. Dispatch personnel may not cancel or purge an IFN believed to be pulled in error. The PSB will review an IFN and determine if the file number should be cancelled.

300.9 REPORTING THE USE OF FORCE

Department members who are involved in a use of force incident, shall report it to a supervisor as soon as possible. Any department member who has knowledge of an unreported use of force shall report it to a supervisor as soon as possible.

Any use of force by a member of this department shall also be documented promptly, completely and accurately in an appropriate report. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.11 POLICY REVIEW

The Sheriff or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.12 POLICY AVAILABILITY

The Sheriff or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

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300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving a deputy's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

300.14 TRAINING RESTRICTION

The Sheriff, or designee, is responsible for establishing a process to identify deputies who are restricted from training other deputies for the time period specified by law because of a sustained use of force complaint (Government Code section 7286(b)).

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Risk Management

301.1 PURPOSE AND SCOPE

The department has an obligation to properly train and equip its members to handle difficult situations where the use of force is required, or when our enforcement efforts have resulted in damage to private property. The department has implemented effective use of force policies and training curriculum to help its members to make sound, ethical, and legal decisions in the moment and that are also intended to protect and manage the risks faced in the aftermath of an incident resulting in substantial property damage, injury, or the loss of life.

301.2 POLICY

It is the policy of the Riverside County Sheriff's Department to practice sound, contemporary, and practical risk management strategies throughout all divisions of responsibility. Every department member is a risk manager and shall adhere to the mandates within this policy to effectively protect the department and the public against needless and avoidable liability exposure.

301.3 DEPARTMENT EXPECTATIONS FOR SUPERVISORS

Because they are on duty twenty-four hours a day and because of their ability to quickly respond to locations, supervisors are in a unique position to be present during incidents requiring effective risk management practices. Department supervisors are expected to consider the following task or practice and determine its applicability during all incidents:

(a) The need to respond to the scene

(b) The need to assume control of the incident

(c) The allocation of, or request for, additional personnel or resources

(d) The need to debrief affected citizens or department members

(e) The need for Risk Management, PSB, or CAPO involvement, in addition to basic familiarity with the county claims process

(f) The need for documentation of the scene, injuries, statements, and evidence

(g) The timely identification of mitigating or aggravating factors such as department member misconduct, suspect actions or deviations from policy (either justified or not)

(h) The need to interview department members and the Peace Officer Bill of Rights implications, if any

(i) The appropriate control of information as it relates to the incident and any investigation that may occur

301.4 USE OF FORCE INCIDENTS

Department supervisors should always be mindful of the heightened possibility of force during responses to calls such as:

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(a) Man with a Gun;

(b) Mentally disturbed individuals;

(c) Calls with Information regarding 'suicide by cop' intentions;

(d) 'Standoffs' with suspects or lengthy negotiations with an unrestrained suspect;

(e) The conclusion of foot or vehicle pursuits;

(f) Arguing or defiance at the booking desk

(g) Inmate protests, sit-ins or 'pre-riot' preparation behavior

Department supervisors shall respond to those calls as soon as possible and manage the response as needed.

Department supervisors should respond to each incident in which minor force was used if practical and conduct an assessment. Incidents involving significant, lengthy or lethal uses of force shall prompt a response by the supervisor to the scene. Once arrived, the supervisor shall manage the scene, direct resources, reduce or expand resources and remain engaged until the incident is safe and stable. Once accomplished, the supervisor shall begin to compile risk management data, to include those delineated in the Use of Force Policy under "Supervisor Responsibilities."

Department supervisors shall compile all reports and related documents and carefully review them for quality and completeness before ensuring their delivery to the Professional Standards Bureau - Civil Unit within 48 hours of the incident.. Supervisors shall have reviewed all BWC video before approving reports.

301.4.1 CRIMES AGAINST PEACE OFFICER'S UNIT

The department, in an effort to improve investigations into crimes committed against on-duty department members, and to integrate risk management practices into such incidents, created the Crimes Against Peace Officer's Unit (CAPO). The unit is centralized at the Professional Standards Bureau - Civil Unit, and is tasked primarily with criminal review and assistance with cases involving significant use of force, and crimes committed against deputies such as 148 PC, 69 PC, and 243(b) PC.

Those assigned to the CAPO Unit serve as liaisons to all Facilities/Stations/Bureaus, providing guidance and investigative assistance as needed to complete thorough investigations of these matters, which are likely to be accepted for prosecution and ultimately result in appropriate criminal conviction.

CAPO Unit responsibilities primarily include:

(a) Provide training to all Facilities/Stations/Bureaus related to crimes against peace officers.

(b) Identify incidents, which would benefit from additional follow-up and liaison or assist Facility/Station/Bureaus with the follow-up investigation.

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(c) Respond to significant incidents and provide insight as to potential areas that may need additional investigation to assist in the successful prosecution of the suspect and mitigation of civil liability.

(d) Evaluate the need to recontact the suspect and conduct either additional criminal interview or civil interview.

(e) Liaison with the DA's Office CAPO Vertical Prosecution Unit to ensure successful prosecution.

(f) Review and provided guidance and assistance related to DA Kickbacks (12I's) and ensure re-filing in a timely manner.

In the event a CAPO investigator is needed to respond or consult on an incident immediately, supervisor's should contact the on-call Professional Standards Bureau lieutenant at any time.

301.5 EMPLOYEE-INVOLVED TRAFFIC COLLISION

Refer to the Employee-Involved Traffic Collisions Policy.

301.6 PROPERTY DAMAGE

All department members shall devise plans and options that seek to avoid the need to cause property damage. Forced entry into buildings or residences shall be done only when other options are not possible or are unsafe. Methods to avoid property damage include:

(a) Consulting with a supervisor on the circumstances before forcing entry when practical;

(b) Checking the status of all doors and windows before forcing entry;

(c) Seeking consent and/or keys before forcing entry;

(d) Determining the least intrusive method of making entry.

Once damage has occurred, all department members are to assume the role of risk manager by thoroughly photographing the damage, thoroughly documenting the reason for damage, the efforts taken to avoid the damage, and any actions on the part of a citizen or suspect that aggravated the amount of damage caused.

Commanders shall convene a review of all intentional and unintentional damage in excess of $2500.00 and submit a cover memo along with the Accord form describing all mitigation efforts relevant to future circumstances of a similar nature. The completion of Accord forms is the responsibility of the sergeant assigned to the affected area. Specialized units who may have been involved with the incident shall timely provide any and all photographs and reports completed by their personnel related to property damage to the area sergeant.

Department members involved in incidents resulting in damage to private property shall make every effort to contact the owner of the property before leaving the scene to explain the circumstances and the owner's options should reimbursement seem appropriate.

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Significant Use of Force - Executive Review Process

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for an administrative review for all intentional Deputy Involved Shootings (DIS) or other Significant Use of Force by members of this department.

The Riverside County Sheriff's Department Use of Force policy and Force Investigations Detail (FID) policy are written to comply with state law. Generally, deputy involved shooting investigations are complex and require a considerable amount of time to complete. In order to comply with the administrative review and public release of information requirements, the department has created the Significant Use of Force - Executive Review Process.

302.2 POLICY

All intentional deputy involved shootings shall be independently investigated as outlined in DSM 303. The investigation shall be led by the Riverside County Force Investigation Detail or other outside agency with jurisdictional authority. The purpose of the investigation is to determine if any criminal violation occurred. These investigations may also apply to other significant use of force cases as determined by the Sheriff or designee. Not all critical incidents automatically result in a personnel investigation; however, the Sheriff may, at any time in the process, order a personnel investigation to be conducted if a policy violation is suspected.

Generally, the chronology for the Significant Use of Force - Executive Review Process will be as follows:

- Date of critical incident (day 0)
- Involved employee(s) Assigned Training (3 business days)
- Initial Executive Briefing (5 - 10 business days)
- Critical incident video release (within 45 days)
- Formal Executive Staff review (90 days)
- Prosecuting Agency Review (typically 1 year)
- Sheriff's final decision after receiving the prosecutor review

302.3 DATE OF INCIDENT

The Sheriff or designee may place or remove the involved employee(s) on Administrative Leave depending on the type of incident and the known circumstances at any point in the investigative process. Administrative Leave is categorized as:

- Administrative Leave - Non-Disciplinary: no loss or suspension of peace officer powers
- Administrative Leave - Potential Disciplinary Action: suspension of peace officer powers

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302.4 ASSIGNED TRAINING

All high stress critical incidents should be evaluated for areas from which to learn and improve. Following an intentional deputy involved shooting, or other use of force incident identified by the Sheriff's Executive staff, employee(s) involved shall be assigned to participate in a training session with the Ben Clark Public Safety Training Center staff.

The training is intended to educate and improve the involved employees' skills. Discussion topics may include officer safety, training, tactics and de-escalation techniques. The Ben Clark Public Safety Training Center staff will not question the employee(s) about the actual deadly force application. This training is compelled, and any statements made are not to be part of the criminal or any administrative investigations.

302.5 INITIAL EXECUTIVE BRIEFING

The purpose of the briefing is to provide the Sheriff or designee with the preliminary information known at the time. The Force Investigations Detail will provide the Executive Briefing five to ten business days from the date of the incident. If there is an indication of a policy violation, the Sheriff may order a personnel investigation into the suspected violation(s). If a training, or policy / procedure issue is identified, the Training Bureau or the Research and Development Unit (R&D) may be directed to address the subject.

302.6 BWC / VIDEO RELEASE

Per Government Code section 6254, the department shall release the body worn camera (BWC) video within 45 days, unless specific legal criteria is met prohibiting its release.

302.7 FORMAL EXECUTIVE STAFF REVIEW

Although the criminal investigation may not be concluded or reviewed by the prosecuting agency with jurisdiction at the time of this presentation, the department has an obligation to evaluate the incident from a policy perspective in a reasonable time frame. Within 90 days following a deputy involved shooting or other significant use of force, the Force Investigation Detail will present the known facts during the Formal Executive Staff Review. The Executive Staff participating in the review will evaluate the known facts of the investigation to determine if the involved department members acted within department policy.

The involved employee(s) are required to appear at the presentation and may be represented by legal counsel or other representation. The involved employees shall be afforded all their rights under the Peace Officer's Bill of Rights Act (G.C. §3300).

The attendees will consist of the following group or individuals:

(a) FID presenters

(b) Three or more members of the Sheriff's Executive Team

(c) The department member(s) with primary involvement in the incident and their legal representative(s)

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(d) A representative from the Professional Standards Bureau (PSB)

After the presentation, the Executive Staff will make a prima-facie determination based on the information provided whether the department member's actions were within policy and procedure, and whether any additional actions, investigations or reviews would be appropriate.

The Professional Standards Bureau shall collect and retain the RSD Form #209 and all other documents presented at the review.

Since information from the criminal investigation may not be available to the department prior to the Executive Staff presentation, the Sheriff may not deliver his final findings until after the prosecuting agency review.

302.8 PROSECUTING AGENCY REVIEW

At the completion of the criminal investigation, the case will be submitted to the appropriate prosecuting agency for review. Once the prosecuting agency makes a criminal culpability determination and notifies the department of its findings (and releases all criminal reports), the Professional Standards Bureau will collect and prepare the investigative materials, the prosecuting agency's findings, and the Executive Staff Review.

302.9 SHERIFF'S FINAL REVIEW

The Sheriff is the final authority to make the determination as to whether the department member(s)' actions were within policy and determine whether any additional actions, investigations, or reviews are appropriate.

After receiving all of the investigative materials, the Sheriff will make the final determination.

Nothing in this policy prohibits the Sheriff from initiating and imposing any part of the disciplinary process, within the confines of the Peace Officer Bill of Rights and applicable MOU's, up to and including termination outside the timelines of this policy.

302.10 RECORDS RETENTION

All records related to this policy shall be retained according the document retention schedule and only released via lawful process or legal requirement.

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Force Investigations Detail

303.1 PURPOSE

The Force Investigation Detail (FID) is a component within the Field Operations Support Division and specifically the Central Homicide Unit. The FID is tasked with conducting criminal investigations into relevant incidents as outlined in this policy. Generally, the FID will conduct criminal investigations, as necessary, into all deputy-involved shootings within the Riverside County Sheriff's Department and any officer-involved shooting as requested by an allied agency. Additionally, the FID will investigate certain uses of force and certain in-custody deaths as outlined below.

303.2 ASSOCIATION OF RIVERSIDE COUNTY CHIEFS OF POLICE AND SHERIFF (ARCCOPS) - RESPONSE PROTOCOL AGREEMENT

The Riverside County Sheriff's Department has entered into a mutual agreement regarding standardized protocols to be followed after any of the following events:

(a) All peace officer-involved shootings occurring on or off-duty and with or without injury or death;

(b) Uses of force by law enforcement personnel resulting in death;

(c) Uses of an electronic control device or oleoresin capsicum resulting in great bodily injury;

(d) All custodial deaths (related to a use of force incident);

(e) Other incidents deemed necessary by the jurisdictional agency head and agreed upon by the investigating agency head.

The ARCCOPPS agreement generally aims to ensure objective investigations into these qualifying events by assigning an agency other than the employer of the involved peace officer to conduct the criminal inquiry. The employing agency remains obligated to provide information and support services to the agency designated as the primary investigator. When not designated as the primary agency, the FID will provide resources and support in compliance with the county-wide ARCCOPS agreement.

303.3 SCOPE OF INVESTIGATIONS

In general, the involvement of the FID will be determined by the incident type and specifics of department-involvement. The FID may assume primary responsibility for the following:

(a) All serious assaults upon department personnel resulting in great bodily injury to the department member;

(b) All active-duty law enforcement suicides;

(c) The criminal investigation into an allied agency's OIS or other qualifying incident;

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303.3.1 USE OF FORCE

The Force Investigations Detail may assist and support investigations into uses of force which may be criminal, or where the use of force results in Potential/Imminent Death or Great Bodily Injury and an allied agency has been deemed the primary investigator.

Under Use of Force reporting guidelines within AB71, Great Bodily Injury is defined by Government Code section 12525.2(a)(d) as “bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.”

For purposes of a FID response, “unconsciousness” is further defined as unconsciousness caused by the use of force, not medically induced unconsciousness caused during hospitalization or other professional medical treatment protocols.

303.3.2 FIELD PERSONNEL

All pre-booking incidents resulting in the death of a person(s) in the custody of the Sheriff may require a FID response alongside an investigation by an agency designated pursuant to the ARCCOPS agreement. A person's death while being contacted by, or in the presence of, law enforcement is not necessarily an in-custody death. The determination of FID responding to such an incident will be a case-by-case decision made between the station Commander and the Central Homicide Unit (CHU) Lieutenant or Captain.

303.3.3 CORRECTIONAL FACILITIES

If a death occurs at a department correctional facility and it is a medical or unattended death, absent suspicious circumstances and absent evidence of another person’s involvement, the Corrections Intelligence Bureau will respond and assume the lead investigative responsibility.

If the death occurs as a result of a homicide by another inmate or person not associated with the department, the Central Homicide Unit will assume the lead investigative responsibility.

If there are any suspicious circumstances, a recent use of force has occurred, or it is believed that death occurred as a result of any department member, the Force Investigations Detail will respond pursuant to the ARCCOPS agreement. Personnel from the Corrections Intelligence Bureau may also be requested.

303.4 REQUESTING FID RESPONSE

The on-scene supervisor shall request Dispatch personnel to page the on-duty CHU sergeant. The CHU sergeant will be briefed with the following information:

(a) General details;

(b) Condition of involved deputies;

(c) Scene size and type;

(d) Number of suspects;

(e) Number of victims;

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(f) If any suspects are still outstanding

Based on this information the CHU sergeant will determine the type of response, i.e. a liaison investigator, CHU team, or FID.

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Special Victims Unit

305.1 POLICY

The Special Victims Units (SVU) is a component within the Field Operations Division, under the Major Crimes Bureau. It is the policy of the Riverside County Sheriff's Department to utilize SVU to investigate child sexual abuse and serious child physical abuse cases. Department members assigned to SVU shall meet all of the requirements of DSM 602.3 (Qualified Sexual Assault Investigations) and DSM 331.4 (Qualified Child Abuse Investigations).

305.2 PURPOSE AND SCOPE

The Special Victims Unit is responsible for the investigation of specific crimes that require enhanced expertise and training which a patrol division or station investigations bureau may not possess. The SVU may assist station personnel or assume the investigation when requested to do so by the Major Crimes Bureau (MCB) commander or when assigned by the Sheriff or designee.

Additionally, the SVU may act as:

- The department representative for Multi-Disciplinary Team meetings.
- The department liaison for the Riverside County Child Assessment Team.
- Liaison with the Riverside County District Attorney for child abuse cases.

In conjunction with the Ben Clark Training Center, the SVU may create and administer specialized training for department members regarding child abuse and sexual assault investigations.

305.3 SCOPE OF INVESTIGATIONS

While this is not a comprehensive list, the SVU is intended to handle the following types of cases:

a. Sexual abuse of a child under fourteen where the suspect is an adult involving substantial sexual conduct, AND

1. Sexual Act is committed by force or fear, OR
2. Sexual abuse with multiple victims, multiple suspects, or multiple jurisdictions, OR
3. High profile victims or suspects such as:
    - School personnel
    - Law Enforcement
    - Licensed daycare facilities
    - Prominent members of the community

b. Physical abuse of a child resulting in great bodily injury requiring hospital admission:

1. Broken bones
2. Shaken baby syndrome
3. Burn injuries

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4. Malnourishment

c. All physical and sexual abuse cases involving victims under two years old, or children who are non-verbal or developmentally disabled

d. Other child victim cases in which the skilled specialization of the SVU is required

All cases forwarded to the SVU must have prior approval of a SVU supervisor.

305.4 REQUESTING SVU

Field personnel assigned to investigate child sexual abuse or serious physical abuse shall consult with their supervisor at the onset or during the course of the initial investigation as to the possible utilization of the SVU. If the SVU is anticipated, the patrol supervisor or the station investigations supervisor should contact SVU through Sheriff's Dispatch.

The SVU supervisor may:

(a) Provide verbal assistance, or

(b) Specify that the case should be forwarded to the SVU for follow up investigation based on the initial patrol report with further station action, or

(c) Assign a SVU investigator to liaison / assist a station investigator on the case

(d) Assign a SVU investigator as primary with the liaison / assistance of a station investigator(s) as liaison(s)

305.4.1 SUSPECT CONTACT OR ARREST

If it is known or expected that the SVU might assume the responsibility for an investigation, no arrest(s) or suspect contact should be made without consultation with a SVU supervisor. Nothing in this policy prohibits the contact or arrest of a suspect where exigent circumstances exist such as immediate threat of great bodily injury or in-progress sexual assault.

305.5 DEPARTMENT COORDINATOR FOR CRIMES AGAINST CHILDREN

The SVU supervisor will act as the Department Coordinator for crimes against children.

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Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

306.2 USE OF RESTRAINTS

Only members who have successfully completed Riverside County Sheriff's Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

The routine use of approved mechanical restraints on any person or prisoner in accordance with this policy, shall not be considered a use of force except where the restraints are applied to overcome significant resistance and the method or tension of the restraints would reasonably constitute force.

306.2.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.2.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property. If handcuffs are used, pregnant arrestees shall be handcuffed in the front before being brought into a jail.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the arrestee, deputies, or others (Penal Code § 3407; Penal Code § 6030).

306.2.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy, or damage property. If a juvenile is restrained, they shall be kept away from unrestrained arrestees. Also see DSM 324.9 - Temporary Custody of Juveniles.

306.2.4 NOTIFICATIONS
Whenever a deputy transports a person with the use of restraints other than handcuffs, waistchains, or leg chains, the deputy shall, upon arrival, inform the jail staff that additional restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

306.3 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS
Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person’s hands to ensure officer safety.

All persons in the custody of the Sheriff shall be restrained for their safety and the safety of others in a manner consistent with the individual's past and present behavior, the risk of violence or escape, security classification and the purpose of transport.

In most situations, handcuffs should be applied with the hands behind the person’s back. When feasible, handcuffs shall be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person’s size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility. Arrestees shall be restrained before entering any correctional facility.

306.3.1 MEDICAL CONSIDERATIONS
Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained significant injury, expressed a complaint of significant pain, requests medical attention, is, in the judgement of any on-scene department member, in need of medical attention, or who has been rendered unconscious. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another

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deputy and/or medical personnel. If an audio recording of any refusal is made, or a refusal is heard during an interview with the person, such refusal should be included in a report.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, unusually high tolerance to pain or who require a protracted physical encounter with multiple deputies to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

306.4 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Deputies should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Deputies should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

306.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

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306.6 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, deputies should consider:

(a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting deputy while handcuffed, kicking at objects or deputies).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

306.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) The RIPP Hobble manufactured by RIPP Restraints, Inc., Orange City, Florida is the only authorized restraint and deputies shall only use the RIPP hobble supplied by the department.

(b) The restraint shall be used only after a person has been handcuffed.

(c) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(d) Hobbled suspects may be transported in a Sheriff's unit. When it is safe, the restrained person should be seated in an upright position and shall be secured by a seatbelt. The long lead of the restraint will be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground.

(e) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(f) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person’s ability to breathe.

(g) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.

(h) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(i) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel or when necessary in the judgement of those deputies at the scene. The transporting deputy should

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describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

(j) At no time will a person be restrained by a device or combination of devices which binds their hands and legs together.

(k) Deputies shall inform jail staff that the arrestee was restrained by a hobble, however briefly.

306.7 REQUIRED DOCUMENTATION

Deputies should document the following information in reports, as appropriate, when restraints other than handcuffs or waistchains are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained, as determined by an informed estimation or log entry, if any.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person’s behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

306.8 TRAINING

Subject to available resources, the Chief Deputy should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Mobile Field Force

307.1 PURPOSE AND SCOPE

The activation and deployment of a Mobile Field Force (MFF) is an unusual and tactically unique law enforcement occurrence, and one that requires specific policies and direction to ensure that deployments are safe and effective to the extent reasonably possible during any particular incident. The intent of this policy is to prepare for an extraordinary emergency response within the County of Riverside as well as to requests from other agencies with respect to mutual aid as provided by the State of California Law Enforcement Mutual Aid Plan. The mere presence of law enforcement personnel at the scene of a civil disturbance will not always prevent an unruly crowd from committing further acts of violence. However, the appearance of an organized, trained, and highly disciplined contingent of law enforcement personnel will often cause a disorderly group to abandon their disruptive activities.

This policy provides guidelines for the activation of a Mobile Field Force, which are intended for use in response to a natural disaster, protest events or civil unrest situations involving crowd control or crowd management. The Department's priorities during these situations are outlined below:

- Protect life
- Assist in search and rescue efforts
- Protection of Constitutional rights
- Restore and maintain order
- Evacuation situations
- Protect property
- Arrest of violators

The intent of a MFF deployment is to prepare for potential civil unrest in the Riverside County area and deploy Mobile Field Force personnel as needed to quickly eliminate any potential escalation of disobedience to law and order. This policy is applicable in non-peaceful protests, actively engaged in unlawful behavior.

307.2 MOBILE FIELD FORCE DEPLOYMENT

The Mobile Field Force concept has been developed to provide a fast and effective method to assemble and deploy a platoon size, tactical force, from existing on-duty personnel. It is adaptable to both pre-planned and spontaneous events which require the rapid assembly of large numbers of deputies. The MFF is platoon-sized units led by a lieutenant Mobile Field Force Leader, with sergeants as Mobile Filed Force Squad Leaders. The MFF may consists of four, 8 to 12-person squads with each squad led by a sergeant squad leader.

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Depending on the available on-duty personnel, a MFF may consist of four 12-person squads, which are each squad led by a sergeant squad leader.

Events within a facility's area of operation are the responsibility of that facility's Commander. The Commander will identify an Incident Commander (IC) as soon as possible and the IC will have tactical command over the event. If the event increases in size or complexity, the IC may delegate the overall tactical command to a designee. When an event, either pre-planned or spontaneous, exceeds the affected facility's staffing capability, additional resources can be organized through the Sheriff's Emergency Response Team (SERT). Utilizing the 5 functions of the Incident Command System (ICS), SERT's role in a MFF activation will consist of assisting the effected command with filling Planning, Logistics, and Finance sections. The Operations section will be under the direction of the IC.

307.2.1 MOBILE FIELD FORCE RESPONSE CONSIDERATIONS

The MFF may respond to field situations directly from a pre-designated staging location yet remain subordinate to the Incident Commander. MFF does not have to respond directly to the Incident Command Post. During pre-planned events, the MFF may be mobilized by stations/ bureaus, region or mutual aid response. Depending upon operational considerations, it can also be deployed to the Incident Command Post as a ready reserve, broken into squads and then assigned specific missions. The MFF may also be disbanded after its initial mission and reformed into ready reserve elements.

To the extent possible during a civil unrest MFF deployment, aerial and ground videographers will be assigned to capture and identify criminal behavior and enforcement actions as well as memorializing declarations of unlawful assembly, lawful instructions to crowds and other key events occurring during a given incident. This video evidence should also include narration by the videographer when possible and/or inclusion of synchronized radio traffic, providing context to the events captured on video.

It shall be the responsibility of each patrol station, SIB, and Corrections Division to ensure a daily pre-identification of MFF team(s), which will be ready for deployment as needed. Station/Bureau supervisors shall prepare a daily roster of pre-identified MFF team(s). Personnel who are pre-identified as a MFF team member will prepare themselves with the necessary equipment and be ready for mobilization.

The roster of pre-identified MFF team(s) shall be submitted daily to SERT by utilizing their respective MFF folder, located in the Department's W-drive no later than noon for the nighttime operational period and midnight for the daytime operational period, without exception.

307.3 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

Should the Incident Commander make the determination that public safety may be jeopardized, the IC may authorize a designee to attempt to verbally persuade event organizers or participates to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders, participants or the group.

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If initial attempts at verbal advisements are unsuccessful, the Squad Leader(s) should make a clear standardized announcement to the gathering that the event is an unlawful assembly and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants.

The announcement should be amplified, broadcasted in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information on methods of dispersal and law enforcement actions if the crowd does not disperse. After the dispersal order has been given, a reasonable time to disperse should be provided to the crowd.

307.4 USE OF FORCE

Team members and leaders should remain mindful that the rapid escalation of less lethal devices, chemical agents, 37/40 mm projectiles, Conducted Energy Weapon (TASERS), Pepper Balls and light/sound diversionary devices should be considered, and if appropriate, they should be used decisively and without hesitation. If an active shooter situation should occur, the MFF or individual squads assigned to the area should respond to isolate, contain, apprehend and/or neutralize the subject(s). If containment has been accomplished, the Special Enforcement Bureau-EST or another agency's equivalent should be requested and deployed.

All force used will be verbally reported to a Squad Leader as soon as feasible. The Squad Leader will notify the Incident Commander of the use of force directly. The use of force will be documented as soon as practical by following the Department use of force policy.

307.4.1 ALTERNATE WEAPON SYSTEMS

The Sheriff may authorize the use of alternative types of weapon systems including, but not limited to, kinetic energy projectiles, tear gas,chemical agent launching devices and other such special weapon systems appropriate for the situation.

MFF members authorized and approved to deploy less lethal launchers and munitions shall comply with Penal Code 13652 and apply all department policies governing the deployment of such weapons. All MFF members shall be trained and certified to utilize department approved less lethal launchers and munition.

A record of such training shall be maintained by the Training and Education Bureau.

307.5 ARRESTS

The Riverside County Sheriff’s Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

404 PC defines the term 'riot' and 407 PC defines the phrase 'unlawful assembly.' This policy covers public unrest/disorder on a large-scale. A riotous public display which interferes with and

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affects the general safety of the public or property defines civil disorder. The department will respond to any acts of civil disorder and restore and maintain order. The department will make every effort to identify and arrest all persons in violation of the law pertaining to the incident. Violators will be removed from the scene, arrested and booked for the appropriate charge(s). Booking locations will be determined by the Mobile Field Force Commander at the time of the arrest.

Mass arrests should be employed only when alternate tactics and strategies have proven unsuccessful and ineffective. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate the following:

(a) Reasonable measures to address the safety of deputies and arrestees

(b) Dedicated arrest, booking, and report writing teams

(c) Dedicated transportation unit

(d) Timely access to medical care

(e) Timely access to legal resources

(f) Timely procession of arrested

(g) Full processing of arrestees

(h) Full accountability for arrestees and evidence

(i) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy)

307.6 POST EVENT

The Incident Commander should assign the Scribe to fully document the event. The documentation should include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings and Dispatch records/recordings

(g) Media accounts (print and broadcast media)

307.7 TRAINING

Appropriate training is crucial to the maintenance of an effective MFF. The Training and Education Bureau (TEB) will maintain a cadre of trainers/instructors from Sheriff's Department personnel.

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Once the instructor cadre is established, they will assist the TEB with instruction on MFF and Station/Bureau training/inspections.

Station/Bureau level: Training should be conducted at the station level periodically to refresh MFF movements, commands, and tactics.

Grenadier selection/training: It is recommended, but not mandatory that Grenadiers be selected from the rank of Corporal or Investigator, have tactical competency, and capable of carrying heavy launchers and munitions for long periods.

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Control Devices: Baton, PepperBall, 40mm Launcher, and Chemical Agents

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to deputies and suspects, and to enable the arrest of resistant suspects, the department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is intended that the use of these devices will generally result in fewer altercation-related injuries to deputies and suspects. The policies described below are for the use and maintenance of control devices (e.g., baton, Pepperball Systems, 40mm Less Lethal Launcher, Oleoresin Capsicum (OC) spray, and Chlorobenzylidenemalononitrile (CS) gas).

Only those control devices that have been approved by the Sheriff or designee are authorized to be carried by members of this department. A list of authorized control devices will be maintained by the Commander of the Ben Clark Training Center. Other weapon systems are approved for use in other department operations such as EST and the Corrections Division, for example. Department members shall comply with current policies for their assignment regarding any weapon system not specifically addressed here.

308.1.1 WHEN CONTROL DEVICES MAY BE USED

When a decision has been made to restrain or arrest a suspect, an approved control device may only be used when its use appears objectively reasonable under the totality of the circumstances. These devices are not listed in any specific order, nor is this listing intended to describe a suggested or mandatory ladder of force or required escalation. The circumstances, what is known at the time, characteristics of each individual suspect(s) and, if present, a supervisor's direction, should combine to guide each deputy toward the most reasonable and effective force option.

Whenever force is used, its effectiveness shall be continually evaluated and these evaluations shall be used by personnel at the scene to adjust, alter, increase, decrease, or cease the type and level of force used. See attachment: Use Of Force Card Revision 07-16-20.pdf

308.1.2 MEDICAL ATTENTION

All uses of force shall be followed by the swift application of appropriate medical attention when it is safe to do so. This may include, but is not limited to, examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. Department members shall inform attending medical personnel that the person was subjected to force, include a description of the force used, and any other circumstances that may present potential safety or medical risks to the person. If medical attention is refused, it shall be fully documented in related reports whenever practicable and should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or interview with the person, any refusal should be included in the recording, if possible.

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308.1.3 REPORTING

Department members shall report any discharge or use of a control device, for other than training or qualification to their supervisor by the fastest method possible. Additionally, the facts and circumstances surrounding the use of the weapon shall be completely and accurately described in any and all reports written or memorandums authored. Department members may also be required to input the circumstances into an electronic database management system.

308.2 BATON GUIDELINES: CARRYING AND TRAINING

A department approved baton (the Rapid Containment Baton or RCB) shall be carried by sworn uniformed personnel during their assigned shift or during duties that may reasonably require enforcement action or contact with suspects. The baton shall be carried on a deputy's person in its authorized holder on the equipment belt, or secured in a load bearing vest, except in facilities where weapons are prohibited. Only authorized personnel, who have also completed the required certification course, may possess and carry the RCB. All personnel authorized to carry an RCB shall attend a recertification course every two years, or as deemed necessary by the department.

Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor. Personnel may purchase their own holster and may attach a larger end cap consistent with uniform regulations and as approved by the department.

308.2.1 BATON GUIDELINES: USE

The use of an RCB is subject to the following requirements and/or restrictions:

(a) The need to immediately control a suspect must be weighed against the risk of causing serious injury. A suspect's level and degree of resistance shall be weighed against the use of a baton.

(b) The head, neck, throat, spine, heart, kidneys, groin and knees should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of causing serious bodily injury or death to the deputy or another.

(c) Where practical, a deputy's body-worn camera shall be activated whenever a use of force can be reasonably anticipated.

(d) All uses of force shall be followed by the swift application of appropriate medical attention when safe to do so.

308.3 CS GAS GUIDELINES

The use of Chlorobenzylidenemalononitrile (CS) gas for crowd control/dispersal/area denial or against barricaded suspects shall be based on the circumstances, but are most typically used during EST operations or Mobile Field Force (MFF) deployments.

308.3.1 CS GAS GUIDELINES: USE

The incident commander may authorize the delivery and use of CS gas, evaluating all conditions known at the time and determining that lesser force would not reasonably appear to result in the safe control of the suspect(s) or crowd. Where practical, fire personnel should be alerted or

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summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only personnel formally trained in the use of CS gas weapons should discharge such devices.

308.4 PEPPERBALL LAUNCHER SYSTEMS GUIDELINES: DEPLOYING, NOTIFICATIONS AND TRAINING

PepperBall® systems are authorized for use by sworn and correctional deputies upon successful completion of the required training course.

PepperBall projectiles are plastic, frangible spheres that are usually filled with oleoresin capsicum (OC) powder. Alternate projectiles are available including water-filled rounds (most often used during riot-control efforts), training rounds filled with inert powder, and glass-breaking rounds. A high-pressure air launcher delivers the projectiles with enough force to release the OC powder, or break glass. Although classified as a less-lethal device, the potential exists for the projectiles to inflict injury when they strike the face, eyes, neck, spine or groin. Therefore, personnel deploying the PepperBall system shall avoid intentionally striking those body areas except when the deputy reasonably believes the suspect poses an imminent threat of causing serious bodily injury or death to a peace officer or others.

Any firing of a PepperBall launcher shall be reported to a supervisor as soon as possible.

Deputies encountering a situation that requires the use of a PepperBall System shall notify a supervisor as soon as practical. The supervisor shall respond to any incident where a suspect or other person has been struck by a projectile or exposed to chemical agents and ensure that all notifications and reports are completed as required by Department Use of Force Policy (see section 308.7).

A deputy's body-worn camera shall be activated whenever a use of force can be reasonably anticipated.

Only qualified, trained, and authorized personnel shall deploy and use any PepperBall System. (Personnel must be re-certified every 2 years).

308.4.1 PEPPERBALL LAUNCHER SYSTEM GUIDELINES: USE

The deployment of any PepperBall System is subject to the following requirements and/or restrictions:

(a) It should be used only in situations where such force appears objectively reasonable under the totality of the circumstances;

(b) When practical, loud verbal warnings should be given before firing the PepperBall launcher at a person. A description of the warning given, or the reasons one was not given, shall be documented in the users report. Such warnings will provide:

1. the person with a reasonable opportunity to comply.
2. other deputies and persons with a warning that Pepperball round(s) will be fired.

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(c) Specific PepperBalls shall be used only for their intended purpose. For example, PepperBalls containing OC are intended for use on dangerous suspects, as a means of crowd control, or on vicious animals; glass-breaking rounds are solely intended for that purpose and shall not be shot at suspects unless there is a reasonable belief that the suspect(s) pose an imminent threat of causing serious bodily injury or death to a peace officer or others; the water-filled round is most appropriate for use during civil disobedience and crowd control; and training rounds shall only be used in training environments. See Corrections Division Policy 503.03 for approved projectiles in jail environments.

(d) PepperBalls shall not be intentionally shot at the face, eyes, neck, spine, or groin of a suspect. The intended target should be 'center mass' of a suspect. The need and justification for deadly force may justify deviation from this subsection;

(e) Firing projectiles at a person, shall be followed by the swift application of appropriate medical attention when safe to do so;

(f) PepperBall systems may be used to prevent an imminent attack, or stop an attack by a vicious animal if other means of prevention, containment, or avoidance of the animal are not reasonable;

(g) PepperBall launchers shall not be used to "clear" rooms, buildings, or spaces wherein a suspect is not known to be. Firing PepperBall rounds into an area is not a substitute for properly and safely searching a space, room, or building;

(h) When possible, a deputy or deputies should be assigned to a deadly force option should the suspect(s) be unaffected by the Pepperballs AND then present a threat of death or serious bodily injury to those at the scene.

308.5 40MM LESS LETHAL LAUNCHER GUIDELINES: DEPLOYING, NOTIFICATIONS AND TRAINING

The 40mm less lethal launcher munitions may be deployed within the Field Operations Division to control violent or potentially violent suspects and to reduce and minimize altercation-related injuries to deputies and suspects. It may also be used to enable the arrest of assaultive, resistant or threatening suspects when the application of the 40mm less lethal launcher and munitions appear reasonable under the circumstances. The following details the department guidelines for its deployment and use:

The 40mm less lethal launcher shall be carried in the trunk of the unit and secured in a hard-plastic case. When in the trunk of the unit the weapon shall be in the “vehicle carry” condition.For the purposes of this policy, the term “vehicle carry” condition means a launcher with an unloaded chamber and the safety on (if equipped).

When practical, the department member encountering a situation which may require the use of the 40mm less lethal launcher will immediately notify a field supervisor and shall activate their BWC System prior to deploying the launcher in accordance with department policy.

When using an approved 40mm less lethal launcher and munitions, authorized personnel shall have been formally trained in the use and deployment of the weapon system by a departmentally approved instructor.

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Instructors shall successfully complete a departmentally-approved Less-Lethal Impact and Chemical Instructor certification course. Certified Instructors will facilitate training for authorized personnel via a departmentally-approved less lethal launcher training course. Only authorized personnel who have successfully completed training shall use a department-approved 40mm less lethal launcher and department-approved munitions. The Ben Clark Training Center and Field Commanders shall maintain a current list of deputies who are authorized to carry an approved 40mm less lethal launcher and ensure they qualify with the system annually.

308.5.1 40MM LESS LETHAL LAUNCHER GUIDELINES: USE

(a) Deputies are not required or compelled to use the approved 40mm less lethal launcher in lieu of other reasonable tactics if it is determined the deployment of the device cannot be done safely. The safety of hostages, innocent persons and department members takes priority over the safety of persons engaged in criminal or suicidal behavior.

(b) The deployment of the 40mm less lethal launcher shall be done with an assigned lethal cover deputy. The cover deputy shall remain present in case the deployment of the 40mm less lethal launcher is unsuccessful and the threat created by the suspect rises to the level lethal force is necessary.

(c) A verbal warning of the intended use of the launcher should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the person(s) a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

(d) When using the 40mm less lethal launcher, department members should carefully consider potential impact areas in order to minimize injuries and unintentional targets. The head, neck, throat, spine, tailbone, heart, kidneys, groin and knees should not be intentionally targeted except when it is reasonably believed that the suspect poses an imminent threat of causing serious bodily injury to a department member or another, and deadly force is reasonably necessary.

308.6 OLEORESIN CAPSICUM (OC) SPRAY GUIDELINES: CARRYING AND TRAINING

Only authorized personnel may possess and carry Department issued oleoresin capsicum (OC) spray. These authorized job classifications includes all sworn personnel, correctional deputies, and Community Services Officers.

Plainclothes and non-field personnel may carry the OC spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

The carrying of OC is subject to the following requirements and/or restrictions:

(a) Any OC spray carried must be department-issued.

(b) Uniformed personnel, while working in an assignment that may reasonably lead to taking enforcement action, or contacting, detaining, or arresting suspects must carry OC spray in its approved holster on the equipment belt. Plainclothes and non-field

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personnel may carry the OC spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

(c) All personnel authorized to carry OC spray shall complete the required course of instruction prior to possessing and using it.

308.6.1 OLEORESIN CAPSICUM (OC) SPRAY GUIDELINES: USE

The use of OC is subject to the following requirements and/or restrictions:

(a) It should be used only in situations where such force appears objectively reasonable under the totality of the circumstances;

(b) OC spray is used to minimize the potential for injury to deputies, citizens, or offenders;

(c) Before its use, considerations should be given to the effects of cross-contamination upon other deputies, the size and ventilation of the space, and whether any prior use of OC during the incident was effective;

(d) A deputy's body-worn camera shall be activated whenever a use of force can be reasonably anticipated and all uses of force shall be followed by the swift application of appropriate medical attention when safe to do so;

(e) OC spray may be used on vicious animals to prevent being bitten or otherwise injured by the animal. When practical, deputies should attempt to avoid, contain, or distract an animal before using chemical agents;

Although RSD-issued OC spray is water-based and non-flammable, personnel deploying a TASER device should be mindful that another agency's OC spray may be oil-based and present a fire danger.

308.6.2 NOTICE OF CHEMICAL AGENT USE TO PROPERTY OCCUPANTS / OWNERS

(a) Whenever CS gas or OC has been introduced into a residence, building interior, vehicle, or other enclosed area, deputies should provide the owners or available occupants with written notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. See attachment: Chemical Agent Warning Form 465.pdf

(b) Information regarding the method of notice and the individuals notified should be included in related reports.

(c) Before leaving the scene, photographs shall be taken of any affected or damaged areas and all information to properly complete an Accord form, if required, shall be obtained.

308.6.3 TREATMENT FOR OC SPRAY OR PEPPERBALL EXPOSURE

Persons who have been affected by the use of OC spray / powder should, as soon as practicable, be provided with fresh water sufficient to cleanse the affected areas. Those persons who complain of further severe effects shall be afforded a medical examination by medical personnel.

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308.7 SUPERVISOR RESPONSIBILITIES

When available, supervisors should respond to calls when they reasonably believe there is a likelihood a control device may be used. Upon a supervisor's arrival, they shall access the circumstances, take command of the scene if necessary, expand or reduce resources as necessary, direct personnel actions, and later review each incident to insure compliance with department policy and the law. Other actions should include:

(a) Photographs of each person upon which a control device was used shall be taken to document injury and the absence of injury;

(b) Contact the Professional Standards Bureau for a liability assessment or response;

(c) All witnesses shall be interviewed;

(d) Area canvas for witnesses(s) shall be conducted when practical;

(e) Preservation of BWC recordings, jail facility video, or nearby surveillance video;

(f) Review all department use of force reporting forms and ensure their submission to the proper entity;

(g) Required notifications shall be made.

308.8 CONTROL DEVICES - MAINTENANCE

All of these devices require maintenance and care to maximize their reliability and proper function.

308.8.1 ARMORER RESPONSIBILITIES

Each Station, Facility, or Bureau Commander shall designate a supervisor to manage the issuance, maintenance and inventory of all control devices. All damaged, inoperative, and/or expended control devices shall be prepared for disposition, repair, or replacement. All normal maintenance, charging or routine cleaning of control devices is the responsibility of personnel using the various devices.

(a) The 40mm less lethal launcher requires bi-weekly (once per two-week period) inspections which shall be recorded and available for audit. Commanders may also designate a specific staff member to assume these tasks for weapon systems that are shared or checked-out on a periodic basis.

(b) Each station/bureau is responsible for the maintenance and monthly inventory report of all 40mm less-lethal launchers and munitions.These reports will detail any inventory quantity changes, as well as broken or defective launchers and/or munitions.Department members responsible for the inventory and maintenance of launchers shall conduct a quarterly physical inventory of all launchers and munitions issued to the respective station/bureau. Discrepancies will immediately be reported to the station/bureau command staff and BCTC.

(c) All launchers issued to stations/bureaus will be cleaned quarterly by a department member who has attended the basic firearms cleaning and maintenance course developed by the Armory Unit at the Ben Clark Training Center. This will ensure the proper functionality. The Armory Unit will be notified of launchers found during the inspection that need repair or are otherwise unserviceable.

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(d) All department launchers shall be made available to the Armory Unit during the annual firearms inspection. During this inspection, department personnel assigned to logistics or a designated department member will provide the Armory Unit with station documentation indicating all 40mm launchers under the station’s/bureau’s control were properly inventoried and cleaned quarterly.

308.8.2 DEPUTY RESPONSIBILITIES

(a) Deputies carrying OC spray shall periodically inspect their supply for proper function, level, and expiration date, as well as the canister's holster for wear and proper retention function. Deputies shall quickly rectify any failures discovered.

(b) Deputies carrying an RCB shall periodically inspect the baton for proper function, as well as the baton's holster for wear and proper retention function. Deputies shall quickly rectify any failures discovered.

(c) Deputies carrying/deploying a PepperBall launcher or 40mm launcher shall thoroughly inspect the device for proper function, appropriate type and quantity of rounds, air pressure/supply, and the weapon's action/function before taking the weapon into the work environment.

(d) At the conclusion of a shift, 40mm less lethal launchers shall be secured inside the station where access is restricted by lock, key, or access card. 40mm launchers and munitions shall not be stored in or checked out to a specific vehicle, except for deputies authorized for overnight retention of County vehicles.

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Flying While Armed

309.1 PURPOSE

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

309.2 POLICY

(a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation, pleasure, or training and must have a need to have the firearm accessible, as determined by the department based on the law and published TSA rules. Approval will only be granted for air travel related to the following:

1. Protective escort duty
2. Hazardous surveillance operation
3. Department business requiring the deputy to be armed upon landing
4. Prisoner escort

(b) Deputies must carry their department identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the department and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

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

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

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

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

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

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

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

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

309.3 PROCEDURE

All sworn personnel must have completed the "Flying While Armed" course before being eligible to do so. All those who attended in previous years should ensure that the course attended is still honored by the TSA.

309.3.1 TRAVEL ARRANGEMENTS

(a) Travel arrangements must be made by submitting a form 320 requesting airline travel to the Training and Education Bureau (BCTC). Once the officer receives the travel arrangements back from BCTC, he/she must submit an “Authorization to Fly Armed” memorandum to his/her Chief Deputy, via chain of command, for approval.

(b) Travel arrangements for Extraditions will be handled by the Information Services Bureau.

309.3.2 AUTHORIZATION MEMORANDUM

(a) Complete a memorandum “Authorization to Fly Armed”, and forward it through channels, via chain of command, for approval by a Chief Deputy or above. The memorandum shall include the following:

1. Name of Employee, ID #, station, assignment, and immediate supervisor’s names and contact information.
2. Official reason for flying while armed.
3. Summary of itinerary outlining dates of travel, airline information, and locations traveling to.
4. Acknowledgement of receiving required TSA “Law Enforcement Officers Flying Armed Training.”

(b) After receiving approval from the Chief Deputy, the officer shall request authorization from the TSA through the National Law Enforcement Telecommunications System (NLETS) at least 24 hours prior to the scheduled flight.

1. NLETS request can be handled through the officer’s station/bureau’s clerical unit. For assistance, contact the station Supervising Office Assistant or for Extraditions contact the Information Services Bureau.

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2. Each flight requires a request message and authorization message/identifier for each officer. Round trips are not covered in one authorization; each “leg” of a round trip requires a separate authorization.
3. In reference to any changes, if the change(s) does not affect the Date of Travel, the existing NLETS message will be accepted as long as the employee is traveling through the same airports. However, if the date of travel or airport information changes, a new NLETS message will be required
4. The officer must present the NLETS response message with the authorization code during the airport check–in process.

309.3.3 AIRPORT CHECK-IN

(a) Check in at the ticket counter at least one and a half hours prior to flight departure. In emergency circumstances, notify the airline as soon as possible if less than one and a half hours.

(b) Identify yourself as a law enforcement officer who is flying armed and present the following credentials to the airline representatives at the ticket counter and assigned gates:

1. Riverside County Sheriff’s Department Identification Card and badge.
2. Original Memorandum “Authorization to Fly Armed.”
3. Original copy of the NLETS authorization response message.
4. Current Driver’s License.
5. Notice of Law Enforcement Flying Armed form issued by airline.

(c) The officer should ask the gate agent if there are any other armed law enforcement officers, to include Federal Air Marshals and Federal Flight Deck Officers checked in for the flight. Request to be notified if any other armed officer boards the flight prior to departure.

(d) The airline operator or Pilot in Command has the final approval on whether a law enforcement officer will fly armed on the plane.

(e) If the airline refuses to allow you to fly armed:

1. Request assistance from the airline’s Ground Security Coordinator, Customer Service Supervisor, or TSA Screening Supervisor who may be able to assist in resolving issues encountered at the ticket counter or boarding gate.
2. If the issue cannot be resolved and the airline still refuses to allow you to board the plane armed, rebook another flight with the same or different airline, or place the unloaded weapon and ammunition in checked baggage.

309.3.4 TRANSPORT OF PRISONERS

(a) Arrive at the check-in at least one hour before the scheduled departure.

(b) Assure the aircraft operator that each prisoner has been searched and does not have anything on their possession that can be used as a weapon.

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(c) Accompany the prisoner at all times and keep the prisoner under control.

(d) Ensure the prisoner is restrained from full use of his/her hands by an appropriate device that provides minimum movement of the prisoner's hands, and must ensure that leg irons or shackles are not used.

(e) Board before other passengers and deplane last.

(f) Be seated between the prisoner and the aisle of the aircraft.

(g) Ensure that the prisoner is seated in the rearmost seat of the cabin that is neither located in any passenger lounge area nor located next to or directly across from any exit.

(h) Must ensure that no food, beverage, or metal eating utensils are provided to the prisoner unless authorized by the armed officer.

(i) Must ensure that no alcoholic beverages are consumed by the prisoner.

309.3.5 FLYING ARMED - REQUIREMENTS

(a) Shall at all times keep the firearm concealed and out of view of the public, if not in uniform.

(b) Shall at all times keep complete control of the firearm on their person.

1. The firearm may not be carried off the officer's person in any manner, i.e., carried in a purse or placed in an overhead storage compartment.

(c) Shall not carry the department-issued chemical irritant or any other type of self-defense spray onto a commercial aircraft, even if in uniform.

1. The issued chemical irritant canister may be carried in checked baggage.

(d) Shall not consume alcohol within the eight hours prior to the flight nor consume any alcohol while onboard the flight.

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Conducted Energy Device

310.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER® devices.

310.2 POLICY

The TASER is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

310.3 ISSUANCE AND CARRYING TASERS

Only members who have successfully completed department-approved training may be issued and carry the TASER.

TASERs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the Department's inventory.

Deputies shall only use the TASER and cartridges that have been issued by the Department. Uniformed deputies who have been issued the TASER shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the TASER in the driver's compartment of their vehicle.

Members carrying the TASER shall perform a spark test on the unit prior to every shift.

When carried while in uniform deputies shall carry the TASER on their support side in a cross-draw configuration only. This includes the duty belt holster, tactical vest, and drop-down holster configurations.

(a) All TASERs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the TASER.

(c) Deputies shall be responsible for ensuring that their issued TASER is properly maintained and in good working order.

(d) Deputies should not hold both a firearm and the TASER at the same time.

310.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other deputies and individuals with a warning that the TASER device may be deployed.

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If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the TASER in the related report.

310.5 USE OF THE TASER

The TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when the subject is within the operational range of the device. Although the TASER is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

310.5.1 APPLICATION OF THE TASER

The TASER may be used in any of the following circumstances (i.e., when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person):

(a) The subject is violent or,

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.

Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the TASER to apprehend an individual.

310.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject, or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

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(f) Individuals whose position or activity may result in collateral injury (e.g., falls from elevated positions, operating vehicles).

The use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

The TASER shall not be used to psychologically torment, elicit statements, or to punish any individual.

310.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the TASER probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

310.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Deputies should apply the TASER for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Absent exigent circumstances, deputies should not apply more than four effective applications per incident, either in drive stun or probe mode, whether from a single or a combination of multiple TASERs. An application is considered effective if both probes are making contact with, or attached to, the subject at the time of activation and the subject's reaction is consistent with an effective application (e.g., stiffening of the body, verbalizations, or involuntary muscle contraction).

If the first application of the TASER appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the TASER, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Deputies should generally not intentionally apply more than one TASER at a time against a single subject, and should limit the time of each discharge to no more than the automatically cycled five seconds, unless exigent circumstances are present.

310.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies shall notify a supervisor of all TASER discharges. The expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject’s skin.

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310.5.6 DANGEROUS ANIMALS
The TASER may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

310.5.7 OFF-DUTY CONSIDERATIONS
Deputies are not authorized to carry Department TASERs while off duty.

Deputies shall ensure that TASERs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

310.6 DOCUMENTATION
Deputies shall document all intentional and accidental TASER discharges in the related incident/ use of force report.. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

310.6.1 REPORTS
Items that shall be included in the incident/use of force report form are:

(a) The type and brand of TASER and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display, laser or arc deterred a subject and gained compliance.

(d) The number of TASER activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the TASER was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any deputies sustained any injuries.

(m) Identification of all personnel who fired a TASER

(n) Identification of all witnesses

(o) Medical care provided to the subject

(p) Observations of the subject's physical and physiological actions

(q) Any known or suspected drug use, intoxication, or medical problems

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The TASER Committee / Use of Force Committee should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The TASER Committee / Use of Force Committee should also conduct audits of data downloads and reconcile TASER report forms with recorded activations. TASER information and statistics, with identifying information removed, should periodically be made available to the public.

310.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER probes from a person's body. Used TASER probes shall be treated as a Sharps biohazard, similar to a used hypodermic syringe, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. Any refusal of medical attention shall be made to qualified medical personnel at a medical facility. Such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If a recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER.

310.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER may be used. A supervisor should respond to all incidents where the TASER was deployed.

A supervisor should review each incident where a person has been exposed to an activation of the TASER. The device's activity log shall be downloaded by a supervisor or their designee and included with the related incident/use of force report. Photographs of probe sites should be taken and witnesses interviewed.

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310.9 TRAINING

Personnel who are authorized to carry the TASER shall be permitted to do so only after successfully completing the initial department-approved training.

Proficiency training for personnel who have been issued TASERs should occur every year. A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by a supervisor. All training and proficiency for TASERs will be documented in the deputy's training file.

Command staff, supervisors and investigators should receive TASER training as appropriate for the investigations they conduct and review.

Deputies who do not carry TASERs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The employee's supervisor is responsible for ensuring their subordinates who carry TASERs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of the TASER during training could result in injury to personnel and is not mandatory for certification.

Initial and periodic training on the TASER should include:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest, and groin.

(e) Handcuffing a subject during the application of the TASER and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER.

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Firearms

312.1 PURPOSE AND SCOPE

The purpose of this policy is to define the scope of authorized firearms, accessories, modifications, training, maintenance and carry methods. In addition, this policy provides guidelines for issuing firearms, the safe and legal storage of firearms and the inspection of firearms by authorized department personnel. This policy only applies to those members who are authorized to carry firearms.

312.2 POLICY

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

312.3 DEPARTMENT FIREARMS UNIT

The Firearms Unit, which includes the range and armory, will be under the control of the Firearms Unit Sergeant and managed within the Training and Education Bureau (TEB) at the Ben Clark Training Center. All department members attending range events will follow the directions of the Firearms Unit Rangemaster. The Firearms Unit will maintain a roster of all department members attending qualifications and will submit the roster to the TEB Chief Deputy after each qualification cycle. The range shall remain operational and accessible to department members during hours established by the department.

The Armory has the responsibility of making periodic Limited Technical Inspections (LTI), at least once every two years, of all department-owned firearms to verify proper operation. The Firearms Unit has the authority to deem any department-issued or personally owned firearm unfit for service. The department member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by a department armorer.

The Firearms Unit shall complete and submit to the TEB Commander, documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and a list of each department member who completed the training. The Firearms Unit shall keep accurate records of all training, qualifications, repairs, maintenance or other records as directed by the TEB Commander.

312.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER ISSUED WEAPONS

Members shall only use firearms that are issued or approved by the department and have been thoroughly inspected by the department Armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range. When authorized employees are armed, they shall have their

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firearm fully loaded, except while qualifying under the direction of a department range master, during inspection by a supervisor, or when acting on the direct order of a supervisor.

All other weapons not provided by the department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the department member's Chief Deputy.

The department authorizes and maintains a Firearms Matrix for approval of firearms and ammunition. If a firearm or firearm accessory does not meet the criteria established in the , it is not authorized by the department and shall not be carried by an employee in the course and scope of their duties.

The TEB is responsible for the semi-annual review and update of the Firearms Matrix. The department can restrict, pause, or prohibit the use of any particular make or model of firearm at any time for any reason at the discretion of the Sheriff.

When changes are made to the Firearms Matrix, this policy (DSM 312 and DSM 427) will be re-issued with the associated link to the new Firearms Matrix. It is the department members responsibility to review the changes. By accepting this policy, department members acknowledge reviewing the revised Firearms Matrix.

312.4.1 HANDGUNS

Authorized personally-owned handguns are listed in the Department's Firearms Matrix. The Matrix is available on the department's Intranet at "Docs and Forms/Firearms and Weapons" (far left side of page).

312.4.2 SHOTGUNS

Department and personally-owned shotguns approved for on-duty use are listed in the Department Firearms Matrix. When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack, or within the locked trunk of the patrol vehicle. All sworn, uniformed personnel in the field shall carry a properly loaded and functional shotgun in their assigned vehicle.

312.4.3 PATROL RIFLES

The authorized department-issued patrol rifle is the AR-15 / M-16. Personally-owned rifles approved for on-duty use are listed in the Department Firearms Matrix.

When not deployed, the patrol rifle shall be properly secured consistent with department policy in a locking weapons rack or locked in the trunk of the patrol vehicle and inside a carrying case.

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312.4.4 PERSONALLY OWNED DUTY FIREARMS

Any personally owned handgun, patrol rifle, or shotgun must adhere to the current approved Department Firearms Matrix and MUST be inspected by a department armorer within 30 calendar days of the first day the firearm is deployed. All mandatory requirements are listed in the respective section of the Department Firearms Matrix.

Prior to carrying the firearm (regardless of primary or backup), department members shall qualify with a department rangemaster and thereafter shall qualify in accordance with the qualification schedule.

Armorer inspection forms shall include the make, model, serial number, caliber of the firearm, and any authorized modifications. Records of such inspections will be maintained by the TEB.

312.4.5 AUTHORIZED BACK-UP HANDGUN

Members desiring to carry department or personally owned back-up handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and listed in the Department Firearms Matrix.

(b) A maximum of two back-up handguns may be carried on the department member's person.

(c) The purchase of the handgun shall be the responsibility of the member.

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

(e) The handgun shall be inspected by a department armorer within 30 calendar days of the date of initial qualification and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. Approved ammunition is listed in the Department Firearms Matrix.

(g) Prior to carrying the back-up handgun, department members shall qualify with a department rangemaster and thereafter shall qualify in accordance with the department qualification schedule. Department members must demonstrate shooting proficiency and safe handling, and show that the handgun functions properly.

(h) Members shall provide written notice (via the Firearms Inspection Form) of the make, model, serial number, caliber, and any modifications to a department armorer, who will maintain this information.

312.4.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Department members who choose to carry a firearm while off-duty will be required to meet the following guidelines:

(a) The member may use his/her duty firearm or may use another personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty

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Firearms requirements in this policy. A department member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

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

(c) It will be the responsibility of the member to submit the firearm to a department armorer for inspection within 30 calendar days from the date of initial qualification. Thereafter the firearm shall be subject to periodic inspection by the Firearms Unit.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to a department range master that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried and thereafter qualify in accordance with the department qualification schedule.

(f) Members shall provide written notice (via the Firearms Inspection Form) of the make, model, serial number, caliber of the firearm, and any modifications to a department armorer, who will maintain this information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, deputies shall carry their department identification cards.

312.4.7 AMMUNITION

Members shall carry only department-authorized ammunition. Upon initial department armorer inspection, members shall be issued fresh duty ammunition in the specified quantity for department-approved firearms. Replacement of unserviceable or depleted ammunition shall be dispensed by a department armorer, at the department range, or at the department member's assigned duty station when needed.

312.5 EQUIPMENT

All firearms shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member. Repair of department owned firearms shall be the responsibility of the department armorer. Basic field-stripping and cleaning maintenance may be assigned to a variety of department members if necessary.

312.5.1 REPAIRS OR MODIFICATIONS

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

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Department-owned firearms shall be repaired or modified only by the manufacturer, or a department armorer. Repairs to personally owned firearms may be done by the manufacturer or a department armorer.

Any repairs or modifications to the member's personally owned firearm, including lighting and sighting systems, shall be done and maintained at his/her expense. Department members utilizing any such systems shall, before deployment, ensure they are completely familiar with the operation of the systems as installed.

Authorized modifications to personally owned firearms are listed in the Department Firearms Matrix, which should be consulted before any modifications are made.

Internal modifications must be considered a factory option and be completed by the respective manufacturer or a department armorer. (Refer to the Department Firearms Matrix for further details.)

312.5.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Department members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. The minimum retention requirement is level one, and friction or pressure retention alone is not sufficient to achieve level one retention.

312.5.3 TACTICAL LIGHTS

Authorized lighting is listed in the Department Firearm Matrix. Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Unit.

312.5.4 OPTICS

Authorized optics and magnified optics are listed in the Department Firearms Matrix. These may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Unit. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

312.6 SAFE HANDLING, INSPECTION AND STORAGE

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

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

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

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(c) Members shall not load or unload a firearm on department property, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles for deployment or enforcement activity shall be loaded and unloaded outside of the vehicle.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section of a detention center or prison when securing or processing an arrestee or inmate, but shall place all firearms in a secured location. Department members providing access to Riverside County Detention Centers to persons from outside agencies are responsible for ensuring firearms are not brought into a restricted area.

312.6.1 INSPECTION AND STORAGE

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

Any firearm/weapon that is carried or authorized for use by a deputy sheriff or other authorized department member of the department is subject to inspection. An inspection of a firearm/weapon should determine cleanliness, mechanical operation, and unauthorized modification(s). An inspection may be made by a Commander, supervisor, another deputy sheriff and/or other authorized member of the department when directed to conduct such an inspection.

A deputy sheriff or other authorized department member shall safely submit their firearm/weapon for inspection. An inspection includes the ammunition and ammunition magazine that is carried in and for use with the firearm/weapon.

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

Personally owned weapons shall be made inaccessible to unauthorized persons if stored within the station by securing them in locked storage, e.g. locker or safe. Department-owned firearms shall be checked-in and stored in station logistics.

312.6.2 STORAGE AT HOME

Department members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the department to do so.

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Department members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

312.6.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

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

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

No firearms shall be left on or in vehicles left for service, repair or towing.

312.6.4 ALCOHOL AND DRUGS

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

Department members who are working an undercover enforcement assignment may only drink an alcoholic beverage in the necessary performance of their duty. In no case shall an employee drink an alcoholic beverage to the extent of becoming under the influence. All drinking of an alcoholic beverage during an undercover enforcement assignment shall have prior supervisory approval.

312.6.5 DISPLAY OF FIREARM

In effecting the arrest of a suspect in a situation in which there is likelihood of injury or death caused by a felonious assault or violent behavior, an authorized department member may display a firearm/weapon for the purpose of obtaining and maintaining control of the suspect(s).

Any department member, reserve or volunteer who possesses a permit to carry a concealed weapon issued by this department shall immediately notify their supervisor, or any on-duty supervisor, following an off-duty incident in which they have used or displayed a weapon being carried.

312.6.6 PATROL READY

Any qualified deputy carrying a patrol rifle (or shotgun as required) in the field shall maintain the firearm in the "patrol ready" mode until deployed. A rifle or shotgun is considered "patrol ready" when it has been inspected by the assigned deputy and meets the following conditions:

(a) There is no round in the chamber;

(b) The bolt is forward;

(c) The safety is on;

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(d) There is a fully loaded magazine in the rifle or the shotgun magazine tube is fully loaded;

(e) The rifle is locked in the patrol vehicle's rifle rack or trunk (if stored in a trunk, the rifle must be in a case);

(f) The shotgun is locked in the patrol vehicle's shotgun rack.

The rifle or shotgun shall not be carried unsecured in the passenger interior of a patrol vehicle.

312.7 FIREARMS TRAINING AND QUALIFICATIONS

All department members who carry a firearm while on-duty are required to successfully complete training with their duty firearms as prescribed by POST and department standards. All department members will qualify during scheduled department qualifications with every firearm they will carry on- or off-duty.

312.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

Department members who fail to achieve a passing qualification score upon their first attempt to qualify, will be afforded a second attempt. Those who fail to qualify on their second shooting attempt shall be provided remedial training and will be subject to the following requirements:

(a) A Failure to Qualify memorandum will be drafted by the department rangemaster and will be provided to the employee's commander;

(b) The department member will contact the Firearms Unit to schedule remediation training;

(c) The department member will continue remedial training until successfully passing the qualification

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

312.7.2 FAILURE TO REPORT FOR QUALIFICATIONS

All affected department members shall report for qualifications during their scheduled time frame. Any department member unable to report for qualifications because of injury, illness, or unusual duty status shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

The TEB will publish make-up qualification dates following each scheduled department-wide qualification period. A department member is considered out of compliance with the qualifications requirement and policy if they have failed to report to the range for qualification within 30 calendar days after the final make-up date offered by the TEB. The TEB will then distribute a 'Failed to Report' list to Sheriff's Administration. Failing to report for qualifications may subject a department member to discipline.

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312.8 SPECIAL ENFORCEMENT BUREAU / SPECIAL WEAPONS AND TACTICS

The Sheriff may authorize the use of special weapons/firearms by members of the Special Enforcement Bureau/Special Weapons and Tactics Team. (See SEB/SWAT policy).

312.9 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time sworn deputies of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B): Non-sworn department members who possess a concealed weapons permit shall check the laws and regulations of their intended destination before carrying a concealed firearm outside of California.

(a) The deputy shall carry their department identification card whenever carrying a firearm.

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

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

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

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

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

312.9.1 FLYING WHILE ARMED

See Flying While Armed policy.

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Deputy Response to Calls

313.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

313.2 RESPONSE TO CALLS

Deputies approved to respond Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

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

Deputies should only respond Code-3 when circumstances reasonably indicate an emergency response is required and is approved by a supervisor.

All other responses shall be a routine response and the department member shall drive the vehicle in compliance with all vehicle code sections without the use of lights or sirens. There is no "code-2" response.

313.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting deputy shall immediately notify Dispatch.

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

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

313.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one deputy should respond to an emergency call "Code 3" unless the on-duty supervisor authorizes an additional unit(s).

313.4 INITIATING CODE 3 RESPONSE

A deputy may initiate a "Code 3" response and must advise dispatch immediately when doing so.

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Dispatch is required to notify the on-duty supervisor for approval for the deputy to continue the "Code 3" response based on the information available at the time.

When responding "Code 3," deputies must adhere to all Vehicle Code sections regarding the operation of an emergency vehicle.

Generally, only one unit should respond "Code 3" to any situation. The on-duty supervisor will make a determination as to whether one or more deputies driving "Code 3" is appropriate. The supervisor will approve or deny all "Code 3" responses based upon the guidelines listed in 313.7. The supervisor will coordinate and monitor all "Code 3" responses.

"Code 3" response of a vehicle is limited to sworn staff. This includes reserve deputies as outlined in 313.4.1. Classified employees shall not operate a vehicle in "Code 3" mode.

313.4.1 RESERVE DEPUTY(S) RESPONDING "CODE 3"
Level III reserve deputies shall not operate a Department marked vehicle in "Code 3" mode. Level I and II reserve deputies may operate a Department vehicle in "Code 3" mode as follows:

(a) Level I reserve deputy in compliance with this policy for a full-time deputy sheriff.

(b) Level II reserve deputy only when accompanied by a full time deputy sheriff and in compliance with this policy.

313.5 RESPONSIBILITIES OF RESPONDING DEPUTIES

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

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

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

313.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall facilitate a Code-3 response when a deputy requests emergency assistance. In all other circumstances, the dispatcher shall provide pertinent information to the Watch Commander so they can assign units Code-3. The dispatcher shall:

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

(b) Immediately notify the Watch Commander

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

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

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

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

313.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander shall verify the following:

(a) The proper response has been initiated

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

(c) Affected outside jurisdictions are being notified as practical

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

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

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

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

313.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the "Code 3" response and respond accordingly. In all cases, the deputy shall notify the supervisor or dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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Vehicle Pursuits

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing suspects to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public, themselves and fleeing suspects against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.1.1 DEFINITIONS

The purpose of including definitions in this policy is to comply with legal mandates and law enforcement best practices; however, the inclusion of a definition in this policy **does not** automatically mean the defined tactic is approved by this department. Authorization of specific tactics are indicated further in this policy under section 314.8.

Tire deflation device(s) - Authorized devices that extend across the roadway designed to puncture the tires of the pursued vehicle.

Blocking - An authorized tactic wherein one or more sheriff's department emergency vehicles intentionally restrict the movement of a stationary suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

Boxing-in - A tactic designed to stop a suspect’s moving vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. (Authorized for specially trained and properly equipped Special Enforcement Bureau [SEB] personnel)

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Pursuit Intervention Technique (PIT) - A low-speed tactic intentionally applied to cause the suspect vehicle to spin out and terminate the pursuit. (Authorized for specially trained and properly equipped Special Enforcement Bureau [SEB] personnel)

Pursuit Intervention - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

Ramming - The unauthorized, deliberate act of impacting a suspect's vehicle with another vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - An unauthorized tactic designed to stop a suspect's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle Pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to a deputy's signal to stop.

Failure to Yield - Refers to actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road, does not change direction of travel in an evasive manner, and does nothing to indicate their knowledge of your attempt to stop them.

Emergency Lighting - Red light(s) visible on the front of a vehicle (Vehicle Code 21055).

314.1.2 POLICY

It is the policy of this department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

(a) The pursuit operation of a vehicle is limited to sworn, field trained, personnel, including Level I reserve deputies and those in the field training program accompanied by a field training officer.

(b) Level II reserve deputies shall not operate as the driver of an emergency vehicle during a pursuit.

(c) Level III reserve deputies and classified employees shall not operate nor be a passenger of a vehicle in pursuit mode (See Reserve Deputy Policy DSM 354.21). This prohibition also applies to non-sworn ride-alongs and volunteers.

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If a deputy experiences a failure to yield while accompanied by a passenger prohibited from participation in vehicle pursuits, the deputy shall, as soon as possible, relinquish his/her position and be replaced by another authorized and properly equipped unit.

314.2 PURSUIT MITIGATION

There are tactics available to law enforcement which reduce the possibility of a vehicle pursuit and the inherent dangers therein. Whenever possible, deputies should consider using one or more of these tactics to help reduce the possibility of pursuit initiation. For example, surveillance of a parked suspect vehicle in which arrest of the occupant is planned or likely to occur, deputies should consider the following options:

(a) Advanced deployment of department approved tire-deflation device(s),

(b) Availability of electronic disruption devices and/or tracking devices.

(c) Blocking -An authorized tactic in which the suspect vehicle is stationary and one or more sheriff's department emergency vehicles intentionally restrict the movement of the suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

314.3 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized sheriff's department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Deputies are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

Deputies shall activate their body worn cameras at the onset of their involvement in a vehicle pursuit (See DSM 410).

314.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a person in or on a motor vehicle has committed a felony offense or the driver is operating the motor vehicle under the influence of alcohol and/or drugs and attempts to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists, and others.

(c) Apparent nature of the fleeing suspect(s) (e.g., whether they represent a serious threat to public safety).

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(d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic, and the speed of the pursuit relative to these factors.

(f) Pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.

(g) Weather, traffic, and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages, etc.).

(k) Availability of other resources such as helicopter assistance.

(l) Accessibility to vehicle locator and/or deactivation technology.

Pursuits shall not be undertaken with prisoners, civilians, volunteers, explorers, or ride-alongs in the sheriff's unit.

314.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect’s escape.

Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) The pursued vehicle’s location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle’s emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

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(f) The danger that the continued pursuit poses to the public, the deputies, or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

314.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy and supervisor. Evaluation of vehicle speeds should take into consideration public safety, officer safety, and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, deputies and supervisors should also consider these factors when determining the reasonableness of the speed of the pursuit:

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the deputy.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.4 PURSUIT UNITS

When involved in a pursuit, unmarked sheriff's department emergency vehicles, such as "stealth units," should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, with supervisor approval, the number of units involved may vary with the circumstances.

A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of deputies involved may be insufficient to safely arrest the suspects. All other deputies should stay out of the pursuit, but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.4.1 MOTORCYCLE DEPUTIES

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical. In the event that such a unit is unavailable, a distinctively marked patrol vehicle or "stealth" patrol vehicle equipped with emergency lights and sirens should replace a motorcycle unit until a unit with overhead emergency lights can replace it.

314.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lighting and siren are generally prohibited from initiating or joining in any pursuit. Deputies in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or air support. The exemptions provided by Vehicle Code § 21055 do not apply when the required emergency equipment is not in use.

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314.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the deputy is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify Dispatch commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

(a) The location, direction of travel, and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including license plate number, if known.

(c) The reason for the pursuit.

(d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.

(e) The suspected number of occupants and identity or description.

(f) The weather, road, and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

Unless relieved by a supervisor or secondary unit, the deputy in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing deputy should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics. The primary deputy shall assume command at the termination point of the pursuit unless relieved by a supervisor.

If the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the suspect(s). The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspect(s) fleeing on foot.

314.4.4 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit will be designated as the secondary unit and is responsible for:

(a) Immediately notifying the dispatcher of entry into the pursuit as soon as reasonably practicable.

(b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting the progress, updating known or critical information, and providing circumstantial and directional changes in the pursuit, unless the situation indicates otherwise.

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(d) Identify the need for additional resources or equipment as appropriate.

(e) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

314.4.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Pursuing units should exercise due caution when proceeding through controlled intersections.

(c) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspects.
4. Notifying the California Highway Patrol (CHP) and/or other jurisdictional agencies.

(d) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

314.4.6 UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (emergency lights *and* siren) unless other units are assigned to the pursuit by a supervisor.

314.4.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.

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314.4.8 ASSISTANCE TO RELIEVING AGENCY

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission from the supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

314.4.9 AIR SUPPORT ASSISTANCE

When access to aircraft assistance is available, it should be requested. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

(a) Maximum use of any law enforcement aircraft should be made as quickly as possible;

(b) The flight crew shall notify Dispatch as soon as they are in position to follow the pursued vehicle. When feasible, the aircraft becomes responsible for communicating the progress of the pursuit after communications is established between the air and ground units confirming the transfer of that responsibility;

(c) Flight crews will broadcast the following information:

1. Location, speed, and direction of travel of the pursued vehicle;
2. Traffic, road and weather conditions and information relevant to the pursuit;
3. Any criminal act by the suspect observed from the air;
4. When sufficient patrol units are involved in the pursuit;
5. Any other information requested by the field units or supervisor.

(d) The flight crew shall follow the directives from the station supervisor who has overall responsibility for the pursuit;

(e) Air crews are not expected to follow directives that would jeopardize the safety of the aircraft or its crew;

(f) Option "Break Away" procedure.

1. The purpose of this procedure is to provide a preplanned alternative to continued pursuits, where aircraft are in position to continue to observe the suspect. The procedure can be invoked at the discretion of the pursuing ground units or by a supervisor controlling the pursuit. The gravity of the known violations, Department policy and other risk factors should be weighed prior to invoking this procedure.
2. Aircraft "Break Away" procedures:

(a) Initial assessment - once overhead, direct reliable communications between the aircraft and pursuing units shall be established. The aircraft and pursuing units shall evaluate their ability to continue the surveillance based on fuel-on-board, weather, direction and speed involved, and other appropriate factors;

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(b) Radio notification - when appropriate conditions as outlined in paragraph "1" above (Purpose Statement) exist, the aircraft crew will notify the ground units they are in position to invoke the "Break Away" option. This notification will be accomplished utilizing the radio notification "Break Away option available." If "Break Away" procedures are not invoked by the ground units, the aircraft will continue to provide only those services requested;

3. Ground Unit "Break Away" procedures:

(a) Decision to invoke "Break Away." Ground units receiving the notification "Break Away option available" shall have the discretion to:

i. Based on all the circumstances, advise the aircraft that the "Break Away" procedures will not be utilized, or;

ii. Initiate "Break Away" procedures.

(b) Initiating "Break Away" procedures - pursuing ground units will initiate the procedure with the order, "All units break way." All pursuing units will discontinue ground pursuit and will terminate Code 3 operations. The aircraft will continue surveillance of the suspect vehicle, advising appropriate agencies of the continued movement of the suspect vehicle. However, they should avoid any actions that could alert the suspects to the aircraft's continuing surveillance.

(c) Pursuit/surveillance termination - Wherever possible, the aircraft will notify available ground units in the vicinity when the suspect(s) abandon the vehicle. The aircraft will advise arriving units of the circumstances involved and request assistance in apprehending the suspect(s). The originating unit may continue in the direction of the surveillance, or return to its jurisdiction, at the discretion of the supervisor. Once the surveillance is terminated, the originating agency should be advised of the results and allowed the opportunity to respond to the termination point and assume control of any apprehended suspect(s).

(g) If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

314.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this department.

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(b) Clear affirmative approval/authorization or denial/termination of the pursuit.

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(c) If the pursuit is approved, supervisors shall direct deputies involved in the pursuit to activate their body worn cameras.

(d) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(e) Exercising management and control of the pursuit even if not engaged in it.

(f) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.

(g) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.

(h) Ensuring that assistance from air support, canines, or additional resources are requested if available and appropriate.

(i) Ensuring that the proper radio channel is being used.

(j) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(k) Controlling and managing RCSD units when a pursuit enters another jurisdiction.

(l) Preparing a post-pursuit review anddocumentation of the pursuit.

Effective management and control of pursuits is an important component of this policy. Supervisors should communicate/broadcast directions and instructions as clearly as possible. This is especially important as it pertains to supervision's initial approval or non-approval of the pursuit and direction to activate body worn cameras. For example, if a supervisor approves of a pursuit, he/she should broadcast specific language approving the pursuit such as "pursuit approved" or "pursuit authorized" as opposed to simply using the word "copy" which only indicates recognition that the pursuit is occurring.

Whenever practical, the supervisor shall proceed promptly to the termination point of the pursuit, and shall ensure:

(a) Medical aid is summoned promptly when needed;

(b) Body worn cameras have been activated;

(c) Adequate containment is in place and the scene is safe;

(d) All members comply with Department policies and procedures;

(e) All law enforcement officers on scene comply with laws of arrest;

(f) Any use of force is within Department policy;

(g) Damage or traffic collisions associated with the pursuit are identified and properly handled;

(h) The pursuit is properly documented; and

(i) Proper notifications are made.

If an allied agency's pursuit ends in our area, the supervisor should go to the termination point, if possible, to provide supervision and on-scene coordination with the allied agency

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supervisory personnel. The supervisors present should determine each agency's responsibility for transporting, booking, and prosecution.

314.5.1 STATION COMMANDER RESPONSIBILITIES

The station commander shall review all pertinent reports for content and forward them to the Pursuit Review Committee for review within 14 days of the incident. Commanders are responsible to identify areas such as additional needed training or possible policy violations, prior to forwarding the pursuit package to the Pursuit Review Committee.Commanders shall confirm their review by updating the Vehicle Pursuit Reporting System (VIPR) indicating that appropriate remedies are being addressed at the bureau or station level.

Station commanders shall ensure that all deputies under their command are trained in the proper application and deployment of tire deflation devices.

314.6 COMMUNICATIONS

If the pursuit is confined within the boundary limits of those areas or cities serviced by the Sheriff, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the responsible station's jurisdiction, or such is imminent, involved units should, whenever available, switch radio communications to the appropriate emergency channel as coordinated by the supervisor and Dispatch.

314.6.1 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will:

(a) Clear the air/radio of all non-emergency traffic.

(b) Coordinate pursuit communications of the involved units and personnel.

(c) Notify and coordinate with other involved or affected agencies as practicable.

(d) Ensure that a field supervisor is notified of the pursuit (contact a field supervisor from a neighboring station if the primary is not available).

(e) Assign an incident number and log all pursuit activities.

(f) Broadcast pursuit updates as well as other pertinent information as necessary.

(g) The deputy requesting approval shall be advised by dispatch of the supervisor's direction as soon as possible.

(h) Assign an Internal Pursuit Number (IPN) and forward the information to the commander over the Pursuit Review Committee.

314.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or

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supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

314.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Deputies will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Riverside County Sheriff's Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

314.7.2 PURSUITS EXTENDING INTO RIVERSIDE SHERIFF'S DEPARTMENT JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from the department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from the department to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for the department to assist or take over a pursuit that has entered the jurisdiction of Riverside County Sheriff's Department, the supervisor should consider:

(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing deputies.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after considering the above factors, may decline to assist in, or assume the other agency’s pursuit.

Assistance to a pursuing allied agency by deputies of this department will terminate at the jurisdictional limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies should provide appropriate assistance to officers from the allied agency including but not limited to scene control, coordination and completion of supplemental reports, and any other reasonable assistance requested or needed.

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314.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, a deputy shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, deputies/ supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the deputies, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

The pursuit intervention authorized by the department is the deployment of approved tire deflation devices. Deputies deploying these devices shall have received training on their use and placement.

Blocking is authorized when it is used to prevent a pursuit from occurring and the suspect vehicle is stationary (See DSM 314.1.1 and 314.2).

The Sheriff may authorize specialized units, such as SEB to utilize additional pursuit intervention tactics such as boxing-in and the PIT maneuver, for which they have been trained and properly equipped.

314.8.1 UNAUTHORIZED INTERVENTION

There shall be no attempt to stop pursued vehicles using any of the following techniques:

(a) Boxing in (SEB Exception);

(b) Ramming;

(c) Heading off;

(d) Forcing off the road;

(e) Driving parallel to the pursued vehicle (See DSM 314.3.5(c)2);

(f) Roadblocks leaving no avenue of escape;

(g) Use of the PIT maneuver (SEB Exception);

(h) Any other type of legal intervention as specified in the State Collision Investigation Manual (HPM 110.), with the exception of deployment of the Department approved tire deflation devices.

Off-road type vehicles shall not be pursued if the vehicle leaves the road; however, the exception to this rule applies to specially trained and properly equipped units designated by the Sheriff such as the Riverside County Off Highway Vehicle Enforcement (ROVE) unit, which can pursue these vehicles.

314.8.2 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force and subject to the policies guiding such use. Deputies shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

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The supervisor may elect to deploy a Department approved tire deflation device to terminate a pursuit.

The tire deflation device is designed to be physically placed accross the roadway, directly in the path of a fleeing vehicle. As the vehicle passes over the device, the hollow spikes pierce the tires, pull out of the strip and cause the tires to deflate. Tire deflation devices are typically ineffective in stopping large vehicles with thick tires.

The tire deflation device shall not be used to stop motorcycles, mopeds, or similar vehicles.

The tire deflation device should not be used to stop the following classes of vehicles unless the continued movement of the pursued vehicle would result in an unusual hazard to others:

(a) A vehicle transporting hazardous materials as defined in Vehicle Code § 2402.7;

(b) A passenger bus transporting passengers;

(c) A school bus transporting passengers;

(d) Any vehicle that would pose an unusual hazard to innocent parties;

Tire deflation device deployment plans shall include provisions for close coordination between pursuing units and the deputy deploying the device.

(a) Pursuing units shall notify the deploying unit as far in advance as possible.

(b) The unit with communications responsibility will ensure the deploying unit is monitoring the progress of the pursuit, and is specifically aware of when the pursuit is approximately two miles from the designated deployment location.

(c) The deploying deputy shall make every effort to notify all pursuing units (including allied agency personnel) when the tire deflation device is in place.

(d) The tire deflation device shall not be used in locations that increase risk of injury (e.g., near steep embankments, curves, potential oncoming traffic, etc.).

(e) The deputy shall seek protection immediately after deploying the tire deflation device.

(f) Deployment locations should provide sufficient line of sight to ensure the deploying deputy can observe the pursuit and other traffic as it approaches.

(g) Care shall be given when deploying the device to reduce the possibility of damage to uninvolved vehicles.

(h) Prior to deployment, the deploying deputy must consider the likely path of the pursued vehicle after its tires have been deflated so as not to endanger anyone. Associated factors include, but are not limited to:

1. The vehicle's speed
2. The layout of the roadway
3. Nearby intersections and driveways
4. Pedestrians
5. Business districts

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314.8.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspects following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspects.

314.9 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

(a) The primary deputy should complete appropriate crime/arrest reports.

(b) Other deputies involved in a pursuit may be required to submit supplemental reports.

(c) In the event of unusual pursuits involving more than one agency, each agency may request an evaluation of the pursuit from other agencies involved. The evaluations shall only address the need for amendments in the inter-agency pursuit guidelines, and not serve as a basis to critique the judgment and/or actions of personnel of another agency or the policies of another agency.

(d) The supervisor authorizing the pursuit shall ensure that a Pursuit Report with an attached CHP 187 form is completed and forwarded to the station commander and Pursuit Review Committee. The Pursuit Review Committee will ensure the CHP 187 form is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1).

(e) The Pursuit Report shall minimally contain the following information:

1. Whether a collision occurred (if so, the number of persons involved)
2. Whether anyone was injured
3. Identity of the injured and the nature of the injuries
4. Violation(s) that prompted the pursuit
5. Identity of the deputies involved in the pursuit
6. Means or methods used to stop the suspect
7. Charges filed
8. Duration of the pursuit and miles traveled
9. Weather conditions
10. Maximum speeds
11. Agencies involved

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12. How the pursuit was terminated

After obtaining the available information, a field supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit, and submit it to his/her manager. This log should minimally contain the following information:

(a) Date and time of pursuit

(b) Length of pursuit

(c) Involved units and deputies

(d) Initial reason for the pursuit

(e) Starting and termination locations

(f) Name and disposition of arrestee

(g) Injuries and/or propety damage

(h) Medical treatment

(i) Name of supervisor at scene

(j) A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

314.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary Peace Officer Standards and Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others (Vehicle Code § 17004.7(d)).

314.9.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read, and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

314.10 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines and 2007 legislation (SB 719).

314.11 BODY-WORN CAMERAS

Employees involved in the pursuit shall activate their body-worn camera at the onset of the pursuit, and follow the provisions outlined in the Body-Worn Camera policy (DSM 410).

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314.12 USE OF FIREARMS

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle, except as described above. (see the Use of Force Policy DSM 300).

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Patrol Service Canines

318.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of Patrol Service Canines to augment law enforcement services to the community including, but not limited to, locating and/or apprehending criminal offenders and contraband.

318.2 POLICY

It is the policy of the Riverside County Sheriff's Department that the Patrol Service Canine Team maintains the appropriate proficiency to effectively and reasonably carry out their duties as outlined in this policy and the canine team's standard operating procedures.

318.3 COMMAND AND CONTROL

The Patrol Service Canine Team is managed within the Field Operations Division. Department Patrol Service Canine teams are centralized under the command of the Special Enforcement Bureau. Teams are overseen and coordinated by the Special Enforcement Bureau's Commander.The daily operations of the canine teams are supervised by Canine Sergeants.

318.4 ROLES AND RESPONSIBILITIES

A. Patrol Service Canine: A Patrol Service Canine is a tool most frequently used to locate hiding suspects and/or to apprehend fleeing suspects. It is trained to track, locate, and apprehend persons under circumstances that present a high threat level to the public and/or law enforcement personnel.

B. Canine Program Supervisor: Sworn Sheriff's Sergeant. The responsibilities of the program supervisor include, but are not limited to:

1. Administrative management of the canine program;
2. Monitor the efficiency and effectiveness of the canine program;
3. Maintains records and documentation;
4. Develops and manages fiscal budget;
5. Develops and maintains training schedule;
6. Annual inspection of vehicles and home kennels;
7. Management of demonstration requests;
8. Assist with selection of new Patrol Service Canines;
9. Patrol Service Canine retirement;

C. Canine Supervisor: Sworn Sheriff's sergeant. The responsibilities of the Canine Supervisor include, but are not limited to:

1. Direct supervision of assigned teams;
2. Oversight of team deployments;

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3. Documentation of apprehension reviews;
4. Day-to-day operation of assigned canine team(s);
5. Review of canine related reports;
6. Sign-off canine field training packets;
7. Assist with selection of new Patrol Service Canines;

D. Canine Handler: Sworn Sheriff's Deputy or Corporal. The responsibilities and obligations of the canine handler include, but are not limited to:

1. Knowing the capabilities of the canine and taking responsibility for the outcome of their activities;
2. Responsibility for the health and welfare of the canine and ensuring the canine receives proper nutrition, grooming, training, medical care, affection and living conditions;
3. Except as required during appropriate deployment, ensuring the canine is not exposed to any foreseeable and unreasonable risk of harm;
4. Maintenance of all equipment under his/her control in a clean and serviceable condition;
5. Permitting a sheriff's supervisor to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy;
6. Promptly reporting any changes in the living status of the handler that may affect the lodging or environment of the canine;
7. Never allowing the canine to be lodged at another location unless previously approved by the canine supervisor or designee;
8. When off-duty, keeping the canine in a kennel provided by the County at the home of the canine handler;
   (a) Should a department canine handler experience a period where they are unable to directly supervise the canine, i.e. vacation, training, military, or medical leave; the canine shall be boarded at a department approved boarding facility. The responsibility of canine oversight shall not be delegated to any other individual. An exception to this mandate would be canine oversight provided by another department trained canine handler, with the department’s canine supervisor’s approval.
9. Keeping all gates at the handler's home secured with a lock while the canine is present (*When off-duty, the canine may be let out of the kennel while under the direct control of the handler*);
10. Permitting the canine to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the canine handler;
11. When off-duty, never involving the canine in any law enforcement activity or official conduct unless approved in advance by the canine supervisor;

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12. Keeping the canine on a leash when in areas that allow access to the public (*Exceptions to this rule would include specific law enforcement operations for which the canine is trained);*
13. Never leaving a canine unattended in any area to which the public may have access;
14. When not in service, ensuring the canine vehicle is stored in a locked garage, away from public view, or at a department facility during extended absence;
15. Properly securing all windows and doors of the canine vehicle in such a manner as to prevent unauthorized access to the canine;
16. Always ensuring that an unattended canine vehicle remains inhabitable for the canine

E. Canine Review Board: A panel of Special Enforcement Bureau Command Staff and canine supervision: The responsibilities of the Canine Review Board include, but are not limited to:

1. Review of all canine apprehensions.
2. Recommend policy and set training standards that conform to departmental rules, regulations, and State law.

318.5 SELECTION AND RETENTION

A. SEB Command Staff and Canine Supervision will select prospective members from a valid applicant pool of eligible personnel created through the testing process.

B. Canine Team Command Staff and Supervision will select candidates based on the needs of the department.

C. Canine handlers are required to pass quarterly physical fitness and firearms qualifications. Canine team members who fail to meet physical fitness qualifications standards will have thirty days to remediate and pass. Failure to meet the physical fitness qualification standards may result in removal from the canine program.

D. Canine handlers who fail to meet physical fitness qualifications due to an injury may be extended beyond the thirty-day remediation requirement at the discretion of the Bureau Commander.

E. Canine handlers returning from an extended leave may be required to pass the physical fitness and firearms qualification standards prior to returning to full duty as determined by the Bureau Commander.

318.6 TRAINING

A. Each new K-9 team, upon successfully graduating from the Basic Handlers School, will participate in a K-9 Field Training Program.

B. The department trains to meet current POST K-9 Team standards or other recognized and approved certification standards.

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C. All K-9 teams are required to attend scheduled K-9 training, unless the handlers absence has been approved by a K-9 supervisor.

D. Canine training records will be maintained by the Training Bureau at Ben Clark Training Center for a period of 10 years after death or retirement per department records retention policy.

318.7 REQUEST FOR CANINE TEAMS

Supervisors shall consider canine deployments in instances where the use of a canine would be advantageous to the successful conclusion of an incident. Requests for canine assistance can be made through dispatch or direct contact with canine supervision.

A. During exigent circumstances, department personnel may request a canine from an outside agency. However, absent exigency, department members should make every effort to use department canine teams, regardless of ETA, to avoid policy conflicts which may expose the department to civil liability.

B. Request for canine assistance from an outside agency, in or out of county, must be approved by canine supervision.

C. Requests for a canine demonstration shall be approved by canine supervision.

D. Patrol Service Canines shall not be used to perform any assignment, which is not consistent with this policy.

318.8 DEPLOYMENT

Canine teams are assigned to one of four designated regions throughout Riverside County.

A. No person, without proper certification, will deploy or work a Patrol Service Canine.

B. It is the canine handler’s responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable.

C. The handler is responsible for knowing the capabilities of the canine and they are responsible for the outcome of their activities.

D. In general, the arrest of a misdemeanant or the suspect of a non-violent felony is not made with the use of a Patrol Service Canine.

E. A Patrol Service Canine may be used to locate and or apprehend a suspect if the Patrol Service Canine handler reasonably believes the individual has either committed or is about to commit a serious felony offense and/or if any of the following conditions exist:

1. There is reasonable belief the individual poses an immediate threat of violence or serious harm to the public, any peace officer or the handler.

2. The individual is physically resisting arrest and the use of a Patrol Service Canine reasonably appears necessary to overcome such resistance.

3. The individual is believed to be concealed in an area where entry by other than the Patrol Service Canine would pose a threat to the safety of the officers or the public.

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4. It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a Patrol Service Canine in view of the totality of the circumstances.

F. The canine handler shall have the authority to decline the use of the canine whenever the handler deems deployment is unsuitable.

G. When a request for canine assistance cannot be met because of a conflict with the capabilities of the team or because of a conflict in policy or procedures, the handler should articulate the reason for declining to deploy the team.

H. In situations where a supervisor, after being so informed, gives a lawful order directing the canine be deployed, the Canine Supervisor shall be contacted and will have final authority regarding the deployment.

I. Absent extreme circumstances, Patrol Service Canines shall not be used to extract known armed suspects.

J. The canine handler may direct his or her canine to apprehend a fleeing, combative, and or assaultive suspect when such actions pose an immediate and or imminent threat to law enforcement or public safety.

K. The deployment of a Patrol Service Canine alone cannot be expected to render the suspect harmless and may afford an opportunity of transition. Deputies should be prepared to fully exploit the brief opportunity to safely take the suspect into custody at the direction of the canine handler. It may also consist of a repeated or directed deployment, or the transition to another tool or tactic. The response to the deployment must be constantly assessed and its use continually evaluated.

L. A verbal K-9 warning announcement of the intention to deploy the Patrol Service Canine for a search or apprehension will be made when tactical considerations and officer safety allows. The warning announcement need not be given when the deputy or another is being attacked, or the suspect assaults the canine, or when other exigent circumstances exist.

1. English language is the standard.

2. Spanish translations are encouraged.

M. Quarantines of law enforcement canines that have bitten a person are prohibited under section 121685 H&S.

N. Animal Control officers are authorized to investigate bites and examine the department canine at any reasonable time.

318.9 DOCUMENTATION

A. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a canine supervisor shall be notified.

B. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment.

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C. The individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured person.

D. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

E. Any unintended bite or injury caused by a canine, whether on or off-duty, shall be promptly reported to the Canine Supervisor. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

F. Canine apprehension reports shall be reviewed and approved or returned by a Canine Supervisor.

G. The Canine Supervisor shall review circumstances of all canine apprehensions.

H. All related documentation shall be reviewed by the Canine Review Board for final disposition.

I. Canine Review Board findings and all related documentation shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

318.10 HEALTH AND MEDICAL TREATMENT

A. Patrol Service Canines shall have current rabies vaccination /Inoculations records on file.

B. Canine handlers shall inform canine supervision when a Patrol Service Canine is temporarily or permanently unfit for duty.

1. Basic canine first aid steps will be administered in accordance with current training and personal abilities.

2. An approved or authorized veterinarian shall be consulted for expert medical advice and treatment.

318.11 RETIREMENT OF CANINES

A. Canines will be retired at the discretion of the Special Enforcement Bureau Commander.

1. When the canine is no longer able to perform the functions as required, the handler may elect to purchase the dog at a sum agreeable to both the County/ City and handler. A waiver releasing the liability shall be signed by the County/ City and handler.

2. Canines not purchased by the handler shall be returned to the vendor.

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Bloodhound Canines

319.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of bloodhound canine teams to augment law enforcement services to the community. Bloodhound canines are trained to trail an individual's unique scent and provides another resource for criminal and non-criminal investigations and rescue operations. Properly utilized bloodhound canine teams can be used for locating missing persons, to assist with law enforcement investigations or used as an investigative aid.

319.2 POLICY

It is the policy of the Riverside County Sheriff's Department that the Bloodhound Canine Team maintains the appropriate proficiency to carry out their duties effectively and reasonably as outlined in this policy and the canine team's Standard Operating Procedures.

319.3 COMMAND AND CONTROL

Department bloodhound canine teams are centralized under the command of the Special Enforcement Bureau (SEB). Teams are overseen and coordinated by the Special Enforcement Bureau's Commander. The daily operations of the canine teams are supervised by Canine Sergeants and the Sheriffs Emergency Response Team.

319.4 ROLES AND RESPONSIBILITIES

A. **Bloodhound Canine** is a tool most frequently used to assist in locating specific persons. It is trained in scent specific trailing.

B. **Canine Program Supervisor** is a sworn sheriff's sergeant. The responsibilities of the program supervisor include, but are not limited to:

1. Administrative management of the canine program
2. Monitor the efficiency and effectiveness of the canine program
3. Maintains records and documentation
4. Develops and manages fiscal budget
5. Develops and maintains training schedule
6. Annual inspection of vehicles and home kennels
7. Management of demonstration requests
8. Assist with selection of new bloodhound canines
9. Canine retirement

C. **Canine Supervisor** is a sworn sheriff's sergeant. The responsibilities of the Canine Supervisor include, but are not limited to:

1. Direct supervision of assigned teams

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2. Oversight of K9 team deployments
3. Day-to-day operation of assigned canine team(s)
4. Review of canine related reports
5. Sign-off canine field training packet
6. Assist with selection of new Patrol Service Canine

D. **Canine Handler** is sworn sheriff's deputy or corporal. The responsibilities of the canine handler include, but are not limited to:

1. Knowing the capabilities of the canine and they are responsible for the outcome of their activities.
2. Responsibility for the health and welfare of the canine and shall ensure the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.
3. Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
4. Maintenance of all equipment under his/her control in a clean and serviceable condition.
5. Permitting the canine supervision to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify conditions and equipment conform to this policy.
6. Promptly reporting any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine supervisor as soon as possible
7. Never allowing the canine to be lodged at another location unless previously approved by the canine supervisor or designee.
8. When off-duty, the canine shall be in a kennel provided by the County at the home of the handler.
   (a) Should a department canine handler experience a period where they are unable to directly supervise the canine, i.e., vacation, training, military, or medical leave: the canine shall be boarded at a department approved boarding facility. The responsibility of canine oversight shall not be delegated to any other individual. An exception to this mandate would be canine oversight provided by another department trained canine handler, with the department's canine supervisor's approval.
9. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. *(When off-duty, the canine may be let out of the kennel while under the direct control of the handler).*
10. Permitted the canine to socialize in the home with the handler's family under the direct supervision of the canine handler.

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11. When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Canine Supervisor.
12. The canine shall be kept on a leash when in areas that allow access to the public. *(Exceptions to this rule would include specific law enforcement operations for which the canine is trained).*
13. A canine shall not be left unattended in any area to which the public may have access.
14. When not in service, ensuring the canine vehicle is stored in a locked garage, away from public view, or at a department facility during extended absence.
15. When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also ensure the unattended vehicle remains inhabitable for the canine.

319.5 CANINE HANDLER SELECTION AND RETENTION

A. SEB Command staff and canine supervision will select prospective members from a valid applicant pool of eligible personnel created through the testing process.

B. Canine Team Command staff and supervision will select candidates based on the needs of the department.

C. Canine handlers are required to pass physical fitness and firearms qualifications. Canine team members who fail to meet physical fitness qualifications standards will have thirty days to remediate and pass. Failure to meet the physical fitness qualification standards may result in removal from the canine program.

D. Canine handlers who fail to meet physical fitness qualifications due to an injury may be extended beyond the thirty-day remediation requirement at the discretion of the Bureau Commander.

E. Canine handlers returning from an extended leave may be required to pass the physical fitness and firearms qualification standards prior to returning to full duty as determined by the Bureau Commander.

319.6 REQUEST FOR CANINE TEAM

A. Requests for bloodhound canine assistance can be made through Sheriff's Dispatch.

B. Bloodhound canine teams are generally available 24 hours a day, 7 days a week.

C. Designated Bloodhound canine teams are available on call after hours. Authority to call out a canine team is at the discretion of canine supervision.

D. After hours call-out procedure is initiated with a telephone call through dispatch to the Canine Supervisor, who will contact the handler directly.

E. Request for Bloodhound canine assistance from an outside agency, in or out of county, must be approved by canine supervision.

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F. Requests for a Bloodhound canine demonstration shall be approved by canine supervision.

G. Bloodhound canines shall not be used to perform any assignment, which is not consistent with this policy.

319.7 DEPLOYMENT

Bloodhound canine teams are deployed throughout Riverside County.

A. No person, without proper certification, will deploy or work a bloodhound canine.

B. It is the canine handler's responsibility to evaluate each situation and determine whether the use of a bloodhound is appropriate and reasonable.

C. The handler is responsible for knowing the capabilities of the canine and they are responsible for the outcome of their activities.

D. Requests for missing persons must meet at risk criteria as outlined in Penal Code 14215

1. At risk includes but is not limited to:

(a) A victim of a crime or foul play

(b) A person missing and in need of medical attention

(c) A missing person with no pattern of running away or disappearing.

(d) A missing person who may be the victim of parental abduction.

(e) Mentally impaired missing person, including cognitively impaired or developmentally disabled.

E. Upon request of a bloodhound canine team, the sheriff personnel with the most knowledge of the incident should provide the handler with relevant case information. Some of the facts necessary include but are not limited to:

1. Type of incident

2. Whether any subjects are outstanding

3. If any subjects are armed, violent or at risk

4. The subject's last known location and direction of travel

5. The date and time the subject was last seen

6. The scent item or evidence available

7. Any potential contamination of the scent evidence

8. Weather conditions and wind direction at the time the subject fled

9. The number of officers available to assist with trailing

F. The bloodhound handler must communicate a plan of action with their search team and direct the actions of search team member to affect a safe and thorough search with the bloodhound.

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G. Safety concerns of a bloodhound canine team include vehicular traffic, potentially violent suspects, stray animals, and other environmental hazards.

H. The canine handler shall have the authority to decline the use of the bloodhound canine whenever the handler deems deployment is unsuitable.

I. When a request for bloodhound canine assistance cannot be met because of a conflict with the capabilities of the team or because of a conflict in policy or procedures, the handler should articulate the reason for declining to deploy the team.

J. In situations where a supervisor, after being so informed, gives a lawful order directing the bloodhound canine be deployed, the canine supervisor shall be contacted and will have final authority regarding the deployment.

K. Quarantines of law enforcement canines that have bitten a person are prohibited under section 121685 H&S.

L. Animal Control Officers are authorized to investigate bites and examine the department's canine at any reasonable time.

319.8 HEALTH AND MEDICAL TREATMENT

A. Bloodhound canines shall have current rabies vaccination / inoculations records on file.

B. Canine handlers shall inform canine supervision when a Bloodhound canine is temporarily or permanently unfit for duty.

1. Basic canine first aid steps will be administered in accordance with current training and personal abilities.

2. An approved or authorized veterinarian shall be consulted for expert medical advice and treatment.

319.9 RETIREMENT OF CANINES

A. Bloodhound canines will be retired at the discretion of the Special Enforcement Bureau Commander.

1. When the Bloodhound canine is no longer able to perform the function of a service canine, the handler may elect to purchase the dog at a sum agreeable to both the department and the handler. A waiver releasing the liability shall be signed by the department and the handler.

319.10 RECORDS RETENTION

All relevant Canine Files shall be maintained as described in the Department's Records Retention Schedule (DRRS).

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Domestic Violence

320.1 PURPOSE AND SCOPE

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

320.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse - "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another (Penal Code §13700(a)).

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

Deadly Weapon - Per Penal Code §16430, any weapon, the possession or concealed carrying of which is prohibited by any provision listed in Penal Code §16590.

Deputy - Any sworn member of the Department assigned to investigate a domestic violence case.

Domestic Violence - "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship (Penal Code § 13700(b)).

320.2 POLICY

The Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this Department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible. Collaboration with other organizations may be necessary to facilitate effective responses to certain cases, particularly when the victim is working through the complex process of leaving the abuser (often the most dangerous time for the victim and law enforcement officers).

The Department recognizes that domestic violence is often a patterned crime requiring continuing engagement with victims and offenders. The Department's policy emphasizes the importance of

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obtaining the history of domestic violence by the suspect in the current and previous relationships in order to understand and appropriately respond to the danger and risk posed by offenders. Doing so ensures compliance with the law, assists in identifying the dominant aggressor, establishes a foundation for obtaining protective orders and/or bail enhancements, and ensures proper resources are activated (e.g., investigators, forensic services, victim services, children's services, etc.).

320.3 OFFICER SAFETY

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

320.4 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order. Dispatchers should check for previous contacts, firearms registered to the involved parties, probation/parole status, etcetera, to facilitate officer safety and thorough investigations.

320.5 INVESTIGATIONS

When investigating domestic violence cases:

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 911 calls.

(b) Obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

1. Trauma-informed interviewing techniques are ideal and should be utilized if the deputy is trained in such techniques. The goal is to ensure victims are able to fully communicate the details of the present and past abuse

2. Follow-up interviews may be needed to obtain additional information and/or accommodate traumatized victims

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

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(d) Determine if other co-occurring, serial, and/or interconnected crimes have been committed (e.g., child abuse, stalking, kidnapping, false imprisonment, sexual assault, threats, victim/witness intimidation, animal abuse, fraud/extortion, vandalism, etc.)

(e) When practicable and legally permitted, video or audio record all significant statements and observations from the victim(s), witness(es), and suspect(s) at the scene, as well as any post-arrest interviews from the suspect(s).

(f) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the on-duty watch commander or Detective Bureau in the event that the injuries later become visible.

(g) Request that the victim complete and sign an authorization for release of medical records related to the incident when applicable to the present and/or previous case(s).

(h) Thoroughly examine the crime scene(s) for evidence and to assess the statements given by all parties.

(i) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest (or seek an arrest warrant) if appropriate. Deputies should use appropriate investigative techniques to maximize the ability to obtain truthful statements from the suspect, including a post-arrest Miranda statement whenever possible.

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

(k) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(l) Deputies or investigators shall investigate the history of violence, intimidation, and control committed by the suspect through interviews *and* review of past calls, court cases, restraining order applications, and other pertinent documents.

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

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.

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5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

(n) Investigations shall cover all pertinent / relevant incidents of domestic violence, intimidation, and control, regardless of whether they were previously unreported.

320.5.1 INVESTIGATORS

Investigators shall be assigned to review or follow-up on domestic violence cases with any of the following characteristics:

(a) Considerable history of abuse; or

(b) Reasonable threat of further abuse, injury, or death; or

(c) Current or previous strangulation; or

(d) Current or recent stalking; or

(e) Substantial effort is required to obtain statements and/or evidence; or

(f) Follow-up is beyond the capabilities or resources of patrol staff, or would take them away from their patrol responsibilities for an extended period of time

The Investigations Bureau sergeant is responsible for tracking and assigning cases involving the above types of incidents. It is important to properly address any ongoing patterns of abuse. As such, pertinent incidents of prior domestic violence (whether reported or unreported) should be reviewed and/or investigated.

320.5.2 LETHALITY ASSESSMENTS

Senate Bill 1331 went into effect on January 1, 2019. The Bill requires law enforcement officers' training to include domestic violence lethality assessments. The assessment includes questions that officers can ask victims of domestic abuse to help determine their potential risk of homicide, serious injury, or further abuse. The questions are based on certain factors known to be linked to violence. Having the answers to these questions could help deputies identify victims who are at serious risk of harm and may provide deputies with the information needed to get victims additional resources from the Family Justice Center.

The Department has created a Lethality Assessment tool (Form 462) in compliance with POST recommendations. The Lethality Assessment is a mandatory form that will be attached to all domestic violence investigation reports. If the victim refuses to participate, it shall be noted in the report. The deputy shall review the answers to the questions with their supervisor (prior to clearing

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the call), who will determine if additional resources, such as the Investigations Bureau, victim advocates, EPOs, gun violence restraining orders, bail enhancements, etcetera, are necessary. The answers can also make the victim more aware of the danger they could be in.

320.5.3 STRANGULATION ASSESSMENTS

Deputies should facilitate a forensic strangulation examination for all strangulation victims. The Strangulation Worksheet (Form 461) is required when the victim reports any form of strangulation (or the deputy discovers strangulation by other means). This form is intended to assist deputies who are investigating strangulation incidents to ensure the victim is properly assessed for medical care needs and to assist the deputy in properly investigating a strangulation case. The form is not to be considered the report; it is to be attached to all domestic violence reports in which the victim reports strangulation, past or present. Per Penal Code § 13730(c)(4), all domestic violence reports are required to notate whether there were indications that the incident involved strangulation.

320.5.4 DOMESTIC VIOLENCE WORKSHEET

The Domestic Violence Worksheet (Form 460) is required on all domestic violence investigations. This form is intended to assist deputies who are investigating domestic violence incidents to ensure they are acting within the legal requirements of the multiple domestic violence reporting laws. This form is not to be considered the report; it is to be attached to all domestic violence reports.

320.5.5 PHOTOGRAPHS OF INJURIES

All visible injuries should be photographed regardless of severity. All victims shall receive proper medical care prior to being photographed, if needed or desired. SART nurses are available for domestic violence exams, which include a report and photographs of the victim.

Victims whose injuries are not visible at the time of the incident shall be advised to contact the on-duty watch commander or Detective Bureau in the event they become visible. A deputy or investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

320.6 ARRESTS

Deputies investigating a domestic violence report should consider the following:

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

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

(b) A deputy responding to a domestic violence call who cannot make an arrest will advise the victim of their right to make a private person’s arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Deputies shall not dissuade victims from making a lawful

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private person's arrest. Deputies should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

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

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

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

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense (Penal Code § 692, 693, and 694, and Cal. Crim. §3470).

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

320.6.1 FELONY ARRESTS

In accordance with state law, an arrest should be made when there is probable cause to believe a felony has occurred.

320.6.2 MISDEMEANOR ARRESTS

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

(a) Deputies may make an arrest without a warrant for a misdemeanor assault or battery not committed in their presence when it is committed upon:

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1. A current or former spouse;
2. A current or former cohabitant (Family Code § 6209 definition);
3. A fiance or fiancee;
4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship;
5. A person with whom the suspect has parented a child;
6. A child of the suspect or a child of one of the above listed categories;
7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.

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

1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed;
2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

320.6.3 PRIVATE PERSONS ARRESTS

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

320.6.4 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

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

(b) Provide the victim’s contact information to the jail staff to enable notification of the victim upon the suspect’s release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail (e.g., EPO, etc.).

320.6.5 FIELD RELEASES

Penal Code § 853.6 specifies that a field release may not be used if the deputy determines that there is a reasonable likelihood the offense would continue or that the safety of persons or property would be imminently endangered by release of the person arrested.

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

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(a) Whether the suspect has a prior history of arrests or citations involving domestic violence;

(b) Whether the suspect is violating a criminal court-issued Stay Away Order;

(c) Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order;

(d) Whether the suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults);

(e) Statements taken from the victim that the suspect has a history of physical abuse towards the victim (whether or not it was previously reported);

(f) Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.

320.6.6 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

(a) Determine if the situation merits an Emergency Protective Order (based on the totality of the circumstances of the present case and any history of violence).

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

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

(c) Document the resolution in a report.

1. A report is generally not required when there is no violation of law, no history of domestic violence (reported or unreported), **and** no indication of imminent abuse.

320.6.7 TENANCY ISSUES

Considerations for mitigating non-criminal domestic conflict:

(a) Deputies may request a person who is not in lawful possession of the premises to leave when:

1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.) and the other party has no legal standing to remain;
2. The complainant has requested that the person leave the premises;
3. (The deputy will stand by until the suspect removes essential belongings);

(b) If the suspect does not leave upon request, an arrest should be made under Penal Code § 602.5;

(c) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the deputy should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy;

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(d) If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order based on the current circumstances and/or past incidents of domestic violence.

320.7 COURT ORDERS

320.7.1 EMERGENCY PROTECTIVE ORDERS

The following applies to Emergency Protective Orders:

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

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

(b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.

1. Any such Emergency Protective Order shall be reduced to writing, signed by the deputy and include all of the information required by Penal Code § 646.91(c).
2. Any deputy seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
3. Any deputy requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.

(c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect (who resides with a complainant) from:

1. Physically or verbally contacting the victim or disturbing their peace;

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2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence; or
3. Continuing a specified behavior as described in the order.

(d) Deputies investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence, that the victim may still be in danger.

(e) It is the policy of the Department to request an EPO if any of the following conditions exist:

1. The victim requests an EPO (Family Code § 6275(a)); or
2. The investigating deputy believes that the person requesting an EPO is in immediate and present danger (Family Code § 6275(b)).

320.7.2 STAY AWAY ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1). Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

320.7.3 FOREIGN COURT ORDERS

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

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

320.7.4 SERVICE OF COURT ORDERS

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

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(b) At the request of the petitioner, a deputy at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any deputy serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

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

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

(f) If a deputy is unable to serve an emergency protective order during their shift, they shall give it to the oncoming shift sergeant who will assign a deputy to continue to attempt to serve the order. This process will continue until the order is served or expires.

320.7.5 VERIFICATION OF COURT ORDERS

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

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

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

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

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

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

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

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

320.7.6 PROOF OF SERVICE NOT VERIFIED

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

(a) Inform the suspect of the terms of the order;

(b) Admonish the suspect of the order, that the suspect is now on notice and that the violation of the order will result in arrest. If the suspect continues to violate the order after being advised of the terms, an arrest should be made;

(c) If the suspect complies after admonishment of the terms, the deputy shall complete a report showing the suspect was advised of the terms of the order, the specific terms of the order the suspect was advised about, the name of the deputy, and the date and time. The Department's copy of the restraining order will be updated to reflect the information listed above.

320.7.7 PROTECTIVE ORDER VIOLATIONS

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

(a) Prohibit threats, harassment, or violence;

(b) Exclusion of a party from a dwelling;

(c) Other prohibited behaviors specified by the court.

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

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

Deputies shall determine if the case involves a single violation or a pattern of behavior that falls under the definition of stalking (Penal Code § 646.9) and respond accordingly.

320.7.8 KEEP THE PEACE CALLS

Deputies shall determine if a protective order is in effect when handling Keep the Peace calls. Deputies cannot facilitate the violation of a protective order by assisting the restrained party with any acts that are prohibited in the court order.

320.8 VICTIM ASSISTANCE

Victims of domestic violence are often physically and emotionally traumatized. Deputies should:

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(a) Seek medial assistance as soon as practicable for the victim if they have sustained any injuries or have a complaint of pain

(b) Recognize that a victim's behavior and actions may be affected by domestic violence trauma (physical and emotional).

(c) Provide the victim with the Department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(d) Alert the victim to any available victim advocates, shelters, and community resources.

(e) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(f) Ask the victim if they have a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety or if the deputy determines that a need exists.

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

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

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

320.8.1 VICTIM INTERVIEW SUPPORT

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

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

(a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.

(b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.

(c) The investigating deputy should articulate in the report that the victim was advised of their right to a counselor and/or support person.

320.9 WRITTEN NOTICE TO VICTIMS

Penal Code § 13701(c) requires that victims of domestic violence be furnished written notice including the following information:

(a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time;

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(b) A statement that provides information about a shelter they may contact in the area;

(c) A statement that provides information about other community services they may contact in the area;

(d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint;

(e) A statement that "For further information about the California Victim's Compensation Program, you may contact 1-800-777-9229";

(f) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:

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

(g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim;

(h) In the case of an alleged violation of Penal Code §§ 261, 261.5, 262, 286, 288a, or289, a Domestic Violence Information Card which shall include, but is not limited to, the following information:

1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers;
2. A simple statement on the proper procedures for a victim to follow after a sexual assault;
3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime;

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4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

320.10 FIREARMS

320.10.1 SEIZURE OF FIREARMS

Sworn personnel at the scene of a domestic violence incident involving a threat to human life or a physical assault shall do the following:

(a) Inquire as to the presence of firearms or other deadly weapons

(b) When appropriate and necessary, attempt to secure and conduct a legal search of the location to determine the presence of firearms and other deadly weapons

(c) Seize all firearms / deadly weapons located through legal means

Deputies who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

320.10.2 RETURN OF FIREARMS

When a firearm has been seized as part of a domestic violence investigation, the procedure for the release of the firearm shall be in accordance with section 804 of this policy manual. The following specific domestic violence considerations shall also be adhered to:

(a) If a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the deputy has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability within five days after the seizure. (Penal Code § 18265(b)).

(b) If, however, any deputy has any reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through DOJ or other sources, the Department shall within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure (Penal Code § 18400(a)).

(c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days of the initial seizure or, upon timely application to the court for an extension, within no more than 90 days (Penal Code § 18400(a)).

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(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code 33865(a).

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law. (Penal Code 33875).

320.11 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

320.11.1 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

320.11.2 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting deputies should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

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

320.11.3 RECORD-KEEPING AND DATA COLLECTION

This Department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the lieutenant over the Crime Analysis Unit to maintain and report this information as required.

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320.11.4 DECLARATION IN SUPPORT OF BAIL INCREASE

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

320.12 OVERSIGHT RESPONSIBILITIES

Supervisors shall ensure:

(a) Domestic violence reports are submitted in a timely manner

1. Reports shall be turned in the same day as the incident unless extenuating circumstances exist
2. Under no circumstances shall reports be held over the investigating deputy's days off

(b) The investigation satisfies the requirements of applicable domestic violence laws and this policy

(c) Proper resources are utilized to investigate and follow up on cases with increased risk to victims (e.g., history of ongoing violence, intimidation, and/or control; current circumstances indicate higher risk; etc.)

Administrative lieutenants at each station/bureau shall:

(a) Conduct quarterly audits of a random sample (10%) of domestic violence reports to ensure compliance with applicable domestic violence laws and this policy

(b) Report the results of the audit to the station/bureau commander

Station/bureau commanders shall review the quarterly audits and ensure any training or performance issues are properly addressed.

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Search and Seizure

322.1 PURPOSE AND SCOPE

Both the Federal and State Constitutions provide every individual in the United States with the right to be free from unreasonable searches and seizures. This policy provides guidelines for Riverside County Sheriff's Department personnel to follow when planning or conducting a search or seizure.

322.1.1 FOURTH AMENDMENT TO THE U.S. CONSTITUTION

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

322.2 POLICY

It is the policy of the Riverside County Sheriff's Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to deputies as guidance for the application of current law, local community standards, and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

322.3 SEARCHES

The Fourth Amendment to the U.S. Constitution provides protection from unreasonable search and seizure. Generally, a search warrant is required for a search to be valid; however, there are several exceptions that permit a warrantless search.

Examples of circumstances that may present exceptions to the warrant requirement include the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, of persons with judicially imposed limitations

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regarding searches of their persons and property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to judicial interpretation, each member of this department is expected to act in each situation according to their most current training and within reasonably known and established rights and/or law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to selecting a course of action.

322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies may be considered in every search situation, the following guidelines should be followed:

(a) Members of this department will conduct searches with dignity and courtesy.

(b) Deputies, when possible,should explain to the person being searched the reason for the search and how the search will be conducted.

(c) A designated department member shall create a pre-search and post-search video that thoroughly documents the general condition of the location and pertinent areas searched. Both videos shall become part of the report and investigative record.

(d) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(e) Any surveillance cameras discovered within an area being searched may be disabled for officer safety purposes only by covering, unplugging, disconnecting, or powering off the device, but never by damaging or destroying a surveillance device unless a serious and imminent danger is posed by the device.

(f) In order to minimize the need for forcible entry, an attempt should be made to determine if the entry door is locked, to obtain keys, combinations or access codes when a search of locked property is anticipated. Exigent circumstances or known dangers may justify abandoning these efforts.

(g) All requirements under Penal Code section 1531 (knock and notice) shall be followed unless an exception arises or has been judicially approved.

(h) When the person to be searched at the scene is of the opposite sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable, or safe, to summon or wait for a deputy of the same sex, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search, if available.
2. At least one deputy activates their BWC to document the entire search.
3. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

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322.5 OPERATION PACKAGES

An approved Operation Package is required on all undercover operations, medium to high-risk search and arrest warrants, and complex surveillance programs. A sworn supervisor shall be present during circumstances meeting any of those criteria. A sworn supervisor shall thoroughly review all facets of an operations package before any warrant is served and be satisfied with its contents and justification before approving it for distribution.

An Operation Package is not required for low- risk situations such as warrants for:

- business records (bank records, cellular, etc.);
- vehicles already in the department's possession;
- an occupied structure but where all suspects are in custody and there is a low likelihood of conflict with occupants;
- an unoccupied structure already secured and held pending warrant service;
- a suspect turning themselves in;
- the collection of DNA from a suspect;
- routine, patrol-level service of an arrest warrant
    - organized plans should be developed and known intelligence disseminated to involved personnel;
- other similar low-risk circumstances pre-approved by a sergeant

A supervisor is not required to be present during the service of search or arrest warrants where no operation package is required by this policy; however, department supervisors will have the final authority on the need for an operations package.

The Operation Package (available on the intranet / Docs and Forms / "Field Ops" heading) requires the documentation of relevant information pertinent to the planning and execution of the warrant(s). Additional pages may be attached as necessary, such as maps, photographs, and additional suspect information. If no file number has been assigned to the investigation, a program number issued at the station level will be used.

For control and security purposes, personnel will use only the current Operations Package and comply with the following procedures in all instances where they use an Operations Package.

(a) The case agent of the program will be responsible for all packages. This responsibility may be delegated to a co-case agent;

(b) Each package will have a control number;

(c) Each package will be stamped, or otherwise marked, "CONFIDENTIAL";

(d) The case agent, or the designee, will maintain a control log. The name of the person receiving each package will be placed next to the control number of the package he or she receives;

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(e) The responsible case agent, or the designee, will collect all of the packages at the end of the program;

(f) All Operation Packages, except the original, will be shredded;

(g) The originals of the Operation Package and control sheet will be maintained in each station and follow the record retention within the Departmental Records Retention Schedule (DRRS).

322.5.1 THREAT ASSESSMENT

Search Warrant Threat Assessment forms organize the criminal intelligence and historical information about a warrant service into a quantifiable risk-assessment tool for teams and their supervisors. The completion of these forms is required for all search and arrest warrants where suspects may be encountered.

If, after completion of the form, the warrant service falls into the "high risk" category, the form shall be forwarded to the Special Enforcement Bureau (SEB) for further analysis. SEB will return the form with a recommendation about the use of a tactical team and will have the final authority regarding who will serve the warrant.

To control the information on the form, only the case, or co-case agent shall send forms that reached the "high-risk" level to SEB. Each form must have a sergeant's signature on it. The form returned to the case agent by SEB must be retained for a minimum of three years. SEB must also retain each form reviewed for three years.

The Threat Assessment Form is available on the department intranet / Docs and Forms / "Search Warrants" heading.

322.5.2 SEARCH WARRANT 'NOTICE OF SERVICE'

A search warrant notice (RSD Form 450) shall be conspicuously left at the location or given to an adult occupant following a search warrant service. RSD Form 450 shall include the following information:

- A notification of the search warrant service and property seizure;
- The date of the execution and seizure;
- The identity of the agency executing the warrant;
- The date the warrant was issued;
- The name and assigned court of the judge or magistrate who issued the warrant;
- The name of the case agent or supervisor to be contacted for further information

RSD Form 450 is available on the department's intranet / Docs and Forms / "Search Warrants" heading.

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322.6 PROPERTY SEIZURES

(a) All property seizures shall be thoroughly inventoried and documented in associated reports and on department property forms, even if found to be unrelated to the investigation after the search.

(b) All seized property shall be promptly booked into evidence soon after any photographing, copying, downloading, drying, testing, examination, use during interview, or other investigative process is completed.

(c) No seized property is to be stored, even temporarily, in an unofficial location such as a handbag, locker, desk, cabinet, office, or vehicle.

(d) Seized currency shall be handled, accounted for and documented according to department policy. Refer to current Asset Forfeiture policies if forfeiture proceedings will be sought. Generally, forfeiture of paper currency less than $1000.00 will not be initiated.

(e) Upon discovery at a scene, any firearms shall be confirmed as unloaded and made safe before transporting and booking by completely unloading the firearm, then disabling the action, slide and/or trigger function with plastic ties or other secure device.

(f) Property taken into department custody for "safekeeping" must still be taken legally. Consent, the Community Caretaking Doctrine, CA Penal Code 18250, or other exception to the warrant requirement must apply.

(g) A thoroughly completed property receipt (RSD Form 409) shall be conspicuously left at the scene whenever property is taken into department control, regardless of its value.

(h) No member shall post any photographs of a crime scene, searched location, or seized property to any website, chat room, or other on-line forum except for official and legitimate investigative purposes.

322.7 DOCUMENTATION

Deputies are responsible to document any search warrant service and to ensure that all reports contain, at minimum, documentation of the following:

- Reason for the search;
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys);
- Identity and disposition of all persons detained at scene;
- What, if any, injuries or damage occurred;
- All steps taken to secure property before leaving;
- The results of the search, including a description of any property or contraband seized;
- Existence of BWC recording(s)

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322.7.1 SUPERVISOR'S REVIEW

Supervisors shall review or return, if needed, all reports that need correction or additional detail. Supervisors shall review all facets of the operation's outcome to establish that evidence procedures were followed, that departmental actions are properly documented and that current legal requirements and department policy have been met, to include the submission of all documents required by the court following the service of a search warrant.

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Child Protective Custody Warrants

323.1 PURPOSE AND SCOPE

This policy provides guidelines for the receiving, processing, and service of a Child Protective Custody Warrant (CPCW) authorizing the removal of a child (*anyone under the age of 18*) obtained by Riverside County Department of Public Social Services, Children's Services Division. (CSD) Child Protective Custody Warrants are signed by a magistrate and issued pursuant to Welfare and Institutions Code § 340; CRC, and California Rules of Court; Rule 5.526(c). This policy establishes protocols for serving removal orders aimed at reasonably ensuring the safety of all involved parties.

323.2 POLICY

The Riverside County Sheriff's Department recognizes the legal obligation to assist Riverside County Department of Public Social Services, Children's Services Division (CSD) in the service of a Child Protective Custody Warrant. Department members assigned to the Sheriff's Civil Bureau are responsible for facilitating this process in cooperation and conjunction with representatives of DPSS. This policy does not limit, diminish, or absolve Department personnel's legal authority and obligation to remove a child into temporary protective custody pursuant to Welfare and Institution Code § 305, with or without a warrant.

323.3 NOTIFICATION OF PENDING WARRANT

A Social Services Practitioner from DPSS will author the probable cause statement (PCS) to obtain a CPCW. The practitioner will NOT disclose to the parents or guardians of the juvenile(s) to be removed, that a CPCW is being sought. The practitioner shall present the probable cause statement to Riverside County Counsel for initial review and approval. Following County Counsel's approval and prior to presenting the probable cause statement to a magistrate, the practitioner will alert the Sheriff's Civil Bureau of a pending CPCW. The practitioner will also:

(a) Complete the Children's Services Division Pre-Warrant Service Worksheet form. (CSD 3884 - 09/2019)

(b) Email the above-mentioned Pre-Warrant Worksheet form, to the Riverside Sheriff's Civil Bureau, along with a copy of the probable cause statement, to: CPCW@riversidesheriff.org .

(c) Department personnel receiving the email notification of the pending CPCW shall notify the on-duty supervisor (sergeant or lieutenant) as soon as it is practical. Department personnel shall send a return email to the practitioner acknowledging receipt of the Pre-Warrant Service Worksheet form.

(d) The on-duty supervisor shall direct and assign on-duty Civil Bureau personnel to begin an initial assessment of the location and any individual(s) who reside in, or may be present at the location during the warrant service.

(e) The assigned Civil Bureau deputy will contact the practitioner to advise that the Civil Bureau is preparing for the warrant service.

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323.4 RECEIPT OF SIGNED WARRANT

The CSD SSP will call the deputy assigned to advise whether the warrant was approved or rejected by the magistrate. If the warrant is approved and signed, the CSD SSP will promptly email a copy of the approved CPCW to: CPCW@riversidesheriff.org. Next, the assigned deputy will:

(a) Print the approved CPCW for the case file and review.

(b) Advise the on-duty Civil Bureau supervisor of receipt of the approved CPCW.

(c) Contact the CSD SSP and ensure that the CSD SSP has not yet arrived at the location where the CPCW will be executed; and

(d) Arrange a meeting location with the CSD SSP and provide an estimated time frame for response/service.

323.5 DEPUTY RESPONSIBILITIES

Department personnel assigned to assist in serving a CPCW shall have acknowledged this policy and the Search and Seizure Policy within the Department Standards Manual prior to assisting with the service of these warrants.

323.5.1 PLANNING AND DECONFLICTION

The deputy assigned to create an Operations Plan and conduct the warrant service shall:

(a) Prior to meeting with the DPSS practitioner, gather pertinent and relevant officer safety related information from the practitioner.

(b) Conduct a records check on the residence, parents/guardians/involved persons, and any other known parties associated with the location.

(c) Conduct deconfliction via LA Clear.

(d) Develop a tactical plan with all executing personnel for servicing the CPCW that is mindful of the safety of the involved deputies, the subject juvenile, parent/guardian and any other individual(s) that may be present at the residence.

(e) Determine if the residence is located on an Indian Reservation and if so, advise a Civil Bureau supervisor prior to service.

323.5.2 WARRANT REVIEW

Once in-person contact is made with the practitioner, the assigned deputy will review the warrant and verify it contains the following:

(a) CSD Referral/Case number.

(b) County Counsel signature.

(c) Date and time warrant issued; and

(d) Magistrate signature.

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323.5.3 LOCATION CONFIRMATION AND SERVICE

Once at the listed residence, the assigned deputy will verify that the address on the warrant is correct, confirm that the specific descriptors on the warrant match the location, and take the following actions:

(a) Activate Body Worn Camera (BWC) and utilize established department policies governing use of the BWC.

(b) Accompany the practitioner to the door of the residence to contact the parents/ guardians.

(c) Remain in very close proximity while DPSS personnel serves the CPCW. Assist in searching only the areas of the residence/property where a juvenile may reasonably be located, which includes but is not limited to: all rooms, garages, storage areas, vehicles, sheds, wells, carports, surrounding grounds, trash areas, outbuildings, and any space/container large enough to conceal a person.

(d) If the juvenile is located, ensure the juvenile is taken into protective custody and practitioner is prepared to transport the juvenile from the residence for further investigation.

(e) Secure and remove from the premises essential necessary items belonging to the juvenile(s) including clothes, personal hygiene items, or a toy.

(f) Document the execution of the CPCW with an Incident Report using a Court Services file number, including taking photographs of the residence's condition and any property that was damaged during the service of the warrant.

(g) Book all evidence, BWC/digital recordings, photographs, etc. obtained during service of the warrant before the end of shift.

323.5.4 FORCED ENTRY

If **forced entry** is necessary to serve the CPCW, the deputy, after establishing a reasonable belief the child is inside the residence, will do the following:

(a) Request 10-33 emergency radio traffic.

(b) Ensure a member of the entry team utilizes a BWC, or audio recording device.

(c) Enter the residence utilizing the safest route for all involved personnel.

(d) Locate the juvenile and relinquish custody of the juvenile to DPSS when safe to do so.

(e) Evaluate if the parent/guardian of the juvenile knowingly and willfully refused to comply with the CPCW and whether probable cause exists for enforcement of Penal Code 166(a)(4), 166(a)(5).

(f) Document all actions with an Incident Report, including use of force, photographs of the residence's condition and any property that was damaged during the service of the warrant.

323.6 SUPERVISOR RESPONSIBILITIES

The on-duty Civil Bureau supervisor shall be responsible for reviewing the CPCW and all related materials, which will include service operation plans prepared by the assigned deputy. This will

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occur prior to warrant service and execution. A Civil Bureau supervisor **will be** present at the service of the CPCW, absent any extenuating circumstances. The on-duty Civil Bureau supervisor will notify the Sheriff's station of jurisdiction Watch Commander, when forced entry was required in the service of a CPCW. Other factors the on-duty Civil Bureau supervisor should consider prior to servicing the CPCW:

(a) Whether additional department resources are required to safely execute service of the CPCW

(b) Whether the current CPCW service plan adequately addresses known safety concerns/risks?

(c) Whether it is possible to serve the CPCW away from the juvenile's residence? School, vehicle stop, etc.

(d) If service will occur between the hours of 2200-0600, has night service been authorized?

(e) Is the residence listed on the CPCW located on an Indian reservation? If so;

1. Notify a Civil Bureau lieutenant or captain, prior to service of the CPCW.

323.7 USE OF FORCE AND RESTRAINTS

Sheriff's personnel involved in the service of a CPCW shall follow the department's Use of Force policy.

(a) Juveniles detained pursuant to a CPCW are not under arrest and should not be handcuffed or physically restrained unnecessarily.

(b) Juveniles detained pursuant to a CPCW who become threatening, violent, or combative may be restrained for deputy safety, their own safety, and the safety of others. **(15 CCR 1142)**

(c) When use of force occurs involving a parent/guardian, personnel shall take into consideration the safety of the juvenile and their proximity to the parent at the time the force is used.

(d) All use of force incidents will be thoroughly documented in an Incident Report. Verbal notification will be made to a Civil Bureau supervisor when safe to do so.

323.8 DOCUMENTATION AND BODY WORN CAMERAS

Department personnel involved in the service of a CPCW shall author an Incident Report or Supplemental Report detailing their involvement. All Department personnel assigned to the service of the CPCW shall use their BWC.

(a) Documentation will occur under the appropriate Court Services file number.

(b) Involved personnel shall document the existence of BWC video in the narrative of their report.

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(c) All evidence seized, which includes all BWC video, shall be booked at the Sheriff's station of jurisdiction, property/evidence room before the end of shift.

(d) Completed reports will be reviewed and approved by Civil Bureau supervision.

1. Reports written by station deputies should be sent via email to the primary Court Services sergeant or deputy

(e) Civil Bureau supervision is responsible for all documentation related to employee injury and/or property damage that may occur during service. (Worker's Comp/Accord forms)

1. Field sergeants will be responsible for this task if a warrant is served after hours by patrol personnel.

(f) All evidence, BWC video and photographs related to the service of a CPCW shall be retained in accordance with the county destruction schedule and/or Riverside County Records Retention Policy A-43.

323.9 AFTER HOURS NOTIFICATION AND RESPONSE

Once Civil Bureau personnel are notified of the pending CPCW and it is determined they are unable to serve it during normal business hours, the following actions shall be taken:

(a) The Civil Bureau lieutenant should consider the totality of the circumstances and determine if the Civil Bureau is better positioned to serve the CPCW to achieve the desired outcome. (Heavy station call loads, critical incident, lack of sufficient station personnel, etc.)

(b) The Civil Bureau sergeant or lieutenant will contact the respective patrol station's on-duty Watch Commander (WC).

(c) Advise the WC of the pending warrant service, and the estimated time frame given by the DPSS practitioner.

(d) Provide the WC with the practitioner's contact information.

(e) Forward the WC, via email or fax, any documents related to the warrant service.

(f) Provide the WC guidance on the warrant service if necessary.

(g) Provide the practitioner the name and contact information for the WC who will be facilitating the service of the warrant.

(h) When Civil Bureau personnel are not on duty, DPSS/CSD should be calling Dispatch to make those requests when possible. If a watch commander is contacted directly, they will pull a "CPCW" call for service and assign a deputy to handle per protocol.

(i) Supervisors will complete the patrol supervisor's checklist after the service and email a completed copy to CPCW@riversidesheriff.org.

323.10 ADDITIONAL CRIMES

Department personnel may take enforcement action on any unrelated criminal offense(s) lawfully uncovered during service of the CPCW. If a large-scale criminal operation is discovered, Civil Bureau supervision will contact the Sheriff's station commander/lieutenant or the appropriate

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department team or bureau to respond to assume control of the investigation. Civil Bureau personnel will remain on scene until properly relieved.

323.11 OTHER JURISDICTIONS

When Civil Bureau personnel or station watch commanders become aware of a CPCW wherein the listed residence on the CPCW is physically located in a neighboring law enforcement agency's jurisdiction, supervisors shall be responsible for reviewing the CPCW and all related materials, which will include service operation plans. This will occur prior to warrant service and execution. A supervisor will be present at the service of the CPCW, absent any extenuating circumstances. Other factors the supervisor should consider prior to servicing the CPCW:

(a) Notify your chain of command of the pending CPCW service including the jurisdiction/ municipality involved.

(b) Whether additional department resources are required to safely execute service of the CPCW.

(c) Whether the current CPCW service plan addresses known safety concerns/risks.

(d) Whether it is possible to serve the CPCW away from the juvenile's residence? School, vehicle stop, etc.

(e) If service will occur between the hours of 2200-0600, has night service been authorized?

(f) Notify the jurisdictional law enforcement agency of the planned CPCW service in their jurisdiction prior to service and after units have cleared the scene.

(g) Is the residence listed on the CPCW located on an Indian reservation? If so, notify the tribal liaison lieutenant prior to service of the CPCW and after units have cleared the scene.

(h) Supervisors will complete the patrol supervisor's checklist after the service and email a completed copy to CPCW@riversidesheriff.org.

323.12 FORMS

The following forms are available on the Sheriff's Intranet Site under "Docs and Forms/Search Warrants"

Children's Services Division Pre-Warrant Service Worksheet CSD-3883

Child Protective Custody Warrant Patrol Supervisor's Checklist RSD 464

Probable Cause Statement RSD

Protective Custody Warrant Form CSD 4185

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Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

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

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

324.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

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

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

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

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

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

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

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

324.2 POLICY

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

324.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconscious

(b) Seriously injured

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

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

(e) Extremely violent or continuously violent

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

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

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

324.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

324.4 CUSTODY OF JUVENILES

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

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

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

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

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do

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so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

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

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

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

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

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

(e) Refer to alternative resources as outlined in SB 439.

1. Complete the SB 439 Referral Form as directed by the Riverside County Office of Education (RCOE). The narrative portion listed under “Reason for Referral” shall include a brief summary of the circumstances. Do not attach reports or supporting documents to the form.

2. The form will be forwarded to the Watch Commander for review.

3. The station SOA or designee will forward to the RCOE facilitator.

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

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

324.5 ADVISEMENTS

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

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

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

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

324.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile.

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

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

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

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

(f) Time of all safety checks.

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

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

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

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

324.7 NO-CONTACT REQUIREMENTS

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

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Riverside County Sheriff's Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

324.8 TEMPORARY CUSTODY REQUIREMENTS

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

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

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

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

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

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

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(i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Riverside County Sheriff's Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

324.10 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Riverside County Sheriff's Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Riverside County Sheriff's Department.

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324.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

(a) Age, maturity, and delinquent history

(b) Severity of offense for which the juvenile was taken into custody

(c) The juvenile offender's behavior

(d) Availability of staff to provide adequate supervision or protection of the juvenile offender

(e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

324.11.1 LOCKED ENCLOSURES

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

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

324.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Riverside County Sheriff's Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Sheriff, and Detective Bureau Bureau Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the County attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, a deputy shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

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(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

324.13.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

324.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor.

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Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander or Detective Bureau supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

324.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

The current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be reviewed prior to releasing any information. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate Detective Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

324.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Field Operations Chief Deputy shall coordinate the procedures related to the custody of juveniles held at the Riverside County Sheriff's Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

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Child and Dependent Adult Safety

325.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

325.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Riverside County Sheriff's Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

325.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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325.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

  1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

  1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

325.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

325.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

325.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

325.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car, or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

325.5 TRAINING

The Chief Deputy is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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Dependent Adult / Elder Abuse

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for department members as required by law.

327.1.1 DEFINITIONS

Definitions related to this policy include:

Elder - A person who is 65 or older.

Dependent Adult - A person between the ages of 18 and 64 that has certain mental or physical disabilities that keep him or her from being able to do normal activities or protect himself or herself.

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Abuse of an elder (ages 65 or older) or dependent adult (ages 18-64) - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering; or any other act that would mandate reporting or notification to a social service agency or law enforcement. Neglect includes self-neglect (Welfare and Institutions Code § 15610.07; Penal Code § 368.5).

327.2 POLICY

The Department will investigate all reported incidents of alleged dependent adult and elder abuse and ensure proper reporting and notification as required by law.

327.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact, while keeping the reporting party confidential (as applicable). This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

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(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Whether an EPO was offered or obtained.

(h) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(i) Current and previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(l) Whether a death involved the End of Life Option Act:

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)

2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)

3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)

4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

327.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult / elder abuse. These investigators should:

(a) Conduct and record thorough interviews at an appropriate location.

(b) Be familiar with effective interview techniques specific to adult abuse investigations.

(c) Present all cases of substantiated adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

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(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

(g) Ensure proper cross-reporting has been completed as required by law.

327.5 MANDATORY NOTIFICATION

Members of the Riverside County Sheriff's Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse or neglect of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone, or through a confidential internet reporting platform, as soon as practicable and a written report (including State of California (SOC) Form 341) shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c)).

A dependent adult is an individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a

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written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The California Deparment of Social Services (CDSS) shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Detective Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

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327.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

327.5.2 ADULT SERVICES ONLINE REPORTING

Adult Services offers electronic submission of the SOC 341(Report of Suspected Abuse) or SOC 342 (Report of Suspected Financial Abuse) for all NON-EMERGENCY reports of neglect or abuse. Electronic submission meets the reporting requirement for mandated reporters in lieu of a telephone call to the APS hotline.

Department members shall be mindful of the following parameters before choosing the online system:

(a) Emergency or immediate response reports must be submitted by telephone only. 1-800-491-7123

(b) Online reports submitted after hours, weekends, or holidays will not be acknowledged by APS staff until the following business day.

https://riversideaps.com/LEAPSIntake/VerifyIntakeEmergency.aspx

327.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be done in collaboration with APS.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, pursuant to WIC §5150 for example, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction.

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Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

327.6.1 EMERGENCY PROTECTIVE ORDERS
In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

327.7 INTERVIEWS

327.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, deputies should record (audio or video) the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should seek assistance from someone who is specially trained in such interviews. This does not absolve the investigating deputy of the responsibility to conduct a thorough investigation.

327.7.2 DETAINING VICTIMS FOR INTERVIEWS
A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

327.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the

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appropriate medical facility. If consent is not able to be given (e.g., dementia, conservatorship, etc.), a search warrant may need to be obtained.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

327.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

327.9.1 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify a supervisor.

327.9.2 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the adult.

327.10 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

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(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

327.11 RECORDS BUREAU RESPONSIBILITIES

Station clerical staff are responsible for:

(a) Providing a copy of the adult abuse report to the APS, ombudsman or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).

(b) Retaining the original adult abuse report with the initial case file.

327.12 JURISDICTION

The Riverside County Sheriff's Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

327.13 RELEVANT STATUTES

Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

(f) A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Welfare and Institutions Code § 15610.05

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

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Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

(1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

(1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) "Isolation" means any of the following:

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult,

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whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe

Welfare and Institutions Code § 15610.57

(a) “Neglect” means either of the following:

(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. “Physical abuse” means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

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(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.

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Discriminatory Harassment and Workplace Violence

328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

328.2 POLICY

The Riverside County Sheriff's Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

Relevant policies, procedures, and definitions related to the department's prevention of, and response to, discrimination, harassment, and workplace violence are codified in the attached Riverside County Board Policies. All Sheriff's Department employees shall be familiar with the contents of Riverside County Board Policies C-25 and C-27. Both can be found via the attached link.

https://www.rivcocob.org/board-policies

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Registered Offender Information

329.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

329.2 POLICY

It is the policy of the Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

329.2.1 LIMITATIONS ON EXTENDED RELEASE

Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety. The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (Penal Code § 290.45(c)(1)).

329.3 REGISTRATION

The Detective Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

329.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

329.3.2 INFORMATION PERMITTED FOR INTERNET RELEASE

For those offenders listed in Penal Code § 290.46(c)(2) and (d)(2), the following information may be included on the Department Internet Web site:

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(a) The offender's full name;

(b) The offender's known aliases;

(c) The offender's gender;

(d) The offender's race;

(e) The offender's physical description;

(f) The offender's photograph;

(g) The offender's date of birth;

(h) Crimes resulting in the registration of the offender under Penal Code § 290;

(i) The community of residence and Zip Code in which the registrant resides or the county in which the person is registered as a transient;

(j) Any other information which the Department deems relevant, such as:

1. Description of the offender's vehicle(s) or vehicle(s) the offender is known to drive (only if the offender is currently wanted for a criminal offense);
2. Type of victim targeted by the offender;
3. Relevant parole or probation conditions, such as prohibiting contact with children;
4. Dates of crimes resulting in current classification;
5. Dates of release from confinement;
6. The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in Penal Code § 290.46(b)(2), the address at which the offender resides may also be included on the Department Internet Web site in addition to the above.

Before releasing the address of any offender, the deputy shall verify that the information is correct.

329.3.3 USE OF DISCLOSURE FORMS

Whenever information regarding any sex offender is publicly disseminated, the deputy shall complete a Megan's Law Disclosure form (RSD Form 633) which shall be promptly forwarded to the Investigations Unit. The release of such information shall also be noted by entering the notification into the comment field on the offender's Supervised Release File record.

329.3.4 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information within the campus community regarding other registered sex offenders:

(a) The offender's full name;

(b) The offender's known aliases;

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(c) The offender's gender;

(d) The offender's race;

(e) The offender's physical description;

(f) The offender's photograph;

(g) The offender's date of birth;

(h) Crimes resulting in the registration of the offender under Penal Code § 290;

(i) The date of last registration.

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d)(1).

329.4 MONITORING OF REGISTERED OFFENDERS

The detective bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The detective bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Department personnel, including timely updates regarding new or relocated registrants.

329.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Riverside County Sheriff's Department’s website. Information on sex registrants placed on the Riverside County Sheriff's Department’s website shall comply with the requirements of Penal Code § 290.46.

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The Records Manager may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

329.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender’s full name

(b) The offender’s known aliases

(c) The offender’s sex

(d) The offender’s race

(e) The offender’s physical description

(f) The offender’s photograph

(g) The offender’s date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

329.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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Child Abuse

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Riverside County Sheriff's Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

331.2 POLICY

The Riverside County Sheriff's Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

331.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Each station shall develop a procedure by which such reports are transmitted to their respective District Attorney's Office - SACA Unit. Such incidents subject to this mandate would include those reported to this department via CPS referral, call response, or patrol report. Those qualifying incidents resulting in an arrest would be reported to the District Attorney via the filing process and would not necessitate separate reporting. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166 (k)).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes,

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day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

331.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Penal Code § 11166):

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

331.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

1. Before doing so, department members should consult and coordinate this effort with CPS personnel to avoid conflicting information or objectives.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

331.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

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(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

331.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

331.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. As soon as practicable after

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taking a child into protective custody, deputies shall consult with, involve, and fully inform CPS to facilitate placement of the child. No child will be placed without CPS sanction and approval.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

331.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

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331.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, deputies can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Deputies shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

331.7 INTERVIEWS

331.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

331.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

331.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member’s presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

331.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or

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agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

331.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

331.9.1 SUPERVISOR RESPONSIBILITIES

All supervisors should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when notified that a deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

331.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Bureau supervisor so an interagency response can begin.

331.10 CHILD DEATH REVIEW

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

331.11 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

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331.11.1 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

331.11.2 DESIGNATION OF A CACI HEARING OFFICER

The station commander shall designate a supervisor who will serve as the hearing officer. However, the designated supervisor must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

331.11.3 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

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331.11.4 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

331.11.5 CACI HEARING OFFICER

The Detective Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

331.12 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Identity Theft

333.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

333.2 REPORTING

(a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall complete a report for victims residing, or operating a place of business, within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:

1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the original identity theft should generally be reported to the law enforcement agency where the victim resides, deputies of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft. For example, if the identity theft occurred elsewhere, but the resulting credit card fraud occurred and is being reported in this jurisdiction, deputies shall complete the report without waiting for the victim to report the initial identity theft.

(c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting deputy should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and department processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Missing Persons

334.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

334.1.1 DEFINITIONS

At risk - Includes circumstances where any of the following factors are present (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.
- A juvenile under the age of 12.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

334.2 POLICY

The Riverside County Sheriff's Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Riverside County Sheriff's Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

334.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Bureau supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases

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- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits, or process to request collection of biological samples

Department members may also refer to the DocRead publication for information related to missing person investigations.

334.4 ACCEPTANCE OF REPORTS

Any department member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those department members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

334.5 INITIAL INVESTIGATION

Deputies or other department members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

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1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

334.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

If a missing person is found before the information is entered into the NCIC, the information shall still be entered (Penal Code § 14213(c)).

334.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The supervisor shall ensure these reports are promptly completed and processed according to station/bureau procedures.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

334.6.2 CLERICAL UNIT RESPONSIBILITIES

The receiving department member shall:

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(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Detective Bureau.

(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

334.7 DETECTIVE BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).

2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

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(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

334.8 CASE CLOSURE

The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a resident of Riverside County or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

334.9 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate supplemental report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

(b) The missing person’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General’s Office.

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(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

334.9.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

334.10 TRAINING

Subject to available resources, the Training and Education Bureau should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Private Persons Arrests

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

335.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all deputies shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

335.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

335.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

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1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The deputy must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

(c) When a suspect has not been physically arrested by a citizen or is not at the scene for us to accept, deputies should remain mindful that a signed private person's arrest form is not an arrest warrant. If a suspect is found elsewhere, or found a considerable time later, the requirements of warrantless arrests apply.

335.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

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Special Needs Reunification Program

336.1 PURPOSE AND SCOPE

The Special Needs Reunification Program is a VOLUNTARY community outreach program created to better assist our special needs community. The reunification program is for legitimate law enforcement purposes to assist those with special needs who may become missing, found alone, in an emergency situation, or encountered during a law enforcement action. Information found within this program may be beneficial if the person is unable to speak or properly identify themselves, are disoriented, or act in a manner that could be misinterpreted by first responders.

336.2 POLICY

The Riverside County Sheriff's Department will make reasonable efforts to recognize people with special needs and to assist them when appropriate. To aid in this effort, the Special Needs Reunification Program may be utilized when responding to a call for service or other appropriate lawful situation.

336.3 SPECIAL NEEDS REUNIFICATION PROGRAM

Members of the public can VOLUNTARILY participate in the Special Needs Reunification Program (SNRP). The program provides law enforcement access to critical information about a registered person with special needs. The SNRP is open to any person of any age with any type of medical condition or disability who may require special assistance in a routine or emergency interaction with first responders. The SNRP may include the registered person's digital picture, demographic information, known routines, favorite attractions, and the caregiver's contact information.

336.3.1 SNRP ADMINISTRATOR

A designated administrator will be responsible for managing the SNRP. The administrator will work in conjunction with the Information Services Bureau (ISB) and each of the patrol station's Administrative Sergeant and Supervising Office Assistant regarding the performance and maintenance of the program.

336.4 SNRP REGISTRATION

The SNRP is a free service to the public. Riverside County residents, regardless of the city in which they reside, are invited to utilize this service. Individuals with special needs, their legal guardians or caretakers, can enroll the enrollee via online or in person at a Sheriff's Patrol Station.

336.4.1 ONLINE ENROLLMENT

Members of the public may complete the enrollment process by visiting the Department's internet site under the Community tab. Once completed, ISB personnel will receive notification via email of the application.ISB will be responsible for creating a flag in the Records Management System (RMS).

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Members of the public may also update or request to have their information removed from the SNRP by email at SNR@RiversideSheriff.org. ISB will be responsible for updating the SNRP and the flag in RMS.

336.4.2 IN-PERSON ENROLLMENT AT SHERIFF'S PATROL STATION

Members of the public can schedule enrollment appointments at any Riverside Sheriff's Department patrol station during regular business hours. Station personnel will assist with the registration process via the Department's internet site.

Members of the public may also update or request to have their information removed from the SNRP in person at any Riverside Sheriff's Department patrol station during regular business hours. Station personnel will assist with the update or removal from the SNRP and ensure ISB is notified to remove/update the flag in RMS.

336.4.3 SNRP RECORD PROTECTION AND RETENTION

SNRP record information may be protected from disclosure under the following code sections, including but not limited to: Gov Code 6254(k); CA Civil Code section 56.10; Welfare & Institutions Code section 827; Welfare & Institutions Code section 10850; Welfare & Institutions Code section 15633; and Welfare & Institutions Code section 15633.5.

SNRP record information is subject to the department's retention schedule, unless updated or otherwise requested by the responsible member of the public.

336.5 DEPARTMENT MEMBER RESPONSIBILITIES

Employees of the Riverside County Sheriff's Department should utilize the information found in the SNRP as soon as practical upon learning of a situation involving a special needs individual.

336.6 DISPATCH RESPONSIBILITIES

After a call for service has been initiated, Dispatch will:

(a) Broadcast all pertinent information to field units

(b) Run the individual and/or associated address for local contacts when possible, subject to reasonable time constraints Dispatch has at the time of the incident

(c) If the inquiry yields a SNRP flag on file, the dispatcher will broadcast to the responding units that a SNRP flag exists

336.7 FIELD RESPONSE AND INITIAL INVESTIGATION

336.7.1 RESPONDING TO MISSING PERSONS

Deputies or other department members conducting an investigation involving an individual with special needs should take the following investigative actions, as applicable:

(a) Respond to the call for service as soon as practicable.

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(b) If the individual has an SNRP flag, responding units should use the Master Name Index (MNI) to run the individual in Data Warehouse and view the SNRP record on file

(c) Conduct an investigation in accordance to the appropriate policy; such as, but not limited to:

- DSM 334 Missing Persons
- DSM 337 Public Alerts
- DSM 410 Mental Illness Commitments

(d) If a missing person flyer needs to be created, the Media Information Bureau shall be contacted for approval and assistance

336.7.2 GENERAL USE

Deputies can access the information in the SNRP when needed to aid community members with special needs. If a person in the SNRP system is encountered by a deputy, the deputy can query the individual in Data Warehouse, searching by the MNI, name, or by the person's physical description. The information provided by the individual's caretakers can assist sheriff's personnel in communicating with the individual, locating their residence, or handling an emergency involving an individual with special needs.

Information found in the SNRP shall not be commingled with a criminal database or be used for the following:

- Criminal inquiries
- Criminal intelligence gathering
- Photo lineups

336.8 POST INVESTIGATION

When appropriate, department members should encourage the legal guardian or caretaker to update the SNRP record with pertinent information which may assist in future calls for service.

At no time, shall a department member update an individual's SNRP information or create a SNRP record on a member of the public. This restriction does not prevent an off-duty department member from enrolling or updating their own special needs dependent.

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Public Alerts

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

337.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

337.3 RESPONSIBILITIES

337.3.1 DEPARTMENT MEMBER RESPONSIBILITIES

Employees of the Riverside County Sheriff's Department shall notify their supervisor, Watch Commander or Detective Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

337.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify their supervisor when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Communicating alert content to dispatch;

(b) Ensuring an alert is transmitted over the CLETS network;

(c) Updating alerts;

(d) Canceling alerts;

(e) Communicating with the Media Information Bureau;

(f) Ensuring all appropriate reports are completed;

(g) Monitoring and reporting significant developments to their supervisor.

337.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

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337.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

If these conditions are met, the department is required to initiate an alert.

337.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge shall ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child to include:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
   (a) The suspect's use of a vehicle is not mandatory; however, freeway message signs and the Wireless Emergency Alert System will not be utilized without a vehicle description.
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to Sheriff's Dispatch so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS) within two hours per 42 USC 16901(a).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC) as soon as possible.

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(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

337.4.3 DISPATCH RESPONSIBILITIES

(a) Broadcast **all** Amber Alert messages over all Sheriff's Talk Group channels. The broadcast will continue every hour for a 12 hour period.

(b) CLETS messages will be sent to all allied agencies within Riverside County.

(c) If the investigating station has provided information regarding a suspected destination that is outside Riverside County, Dispatch will notify the law enforcement agency with jurisdiction over the suspected destination.

(d) Notify the PIO.

(e) Amber Alert messages received from other agencies shall be verified through ENTAC. ENTAC will then contact the originating agency and send out the information via CLETS Administrative Message to all CLETS terminals within California. Only when it is believed that the suspect is in, or traveling toward, our jurisdiction, the message will be broadcast over all Primary channels every hour for a 12 hour period.

(f) As updates become available, make all appropriate broadcasts/re-broadcasts and contact ENTAC to disseminate all appropriate electronic messaging.

337.4.4 P.I.O. RESPONSIBILITIES

The Media Information Bureau will assist the on-scene supervisor with disseminating initial and updated information about the missing child(ren)and releasing a photograph of the victim/suspect to the media.

337.4.5 AMBER ALERT CANCELLATIONS

Once an Amber Alert has been cancelled, immediate notification should be made using the same methods employed when the alert was issued to maintain the integrity of the Amber Alert program.

337.4.6 CASES NOT MEETING AMBER ALERT CRITERIA

An Amber Alert should be activated only in those child abduction cases meeting the mandatory Amber Alert criteria. Amber Alerts should not be used for cases involving:

(a) Runaways;

(b) Where no abduction is confirmed or occurred;

(c) Missing children for whom there is no evidence of foul play or the child is not in imminent danger of serious bodily harm or death;

(d) Custody disputes where the child's life or physical health is not reasonably believed to be in imminent danger.

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337.4.7 ENDANGERED MISSING ADVISORY (EMA)

An EMA can be issued in cases where the statutory criteria for an Amber Alert are not met; however, an agency has reason to believe the person is at risk or endangered and assistance in distributing information to help locate the individual(s) is desired. Although not all inclusive, the following are examples where an EMA, versus an Amber Alert, may be appropriate:

(a) The circumstances fail to meet the criteria for an Amber Alert;

(b) The person is not missing under unexplained or suspicious circumstances;

(c) The person is believed to be in danger because of age, health, mental or physical disability, and the environment or weather conditions; he or she is in the company of a potentially dangerous person; or there is another factor that may put the person in peril;

(d) There is information that could assist the public in the safe recovery of the missing person.

337.4.8 RESOURCES

Additional resources, such as “TEAM ADAM,” are available for patrol by contacting the National Center for Missing and Exploited Children at 1-800-THE-LOST (800) 843-5678.

337.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

337.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense;

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel;

(c) A detailed description of the suspect’s vehicle or license plate is available for broadcast;

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

337.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect to include:

1. The license number and/or any other available description or photograph of the vehicle;

2. Photograph, description and/or identification of the suspect;

3. The suspect’s identity, age and description, if known;

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4. Detail regarding location of incident, direction of travel, potential destinations, if known;
5. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison;
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast;

(c) The information in the press release is forwarded to Sheriff's Dispatch so that general broadcasts can be made to local law enforcement agencies;

(d) The following resources should be considered as circumstances dictate:

1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

337.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

337.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The department has utilized all available local resources.

(c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

337.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

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337.7 CALIFORNIA HIGHWAY PATROL ASSISTANCE

The CHP's ENTAC is available 24 hours a day, 7 days a week for assistance with either an Amber Alert request or EMA activation. Any questions regarding an Amber Alert, an EMA, or the other resources available for missing children cases may be directed to ENTAC at (916) 843-4199.

The department continues to evaluate existing and new methodologies to develop and disseminate information concerning child abductions.

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Hate Crimes

339.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Riverside County Sheriff's Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

339.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, deputies should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

(g) Association with a person or group with one or more of these actual or perceived characteristics:

1. “Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship

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- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

339.2 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All deputies are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Sheriff or other command-level officer to whom the Sheriff formally delegates this responsibility.

339.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

339.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Sheriff or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

(a) Meeting with residents in target communities to allay fears; emphasizing the department’s concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

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(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.

(i) Coordinating with the Chief Deputy to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to deputies in the field; and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Information Services Bureau for mandated reporting to the Department of Justice.

(l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Information Services Bureau Policy.

(m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Annually assessing this policy, including:

1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.

2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

339.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

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The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

339.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

339.4.1 INITIAL RESPONSE

First responding deputies should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding deputies should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, deputies should take preliminary actions reasonably deemed necessary, including but not limited to the following:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

1. Assist victims in seeking a Temporary Restraining Order (if applicable).

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(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. The offer of victim confidentiality per Government Code § 6254.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim's protected characteristics and determine if bias was a motivation “in whole or in part” in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the department’s Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(n) Document any suspected multi-mission extremist crimes.

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339.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. Offer of victim confidentiality per Government Code § 6254.
4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. Document the victim’s protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect’s social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

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(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
2. Provide ongoing information to victims about the status of the criminal investigation.
3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).

(o) Document any suspected multi-mission extremist crimes.

(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

339.4.3 SUPERVISION

The supervisor shall confer with the initial responding deputy and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:

1. Expressing the department’s official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the department’s interest in protecting victims’ anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning a deputyto specific locations that could become targets).

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(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Sheriff for approval.

339.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.

(b) Accurate reporting by deputies, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

339.6 APPENDIX

See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

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Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Riverside County Sheriff's Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

340.2 POLICY

The continued employment or appointment of every member of the Riverside County Sheriff's Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

340.3 CAUSES FOR DISCIPLINE

In addition to standards and policies specific to the Riverside County Sheriff's Department, the primary justification for discipline is outlined in Riverside County Ordinance 440, Section 10, subsection "Discipline, Dismissal and Review."

http://rc-hr.com/Portals/2/ClorissaFolder/Salary%20Ordinance%20440%201764-Website.pdf

340.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with department policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any ambiguity or uncertainty about a specific policy.

Discipline may be imposed for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

340.5 SUPERVISOR AND MANAGER RESPONSIBILITIES

Supervisors and managers of all ranks are required to follow all policies and procedures and may also be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control during both long-term interaction and during more brief observations and/or awareness of specific incidents.

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(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor, or failure to document such misconduct appropriately or to otherwise address misconduct commensurate with its severity, or as required by policy.

(c) Directing a subordinate to violate a law, ordinance, policy or directive, acquiesce to such a violation, or be indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

340.6 SPECIFIC STANDARDS

All department members and volunteers are subject to the requirements of the Department Standards Manual. Discipline may result from the following acts and/or omissions:

340.6.1 INTOXICANTS

PROHIBITED CONDUCT:

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness or intoxicant influence during public, or co-worker(s) contact.

(b) Reporting for work with the smell of alcohol on the breath.

(c) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

(d) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise), including marijuana in any form or medicinal CBD products containing any amount of THC, where such use may impair the employee's ability to perform assigned duties without first notifying their immediate supervisor.

(e) Consuming alcoholic beverages at lunch or during any break whether compensated or not, except as authorized during a plain-clothes assignment. During an authorized law enforcement assignment, the department member shall not become noticeably impaired.

(f) Unauthorized possession or use of, or attempting to bring a "controlled substance," including marijuana in any form or medicinal CBD products containing any amount of THC, or other illegal drug to any work site.

(g) Bringing any alcoholic beverages onto or into any Departmental building or facility, or transporting any open containers of any alcoholic beverage in a Department vehicle except when the alcoholic beverage is being legally held as evidence or for an approved training purpose.

See attachment: POLICY-C10.pdf

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340.6.2 JOB PERFORMANCE
PROHIBITED CONDUCT:

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Failing to notify a supervisor if you are unable to remain awake or are otherwise unable to perform your duties.

(c) Careless workmanship resulting in spoilage or waste of materials.

(d) Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, meeting deadlines, completing work assignments or the instructions of supervisors without reasonable and bona fide excuse.

(e) Disobedience or insubordination to constituted authorities or deliberate refusal to carry out any proper order from any supervisor or employee serving in a supervisory role.

(f) Concealing or attempting to conceal defective work, or removing or destroying it without permission.

(g) Any failure or refusal of an employee to properly perform the function and duties of an assigned position or rank.

(h) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(i) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(j) Wrongfully loaning, selling, giving away or appropriating any Department property for the personal use of the employee or any unauthorized person(s).

(k) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(l) Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off-duty).

(m) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.

(n) Substantiated, active, continuing association with or membership in "organized crime" and/or "criminal syndicates" with knowledge thereof, except as specifically directed and authorized by the Department.

(o) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(p) Failure to properly collect, secure, process, book, log, enter, or store evidence in accordance with policy and best practices.

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(q) Destroying, ordering the destruction, or authorizing the destruction or disposal of evidence without due diligence.

(r) Violating any misdemeanor or felony statute, to include misdemeanors or felonies in another state or country, regardless of a criminal conviction.

340.6.3 SECURITY
PROHIBITED CONDUCT:

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information, enforcement programs, informant identities, jail operations, jail transportation operations, or jail security measures, or courtroom security operations.

(c) Department members shall not take, send or otherwise convey verbal or written communications from or to an inmate except as necessary in the performance of their duties. The same restrictions shall apply to any item, article or substance.

(d) Knowingly or negligently allowing access to department property, secured work sites, stations, or bureaus by unauthorized or forbidden persons.

(e) Revealing any information in a department member's possession, however obtained, which may enable anyone to escape detection, arrest or prosecution, or enable anyone to destroy evidence, or to destroy or remove stolen property.

(f) Providing department gate codes, door codes, keys, or lock combinations to an unauthorized or otherwise prohibited person.

(g) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(h) Loaning, selling, allowing unauthorized use, giving away or appropriating any Riverside County Sheriff's Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(i) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records and databases.

(j) Posting or sharing pictures, images, or data collected from a crime scene or during the course of an investigation to any platform, or to an any person without legitimate investigative purpose.

340.6.4 CONDUCT - GENERAL
REQUIRED CONDUCT:

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(a) Department members shall conduct their private and professional lives to avoid bringing discredit to the Department.

(b) Department members shall at all times be civil, orderly, courteous and quiet in their conduct and deportment. They shall maintain an even disposition and remain calm regardless of the provocation by any person.

(c) While on duty, department members shall identify themselves, present their identification card, provide their identification number, and their supervisor's name when requested, except during an emergency or undercover operations.

(d) When on duty, in the presence of associates or other persons, and particularly in public, supervisory officers shall be referred to by rank.

(e) Department members shall refrain from using coarse, violent, profane, insolent or disrespectful language, whether oral or written.

(f) Department members shall not interfere with the courts, or for personal gain or benefit, use their official position to make any arrangement for any suspect, inmate or person under criminal investigation to escape prosecution, fine, or other sanction.

(g) Department members shall not buy or accept any article for personal disposition from any suspect or prisoner or from any associate of any suspect or prisoner.

(h) Department members shall make notification to their Commander when acting as bailors for any person in custody. Department members are prohibited from acting as bailors where any fee, gratuity or reward is solicited or accepted.

(i) Department members shall refrain from suggesting, recommending or advising any attorney or Bail Bondsman to any person coming to their attention as a result of a police action or activity, except where their family member(s) may be involved.

(j) Department members shall immediately report any event or activity in a jail facility that may be of interest or concern to the department.

(k) Department members shall so arrange their personal and financial affairs in such a manner that the Department need not be contacted to act as arbitrator in such matters.

(l) Department members shall not shop, trade, or conduct private business while on duty.

(m) Department members shall not loiter in bars, nightclubs, theaters or other public places while on duty, except in the direct performance of their assigned duties.

(n) Department members, on or off duty, shall not loiter in or around Departmental facilities, hindering Department operations.

(o) Department members shall not participate in horseplay that reasonably could result in injury or property damage.

(p) Department members shall not read newspapers, periodicals, books or other similar materials on duty, except in specific assignments as approved within station or bureau policy.

(q) Department members, while performing uniformed enforcement duties, shall not allow the use of a cellular telephone, tablet or other similar device to distract from their duties, professional appearance, or tactical awareness.

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(r) Any Department member who is a party in any civil legal action which may impact the member's ability to perform official duties shall immediately notify their supervisor.

(s) Department members shall promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(t) Department members shall not illegally threaten harm or bodily injury to suspect(s), citizens, or coworkers. See Riverside County Board Policies C-25 (Harassment) and C-27 (Workplace Violence) under "Docs and Forms/Workplace Policies and Resources."

(u) Department members shall not apply unreasonable force, or use force options inappropriately..

1. Department members shall use an objectively reasonable force option.

2. Department members shall use force options appropriately.

(v) Any department member who is detained or arrested on or off-duty, for any investigation other than traffic infractions, shall report the contact to their supervisor as soon as possible.

(w) Department members shall notify their immediate supervisor of any conviction or court order that limits or prohibits the member's ability to possess a firearm.

(x) Department members shall not exceed lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(y) Department members shall not knowingly or recklessly violate a right afforded in the United States or California Constitutions.

(z) Department members shall not use obscene, indecent, profane or derogatory language while on--duty or in uniform.

(aa) Department members shall not engage in the unauthorized possession of, loss of, or damage to department property or the property of others, or endanger it through carelessness or maliciousness.

(ab) Department members shall not attempt to steal or steal department property; misappropriate or misuse public funds, property, personnel or the services or property of others; or otherwise engage in the unauthorized removal or possession of department property or the property of another.

(ac) Department members shall not engage in solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on Departmental property except as expressly authorized, or while in uniform or wearing Department insignia whether on or off-duty.

(ad) Department members shall not engage in political activities during assigned working hours except as expressly authorized.

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(ae) Department members shall not initiate any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.

(af) Department members shall not engage in any other on- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

(ag) Department members receiving or possessing facts or information relative to a criminal offense, case, non-criminal incident, or violation of Departmental Policy, Procedure, Rule or Regulation, shall not retain such facts or information, for whatever reason, but shall directly and promptly communicate true and accurate facts and information to their supervisory officer as provided in the Department operational procedures. Department members shall not counsel, advise or order any other employee not to make the report.

340.6.5 ETHICS
PROHIBITED CONDUCT:

(a) Using or disclosing one’s status as a member of the Riverside County Sheriff's Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Department members shall not assist any inmate in the preparation of any legal document or give legal advice or service, except as specifically authorized by the commander as a recognized element of assigned duties.

(e) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(f) Solicitation or acceptance of a bribe or gratuity.

(g) Failure to report any solicitation or offer of sex, money, property or other benefit from an inmate, work release inmate, arrestee, or informant to a supervisor as soon as possible.

(h) Department members shall not engage in undue familiarity with arrestees, inmates, their families or friends.

(i) Misappropriation or misuse of public funds, credit cards, property, personnel, or services.

(j) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

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(k) Making false or misleading statements to a supervisor.

(l) Making false or misleading statements to a citizen regarding department capabilities, resources, policies, procedures, or workload for the purpose of minimizing work or for the purpose of avoiding diligence in any assigned duty or task.

(m) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper,document or database.

(n) Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.

(o) Providing false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation, or lawful inquiry, or in the reporting of any department -related business.

(p) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form.

(q) Being untruthful or knowingly making false, misleading or malicious statements by any means that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(r) Any act on- or off--duty that brings public, or known discredit to this department.

(s) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(t) Unlawful gambling or unlawful betting at any time or any place.

1. Gambling activity undertaken as part of a deputy official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(u) Improper political activity including: Unauthorized attendance while on--duty at official legislative or political sessions.

1. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on--duty or, on department property except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.

2. Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.

(v) Allowing the use of a department member's picture, name, position, or title in connection with the department, as part of an endorsement or an advertising campaign or another enterprise.

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340.6.6 SAFETY
PROHIBITED CONDUCT:

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses,certifications, or endorsements required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

(e) Causing the unintended discharge of any weapon or firearm in the department member's control.

(f) Carrying any weapon system the member is not currently qualified with.

(g) Carrying, while off-duty, any concealed firearm or other weapon that is not authorized by the department.

(h) Carrying, while on-duty, any firearm or other weapon that is not authorized by the department.

(i) Carrying unauthorized ammunition in any weapon, magazine, or vehicle while on-duty.

(j) Unsafe, illegal, or improper driving actions while operating department on or off-road vehicles.

(k) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

340.6.7 EFFICIENCY
PROHIBITED CONDUCT:

(a) Neglect of assigned duties.

(b) Careless workmanship resulting in spoilage or waste of materials.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Negligent care of department property, to include vehicles, computers, telephones, cameras, uniforms, weapons, other furnished equipment, and animals.

(f) Failure to notify the Department within 24 hours of any change in residence address and contact telephone numbers.

340.6.8 ATTENDANCE
PROHIBITED CONDUCT:

(a) Unexcused or unauthorized absence or tardiness.

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(b) Excessive absenteeism or abuse of leave privileges.

(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties.

(d) Failure to remain in an assigned area, beat, or other designated duty post without legitimate purpose.

(e) Failure to promptly and properly absent self from a shift or other assignment as soon as practical before the assignment begins.

(f) Failure to exert due diligence and awareness of time card accuracy before signing and/or submitting any payroll document.

(g) Failure to appear for any court subpoena, writ, parole hearing, DMV proceeding, or other mandated appearance after receiving due notification.

(h) Failure to maintain current address and phone number on file with department administration and assigned work location within 24 hours of any change.

340.6.9 RELATIONSHIPS
PROHIBITED CONDUCT:

(a) Unwelcome solicitation of a personal or sexual relationship while on--duty or through the use of one’s official capacity.

(b) Engaging in on--duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, defendant or informant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Failing to immediately notify a supervisor that a family member or close friend has become an inmate in a Riverside County Sheriff's Facility at which the department member is assigned.

(f) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

(g) Engaging in second, or outside employment for compensation without expressed permission from the Sheriff or the designee.

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Victim and Witness Assistance

341.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

341.2 POLICY

The Riverside County Sheriff's Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Riverside County Sheriff's Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

341.3 CRIME VICTIM LIAISON

The Sheriff shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Riverside County Sheriff's Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

341.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

(a) Access to information or an application for victim compensation shall not be denied based on the victim’s or derivative victim’s designation as a gang member, associate, or affiliate, or on the person’s documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with department policy.

(d) Annually providing CalVCB with his/her contact information (Government Code § 13962).

(e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Riverside County Sheriff's Department jurisdiction (Penal Code § 680.2).

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341.3.2 VICTIM CONFIDENTIALITY
In the event the victim cannot be identified, or, due to the nature of the injury, cannot be advised, the investigating deputy who later contacts or identifies the victim and/or dependents shall make the necessary advisement. Here again, the investigating deputy shall use discretion and tact in making such advisement.

341.3.3 SUPERVISOR RESPONSIBILITY
It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury, to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished.

341.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

341.4.1 VICTIMS OF HUMAN TRAFFICKING
Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

341.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

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(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Resources available for victims of identity theft.

(j) A place for the deputy's name, badge number, and any applicable case or incident number.

(k) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(l) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(m) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

Deputies shall provide the Riverside County Resource Information Guide to all applicable victims. This guide is available at each station or on the department's intranet site.

341.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Minor Misconduct - Response Options

342.1 PURPOSE

The Riverside County Sheriff's Department views the discovery and appropriate correction of misconduct and training deficencies as an important part of achieving the delivery of quality, professional, and consistent service to the community. This policy will outline a supervisor's, or manager's response options following the discovery or misconduct, either intentional or unintentional.

342.2 POLICY

The department's responses to misconduct and employee errors should be measured and commensurate with the observed behavior and employee history. This measured response does not always necessitate formal discipline, but instead can be addressed with the intent to correct, through the use of varied responses such as in-person counseling, education, training, mentorship, and/or memorandums of discussion. It is the policy of the department to address each unique incident with a fair and appropriate response intended to improve the employee, prevent reoccurrence, and enhance service quality.

342.3 VERBAL RESPONSE

Minor and isolated incidents such as discourteous language, a late report, or uniform violations may best be handled by simply speaking to the employee in a private setting. Best practices should be followed when counseling an employee. The primary purpose of the counseling should always be improved understanding of the error and improved performance in the future. The counseling should not devolve into an adversarial interrogation and a second supervisor should be used if appropriate. Written documentation of the meeting may not be necessary.

342.4 MENTORSHIP RESPONSE

Identify a knowledgeable mentor, either within or near your station, jail, or bureau and assign the employee to this mentor after explaining the goal to both employees. The mentor’s interaction only needs to be as brief as needed to accomplish the goal of improved performance. This interaction could include policy review or the demonstration of proper techniques and procedures. This is not a Performance Improvement Plan and the mentor does not need to be an F.T.O. or C.T.O. At the completion of such training, the employee's supervisor should meet with the mentor and inquire about the success of the supplemental training.

342.5 FORMAL TRAINING RESPONSE

Supervisors may also address incidents with a formal assignment to department-approved training. The training need only be as long as is necessary to address and improve performance. Education responses should generally be tailored to unintentional errors or those circumstances that are accompanied by some plausible mitigation. The commander or supervisor shall identify training offered that is most appropriate to the error. For example:

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- An employee in a very minor traffic collision could be assigned to supplemental driver training or simulator instruction.
- An employee needing to improve the quality of their reports could be assigned to report writing instruction.
- An employee who may have been rude and discourteous to a suspect or belligerent detainee may be assigned to interpersonal communication instruction.

The Ben Clark Training Center should be the first choice for any formal training to occur. The applicable BCTC classes available include:

• Driver Awareness

• EVOC Update

• De-escalation/Tactical Communication

• Force Simulator

• Perishable Skills / Force Options

This training shall not have been attended within the last 6 months and shall not be attended on overtime. It shall not be in response to willful or otherwise wanton violations of policy. Upon completion, all training records shall be updated by the station or bureau's training staff in coordination with the BCTC.

342.6 MEMORANDUM OF DISCUSSION RESPONSE (MOD)

A Memorandum of Discussion (MOD) simply documents a previous discussion between a supervisor and their subordinate related to an employee’s performance or behavior. This response may be appropriate for second violations of a similar nature, or where the employee actions reach a concerning severity or otherwise indicate that another response option will not likely be effective. Such a discussion is intended to bring the matter to the employee's attention and discuss ways for him or her to stop, start, or improve upon something related to their job performance. Such documents are removed from an employee's station-level file at a given time and are not considered disciplinary as defined by Government Code 3303. There are however, some guidelines for properly completing and presenting a MOD. In general, they are:

- Limit the language so that it serves only as documentation of the supervisor's corrective conversation with the department member.
- Refrain from citing specific policy or general order sections violated.
- Refrain from predictions that future violations will result in formal discipline or more severe consequences.
- Openly discuss the misconduct with the employee and allow 30 calendar days for a written response if so desired.
- Review any written employee response for matters of department concern.

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If a commander, after briefing his or her respective chief deputy, deems that a written reprimand is the appropriate and effective response, see the Written Reprimands Policy for issuance guidelines.

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Written Reprimands

343.1 PURPOSE

This policy will outline specific procedures for department members to follow when a Written Reprimand (WR) is chosen as the appropriate response to minor misconduct committed by any member of the department.

Such misconduct could include, but is not limited to:

- Minor traffic collisions;
- Minor incidents of failing to properly perform duties such as, late reports, failing to qualify, or reporting late for duty;
- Minor damage to, or loss of, department or citizens' property;
- Rude and discourteous behavior that is not severe or pervasive;

Although the issuance process is identical for members of the LIUNA, SEIU, Confidential, or Unrepresented employees, this policy will guide the appeal process specific to members of the Riverside Sheriffs' Association (RSA) and the Law Enforcement Management Units (LEMU) only, as outlined in the section entitled, "Appeal Process" below.

The procedures and discretion outlined here are not appropriate responses following allegations of serious misconduct such as, but not limited to, excessive force, insubordination, sexual misconduct, harassment, criminal allegations, theft, dishonesty or repeated violations of a more minor nature.

343.2 WRITTEN REPRIMAND (WR)

Sergeants and above, with their division chief's prior approval, may issue written reprimands (WR) for minor misconduct. This procedure will usually replace the practice of conducting a formal personnel investigation and recording interviews when clear and convincing facts establish a violation of policy. Convincing evidence may include BWC video, logs, employee memoranda, or other evidence gathered from department databases or other relevant sources. It is important to remember that a WR is 'discipline' as defined in the Public Safety Officer's Procedural Bill of Rights Act (POBR), Government Code section 3303, and therefore this policy leaves intact, substantive due process protections for the affected employee.

Nothing in this policy prevents the department from assigning an employee to additional training or education, in addition to the WR. Such training should be aimed at improving the relevant performance or preventing reoccurrence of the misconduct. For example, supplemental driver training should also be considered following an at-fault traffic collision.

The station or bureau-level issuance of a written reprimand should occur as follows in the "Written Reprimands - Issuance" section below..

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343.3 WRITTEN REPRIMAND - ISSUANCE

1. Following the discovery and confirmation of misconduct justifying the issuance of a WR, the employee's supervisor will complete a memorandum addressed to the employee detailing the incident and basis for discipline.
   (a) The confirmation of misconduct may include interviews and other formal investigation if necessary. All POBR rights shall be observed throughout the inquiry process. See the Personnel Complaints Policy for additional department guidelines.
2. The author of the reprimand shall have his/her supervisor and commander review the document to ensure justification and accuracy.
   (a) All evidentiary documentation (BWC, reports, memos) should be attached for commander review.
   (b) Due to varying legislated retention schedules, the reprimand shall not include a retention date.
3. Upon approval, the reprimand will be presented to the employee.

343.3.1 EMPLOYEE RESPONSE

Following the receipt of a WR, the affected employee, regardless of bargaining unit, may then elect to do one of the following:

1. Accept the reprimand by signing in the required area(s) and returning the document to the supervisor for filing with the Professional Standards Bureau, *or;*
2. Complete a written response to the reprimand within 30 calendar days (Govt. Code 3306). This response will be reviewed by a lieutenant for matters of departmental interest or other mitigation affecting the issuance of the WR. If compelling mitigation is found, the lieutenant shall discuss the matter with the supervisor and decide on the appropriate action. If no such mitigation is found, the response will be attached to the WR, the reprimand will be forwarded to the Professional Standards Bureau for retention according to the section of this policy entitled "Discipline Records Retention" and the matter will be considered closed, *or;*
3. Appeal the WR by submitting a written request to their current commander within 10 calendar days from receipt of the reprimand.

343.4 APPEAL PROCESS

Upon proper notification that an employee within the Laborers' International Union of North America (LIUNA) or the Service Employees International Union (SEIU) intends to appeal a WR, all provisions of each respective MOU will be followed, Unrepresented and Confidential employees shall follow all appeal procedures, if any, listed within their respective labor agreements.

Upon proper notification that an employee within the RSA or LEMU intends to appeal a WR, the affected station Commander shall:

1. Notify the affected Chief Deputy.

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2. The Chief Deputy will then assign the commander of the Professional Standards Bureau (PSB) to conduct an appeal hearing with the employee. Another commander outside the employee's division may be chosen if a conflict exists or the PSB commander is unavailable.
3. The PSB commander will schedule this hearing with the employee within 14 calendar days after being chosen unless extenuating circumstances necessitate a reasonable extension by either party.
4. The employee may be accompanied by a uninvolved representative and either party may audio record the hearing after giving prior notice of such intention.
5. The PSB or other commander should be thoroughly knowledgeable about the circumstances of the misconduct and be mindful that the burden of proof (preponderance standard) rests with the department.
6. The PSB or other commander shall allow arguments and evidence to be presented by the employee to an extent that is reasonable based upon the complexity of circumstances.
7. The PSB, or other commander will objectively consider the employee’s arguments and / or mitigation and make a binding and final decision.

343.5 APPEAL PROCESS - OUTCOME

1. The PSB or other commander will render and distribute his or her written decision within 14 calendar days of the hearing.
2. The written decision will be given only to the employee and a copy will be attached to the written reprimand.
3. If the WR is reversed, then no record of discipline will be retained by the department.
4. If the WR is reversed, but another option, such as a Memorandum of Discussion (MOD), is deemed warranted by the hearing commander, then the procedures and retention schedule for that option will be followed.
5. If the WR is upheld, the reprimand and hearing decision will be forwarded to the Professional Standards Bureau for retention and the matter will be considered closed.
6. The hearing commander's decision is final, and no other appeal rights or procedures are afforded or implied in this policy.
7. The hearing commander has no authority to elevate the discipline beyond a WR.
8. Discipline reduced to a WR as a result of a ruling in arbitration, does not afford any employee with further due process or appeal under this policy.

343.6 DISCIPLINE RECORDS RETENTION

The circumstances of the minor misconduct will be entered into Blue Team under the Minor Misconduct incident type and any supporting documentation and/or evidence should be electronically uploaded. A tracking number (ex: MM#2020-00XX) will be issued by the Professional Standards Bureau. The supervisor preparing the WR, shall ensure the Minor Misconduct tracking

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number is typed onto the WR. Once issued, the original WR, along with all original supporting documentation and/or evidence will be forwarded as a packet to the Professional Standards Bureau.

The Professional Standards Bureau will serve as the custodian of that record in compliance with the County Records Retention Schedule. The Retention Schedule is reviewed by the Board of Supervisors each year for compliance with California law and best practices. Regardless of the retention period required, the department will only consider records of written reprimands for a period of two years for purposes of promotion, transfer, or placement in a specialized assignment. The two years will commence from the date of issuance.

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Computer Software and Hardware

345.1 POLICY

It is the policy of the Riverside County Sheriff's Department that the secure storage and accounting of all software and hardware systems is the on-going responsibility of all department members using such systems.

345.2 COMMANDER RESPONSIBILITIES

The Technical Services Bureau (TSB) is responsible for keeping a record of all computer software installed on each department computer or computer system. The information shall include the program name, software manufacturer, the software license number or "key", vendor name, invoice number and date of purchase. Station commanders, or their designee, shall provide assistance as needed to the TSB to complete this task.

345.2.1 ANNUAL INVENTORY

Each Station, Bureau or Facility Commander is responsible for an annual inventory of all computer hardware and software components, portable radios, grant equipment, Inmate Welfare property and fixed assets within their respective commands. The inventory shall include fixed asset numbers, department property tag numbers, serial numbers, and the item's location within the building.

345.3 SOFTWARE RESTRICTIONS

A department member shall not install personally owned or licensed software onto a departmental computer, or computer system without the express permission of the TSB. All purchases of software for use within, for communication with, or for installation upon a department computer, system, or database, shall first be approved and documented by the TSB.

345.3.1 OWNERSHIP

Computer software programs developed for the department by any employee of the Sheriff's Department at the direction of, or to benefit the department, are the property of the Sheriff.

Computer files, records, archives and data, which have been written, created or compiled by any employee at the direction of, or to benefit the department, and/or within the scope of employment or assignment, are the property of the Sheriff.

345.3.2 DISCLOSURE

No department member shall refuse to furnish copies of, or relinquish department computer files, records, archives or data stored on any computer storage device to any superior upon being requested to do so. Only when such files are of such a confidential nature that the employee reasonably believes that disclosure would be in violation of a previous order not to disclose, shall they refuse to do so. The employee must report the refusal to disclose the requested information to the supervisor who made the previous non-disclosure order.

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Computer Software and Hardware

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Information Technology Use

346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

346.2 POLICY

It is the policy of the Riverside County Sheriff's Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the department in a professional manner and in accordance with this policy.

346.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

The department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

346.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

346.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

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To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

346.4.2 HARDWARE

Access to technology resources provided by or through the department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

346.4.3 INTERNET USE

Internet access provided by or through the department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, shopping and similar or related internet sites. Certain exceptions may be permitted with the approval of a supervisor as a function of a department member’s assignment.

346.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the department while on-duty or in conjunction with specific on-call assignments unless authorized by a supervisor to do otherwise. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

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346.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

346.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the department involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

346.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

All department members shall practice diligence with regard to preventing hacking and malware attacks on any and all department systems. If the sender of an email or other electronic message is unknown, or cannot be verified as safe, do not open it or any attachments. Notify a system administrator as soon as possible.

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346.8 PASSWORDS MANAGEMENT

Passwords must be strong and well guarded. New accounts will be set up in accordance with this policy and any applicable department requirements. Users are responsible for choosing passwords that are highly secure. Users shall never divulge their passwords to others.

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Report Preparation

347.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to document sufficient information to refresh the deputy's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

http://intranet.riversidesheriff.org/ReportWriting/ReportWritingManual.pdf

347.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

347.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved forms.

347.2.0 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The department shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

347.2.1 DOCUMENTING CRIMINAL AND NON-CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. When willing, reporting parties reporting a crime or other incident that occurred in an unincorporated area may be referred to the online reporting system when no suspect or follow-up information is available.

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Activity that shall be documented in a written report includes:

1. All arrests (except warrant arrests without new charges)
   (a) Department members should consider if a report of a warrant arrest would assist the District Attorney's office in their prosecution of the warrant offense.
2. All felonies
3. Misdemeanors involving threats, stalking, theft, vandalism, or arson
4. All misdemeanor crimes where the victim desires a report.
5. Incidents or investigations of the following:
   (a) Use of Force
   (b) Domestic Violence (except disturbance-only incidents with no history of domestic violence (reported or unreported), **and** no indication of imminent abuse) See Domestic Violence Policy.
   (c) Child Abuse
   (d) Senior and Disability Victimization
   (e) Hate Crimes
   (f) Sex Crimes (including 314 PC and annoyance)
   (g) All runaway juveniles and missing persons
   (h) Found property with follow-up information
   (i) Suicide
   (j) Overdose (resulting in unattended death)
   (k) Unattended death

Misdemeanor crimes not listed above, where the victim does not desire a report may be documented using a department-approved alternative documentation method (e.g., dispatch log or MDC added-text entry).

The NORA System shall not be used pending the receipt of additional information (e.g., property lists, serial numbers, suspect information, video, etc.) from a reporting party. The use of the “No Report System” does not reduce the deputy’s responsibility to conduct a complete and thorough investigation. Rather, it allows the deputy to use discretion and judgment as to whether a report is or is not necessary.

Department members who are charged with writing reports, shall refer to the Report Writing and Field Operations Manuals for other protocols and mandates.

347.2.1 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public in unincorporated areas via online reporting processes include:

(a) Lost property.

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(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.

  (a) Misdemeanor thefts of cellular telephones may be reported by alternate method even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information or threats.

(g) Identity theft without suspect information.

(h) Online, email, or telephone fraud schemes without suspect information, and only if classified as a misdemeanor.

(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle information.

(j) Supplemental property lists.

Members may refer victims to online victim assistance programs (e.g., Internet Crime Complaint Center (IC3) website for computer crimes), however, such referrals do not replace a report as required by this policy.

The Telephone Reporting Unit may handle certain call types according to the TRU and Dispatch policy. Once arrived at a call, deputies should refrain from referring victims to the Telephone Reporting Unit or on-line reporting.

347.2.2 SUICIDE, OVERDOSE, UNATTENDED DEATH

Cases of obvious suicide, overdose resulting in unattended death, or unattended deaths without suspicious circumstances, may be investigated and completed by the deputy. If the deputy believes the death is suspicious, he/she shall proceed as though it is a homicide.

347.2.3 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

347.3 POLICY OF EXPEDITIOUS REPORTING

In general, all those assigned to complete reports and their supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances. The department's Report Writing Manual (linked above) shall serve as department-wide policy and procedure related to tracking the timeliness, holding, and expeditious submission of reports. Department members shall be familiar with the requirements detailed in the manual's "Report Approval Procedures" section beginning on page 121.

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347.3.1 HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

347.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor may complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner and that the signed correction form is attached to the corrected report.

347.4.1 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Information Services Bureau may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

347.5 COMPLETION OF HELD REPORTS

Employees holding reports from their previously worked shifts shall notify their supervisor at the beginning of the shift. Supervisors shall remain aware of held reports and shall ensure the timely completion of the held reports on duty time.

Department personnel should become familiar with policy related to deadlines and held reports within the Report Writing Manual / Report Approval Procedures, page 119.

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Native American Graves Protection and Repatriation

348.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

348.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

348.2 POLICY

It is the policy of the Riverside County Sheriff's Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes. Destruction or unjustified disturbance at such a site may be a misdemeanor (Health and Safety Code 7050.5(a).

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348.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording of the remains may be permitted by the media or any group or individual.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture at 202-208-3710 or 202-208-6334
- State land/Private land - Coroner, when appropriate at 951-443-2360 (see Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official
    - As soon as practical after discovery of such remains, the department's Tribal Liaison Unit shall be notified. Call 951-922-7656 or reach the TLU supervisor at the Cabazon Station or via dispatch.
    - As soon as practical after discovery of such remains, the Coroner's Bureau shall be notified. Call 951-443-2360.

348.4 PROPERTY AND EVIDENCE

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Media Relations

350.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as well as the reporting requirements to the Media Information Bureau (MIB).

350.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Chief Deputies, Watch Commanders and designated Public Information Officers may prepare and release information to the media in accordance with this policy and the applicable law.

350.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff.

350.2.2 REPORTING MEDIA CONTACT

In order to improve department tracking of print, radio, and television broadcasts of stories related to the department, all personnel will report all contacts from the media to the MIB.

(a) All personnel will report the contact promptly and no later than four hours after receipt of a media inquiry. The report should be delivered using department e-mail to the MIB;

(b) When reporting the contact, personnel will include the following information:

1. The name of the media representative;
2. The return telephone number for the media representatives. Include cell phone and pager numbers if available;
3. The name of the media agency;
4. The anticipated date of broadcast or publication; and

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5. The topic of the story.

350.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials, or wear clothing imprinted with the words "Press" or "Media," or which has the name of their media outlet imprinted upon it. The press credentials or identifying clothing shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

350.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

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Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

350.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The following scope of information is releasable, via the MIB, when requested by the media:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, age, and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or such release has been cleared through the Coroner Division.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the CPRA Unit, the Custodian of Records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

350.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. Contact the MIB for direction regarding restricted versus releasable information.

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Subpoenas and Court Appearances

352.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court and at other administrative hearings. It will allow the Riverside County Sheriff's Department to plan for any related work absences and keep the department informed about relevant legal matters.

352.1.1 DEFINITIONS

Call Back- When an employee has appeared in court, is either on duty or off-duty and has asked to be placed on call-back, and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being promptly available by phone if called back.

Standby - When an employee receives a subpoena of a type which allows the employee to not appear in court, but remain available by phone so that the employee may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - All subpoenas not marked as "24 Hour Notice" require a department member's physical appearance in the specified court.

352.2 POLICY

Riverside County Sheriff's Department members will respond appropriately to all subpoenas and any other court-ordered appearances. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or notified by legitimate authorities. This policy applies to criminal, civil, and administrative subpoenas and other types of hearings. Employees are expected to cooperate as required by the subpoena, until the case resolves. This responsibility continues after any separation of service. Failure to comply with a subpoena may be deemed a violation of department policy and contempt of court pursuant to §1331 PC.

It is the responsibility of each commander to establish and publish necessary procedures for accepting and delivering all subpoena types within their area of operation. See the Records Maintenance and Release Policy for information regarding subpoenas for records, documents, and California Public Records Act (CPRA) requests.

352.3 TYPES OF SUBPOENAS

1. CRIMINAL SUBPOENA- Most often, department members receive a subpoena to testify for the prosecution in a criminal trial or preliminary hearing. These subpoenas are usually delivered via AgencyWeb.

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2. CIVIL SUBPOENA- Department members who investigate traffic collisions, for example, are often served with a subpoena to testify about their findings in a civil action between the involved parties.
3. NON-DUTY RELATED SUBPOENA- Members receiving valid subpoenas for private matters not related to their employment or appointment will not be compensated for their appearance. Authorized arrangements for time off shall be coordinated through their immediate supervisors. The department member need not disclose the nature of the subpoena unless the underlining circumstances would otherwise require notification to the department. The department uniform shall not be worn.
4. Other common types of proceedings for which department members are served with notices to appear include:
   (a) Parole Revocation Hearings
   (b) Grand Jury Inquiries
   (c) Arbitration Hearings
   (d) Driver License Revocation Hearings
   (e) Depositions
   (f) Grievances

352.3.1 JURY DUTY

A Department employee called or summoned for attendance to any court for jury duty shall be deemed to be on duty if the attendance is during the employee's normal working hours. Duty schedules may be modified to allow the employee to attend jury duty on duty time.

352.4 SUBPOENAS RECEIVED VIA AGENCYWEB

District Attorney, traffic court, and DMV Admin per Se hearing subpoenas will be sent to department members via AgencyWeb.

Employees will be notified of a subpoena by receiving an email in their department email account. The email will advise them of the court date/time, location, and case information. Subpoenas shall be acknowledged on the department member's AgencyWeb home page.

Department members are directed to check their email account at least once during their shift for subpoena notifications. Department members are also directed to check their email or AgencyWeb the evening before a scheduled court appearance for disregard notifications on their cases.

Call-Offs (Disregards) – Department members will be notified via email when subpoenas are cancelled or when cases are continued or otherwise disposed of. Department members are also required to acknowledge disregard notifications within AgencyWeb. Department members who were sent a timely notice of a cancellation, are not entitled to overtime if appearing for a cancelled subpoena.

Paper Subpoenas - Paper subpoenas can be printed from the employee's homepage within AgencyWeb when needed for court or for attachment to their Form 344.

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352.5 WHEN PRESENTED WITH A SUBPOENA

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by any of the following:

(a) Personal service on the employee;

1. Employees who are served (personally) with a duty-related subpoena shall promptly notify their supervisor and provide a copy of the subpoena to their Station Subpoena Clerk.

(b) The delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent, Government Code § 68097.1 and Penal Code § 1328(c); or

(c) By courier or court liaison from the court to this department

(d) Via AgencyWeb

352.5.1 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena, a supervisor or the Station Subpoena Clerk shall be authorized to accept service of a subpoena. Penal Code § 1328(c). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the Station Subpoena Clerk. The Subpoena Clerk shall provide timely notification of the subpoena to each involved employee by the procedures in place at their station or bureau.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately:

1. Verify that the person to whom the subpoena is directed is a Sheriff's employee.

2. Check available schedules to determine the availability of the named employee to accomplish timely service of the subpoena at least 5 working days prior to the appearance date. If less than five days are provided, but it is known that service is achievable, the subpoena may be accepted. Even if less than five days notice is given, the subpoena should not be automatically refused. A spirit of reasonable cooperation shall be practiced.

(c) The party that issues a civil subpoena to a deputy to testify as a witness must tender the established statutory fee with the subpoena for each day that an appearance is required before service of the subpoena is accepted (Government Code § 68097.2).

(d) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the Subpoena Clerk.

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352.5.2 REFUSAL OF SUBPOENA

(a) Regular scheduled days off, training or vacation are not valid reasons for refusing the subpoena or missing court. Employees who have been properly served shall contact the District Attorney or other authority issuing the subpoena for a release from the subpoena or alternate appearance date.

(b) If the immediate supervisor or Subpoena Clerk knows that delivery will be unsuccessful to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or Subpoena Clerk may refuse to accept service. (Penal Code § 1328(d)).

(c) If a subpoena is presented for service to an immediate supervisor or the Subpoena Clerk less than five (5) working days prior to the date listed for an appearance, and that individual is not reasonably certain her or she can serve the subpoena, the supervisor or Subpoena Clerk may refuse to accept service (Penal Code § 1328(e)).

(d) If, after initially accepting service of a subpoena, a supervisor or the Subpoena Clerk determines that they will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or Subpoena Clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance. (Penal Code § 1328(f)).

352.6 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Riverside County Sheriff's Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Riverside County Sheriff's Department.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary. No member shall be retaliated against for testifying in any matter.

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352.7 PAYROLL DOCUMENTATION

When claiming overtime for a qualifying appearance, and the subpoena was served via AgencyWeb, supporting documentation is not required with the submission of the employees' timesheet. However, if the subpoena was not served via AgencyWeb, a copy of the served subpoena or other authorizing documentation shall be attached to the employee's timesheet.

Compensation rates, types and restrictions will be determined in accordance with each employee's current union MOU or Terms and Conditions of Employment with the County of Riverside.

352.7.1 SUBPOENA APPEARANCE OVERTIME

If outside normally scheduled work hours, court overtime begins at the time indicated on the subpoena issued by the issuing agency. A regular shift shall not be changed or moved, unless with employee agreement or the required notice period, for the purpose of avoiding the payment of overtime compensation, nor shall any shift times or work days be changed to create overtime in conjunction with a subpoena. Employees attending court on a single day who are concurrently subject to more than one subpoena (to include different courtrooms or locations) shall only be entitled to court call back compensation for the minimum amount of overtime pay as shown in their respective MOU or Terms and Conditions of Employment plus any additional time spent in court beyond the minimum.

Should an employee start a regular or overtime shift prior to the completion of any court or hearing appearance, they are no longer considered "off-duty" and shall only receive overtime compensation from the start of court through the start time of the shift.

352.7.2 TRAVEL TIME AND VEHICLES

Under normal circumstances, travel time is not compensable. However, the time spent traveling to or from court for a subpoena hearing may be compensated under the following conditions:

(a) Hearings which occur outside of Riverside County

(b) Hearings which require an employee working in one end of the county to travel to the other end

(c) Hearings which occur during normal duty hours but the court/hearing assignment extends to, or beyond their scheduled end of duty time. Under these circumstances, the employee may be compensated for the time spent returning directly from the court/hearing location to their duty station.

(d) Generally, when employees appear on their regular day off or one that begins outside of the employee's normal duty hours, they should not respond to their duty station to retrieve a department owned vehicle. Employees should report to subpoena proceedings in their personally owned vehicle (or other personal means), as if they were commuting to their regular work assignment. Employees shall obtain prior approval from their supervisor to utilize a department vehicle for travel to court during regularly scheduled off-duty time. Approval to use a department vehicle is not

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guaranteed since the normal operational needs of each station, bureau or facility are the priority.

352.7.3 LUNCH

Employees attending court in an overtime status who are required to return in the afternoon and who are free to leave during the normal court lunch recess, shall indicate in their overtime request how much time was allowed for lunch, as it is not compensable. If an employee is required to meet with an attorney or otherwise conduct case related work during this lunch recess, then the overtime request can indicate a lessor time amount (to include 0 hours) for a lunch break provided the reason is documented in the justification section of the request.

352.7.4 TELEPHONE HEARINGS

Employees that are required to testify via telephone for DMV or other hearings shall only be paid for the actual time spent on the phone, or the minimum time period reflected in their current MOU or Terms and Conditions of Employment, whichever is greater.

352.7.5 SPECIALTY PAY

For the purposes of payment only the base pay is eligible, except for K-9 pay. No other specialty pay is appropriate (e.g. Motor pay, FTO pay, Hazardous Device pay). K-9 pay will be paid for only the actual time spent at the subpoena appearance.

352.8 SUBPOENA LINE

Generally, employees will utilize an online option to verify court appearances. In the event access to the internet is unavailable, employees may contact the Information Services Bureau (ISB) to confirm subpoena cancellation.

The ISB number is (951) 955-2445 and is staffed 24 hours per day. A secondary back-up line of (951) 955-2430 may also be used if the primary ISB number is busy. This line is not for general questions about a subpoena or case status.

352.9 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed department member shall gather and study relevant reports and become familiar with their content in order to be prepared for court. The department member shall have communicated with the requesting party and be in possession of any requested evidence or documents required in conjunction with their appearance.

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Reserve Deputies

354.1 PURPOSE AND SCOPE

The Riverside County Sheriff's Department Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit provides professional, sworn, volunteer, reserve deputies who can augment regular staffing levels. A reserve deputy sheriff is a non-vested, part time, uncompensated position. Reserve deputies are ***at-will*** employees. The Volunteer Forces Unit shall have the responsibility of overall countywide coordination of the Reserve Deputy Sheriff Program.

354.2 RESERVE DEPUTY PEACE OFFICER STANDARDS AND TRAINING (POST) LEVELS

A. Level I - Upon completion of the following: the POST regular basic course, a field training program, general department, and jail orientation requirements, shall have on-duty peace officer powers, may perform general law enforcement duties without immediate supervision, and must comply with Continuing Professional Training (CPT) requirements [Penal Code 830.6(a)(1). (Immediate supervision requirement shall continue until special authorization is received from the Reserve Coordinator with approval of the Chief Deputy).

B. Level II - Upon completion of the following: the POST Module III and Module II courses, general department and jail orientation requirements, shall have on-duty peace officer powers, may perform general law enforcement duties under the direct and immediate supervision of a full-time peace officer or Level I reserve deputy sheriff and must comply with CPT requirements. Also, Level II reserve deputies may conduct limited support duties authorized for Level III reserve deputies without immediate supervision.

C. Level III - Upon completion of the following: the POST Module III course, general department, and jail orientation requirements, shall have limited peace officer powers while on duty, shall only perform limited support duties, while under the direct supervision of a full-time peace officer or Level I reserve deputy sheriff.

354.3 SELECTION AND APPOINTMENT OF RESERVE DEPUTY SHERIFFS

The Riverside County Sheriff's Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

354.3.1 APPLICATION PROCESS

(a) Applicants must meet the minimum requirements as defined by the Commission on Peace Officer Standards and Training (POST) guidelines and the Riverside County Sheriff's Department.

(b) Applicants are required to complete the same process as a full-time sworn deputy sheriff.

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(c) The Personnel Bureau will conduct a pre-employment background investigation.

(d) Notification shall be made to Sheriff's Administration and the Volunteer Forces Unit of the applicant's pending appointment to reserve deputy sheriff.

354.4 RETIRED SHERIFF'S DEPARTMENT PERSONNEL

If a full-time deputy sheriff retires and would like to become a reserve deputy sheriff, they shall contact the Volunteer Forces Unit to complete the process of transitioning to reserve deputy status. Deputy sheriffs transitioning from full-time to reserve deputy status without a lapse in service, will not be required to undergo a background investigation.

354.5 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment Field Operations. Reserve deputies may be assigned to other areas within the department as needed. Level I, II, and III reserve deputy sheriffs have police authority only during the duration of their specific assignment (on-duty).

354.6 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time deputy, it shall also apply to a sworn reserve deputy unless by its nature it is inapplicable.

354.7 RESERVE DEPUTY ASSIGNMENTS

All reserve deputy sheriffs will be assigned to duties by the Reserve Coordinator or his/her designee.

Level I & Level II:

General law enforcement duties include, but are not limited to:

A. Criminal investigations

B. Patrol of a geographic area

C. Respond to a full range of requests for police services

D. Perform enforcement action on the full range of law violations

Level II reserve deputies performing any general law enforcement duties shall be supervised by a full-time deputy sheriff or level I reserve deputy who has attained the equivalent of a Basic POST Certificate and received special authorization from the reserve coordinator with the approval of the Chief Deputy.

Level III:

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Level III reserve deputies performing limited support duties shall be supervised in the accessible vicinity by a level I or a regular full-time deputy sheriff. Level III reserve deputies may perform only limited support duties which may include:

A. Duties not likely to result in arrests, traffic control, security at parades/sporting events, and evidence transportation.

B. Transport prisoners without immediate supervision with the approval of the station/ bureau commander.

C. ***Independent Patrol functions are not permissible*** .

354.7.1 MINIMUM DUTY REQUIREMENTS

Reserve deputies are required to volunteer a minimum of 16 hours per month or the equivalent averaged over the year, for a total of 192 hours.

Level I Reserves who have completed the Regular Basic Course and want to maintain qualifying service must serve an average monthly minimum of 16 hours. Qualifying service prevents a break in service for purposes of the Three-Year Recertification requirement. (Commission Regulation 1008(b)(1)(A).

If a person does not become a peace officer within three years of completing the PC 832 Course or the Regular Basic Course, or has a three-year or longer break in service as a peace officer, he/ she must re-certify prior to exercising the powers of a peace officer.

A. PC 832 COURSE - Recertification may be accomplished by repeating and successfully completing the course or taking and passing the three tests required for the course. [Commission Regulation 1080]

B. REGULAR BASIC COURSE - Recertification may be accomplished by repeating and successfully completing the course or by successfully completing a POST certified Recertification Course. [Commission Regulation 1008(b)]

Reserve deputy sheriffs will be trained in the use of force policy and tested for firearms proficiency with the same frequency as full-time deputies.

Compliance for reserve deputies includes but is not limited to, attending required meetings, POST Continuing Professional Training (CPT) requirements, Perishable Skills Training, firearms qualification and duty hours. The Volunteer Forces Unit and station coordinators will review training records on a quarterly bases and ensure each reserve deputy is in compliance with department policies and procedures.

If a reserve deputy fails to meet the minimum standards at any time, they may be subject to discipline, including documentation of counseling, a performance improvement plan, formal discipline, suspension or dismissal from the reserve deputy program.

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354.8 LEAVE OF ABSENCE

Reserve deputies may request leaves of absence from their assigned duties for required military service, personal or family medical problems or for other reasons, at the discretion of the Volunteer Forces Unit.

Generally, leaves shall not exceed six(6) months, unless the leave is for military service, or under extraordinary circumstances. Any request for leave shall be made in writing, via the chain-of-command, to the Volunteer Forces Unit.

During the approved leave time, all service and training requirements will be suspended. Upon return to active service, a reserve deputy will be required to make up any lost training to remain in compliance with POST requirements.

354.9 STATION RESERVE COORDINATOR

Each station will have a designated Reserve Coordinator that will act as a liaison to the Volunteer Forces Unit, which oversees the Reserve Deputy Program.

The Reserve Coordinator shall have the responsibility of, but not limited to:

A. Assignment of reserve personnel

B. Conducting reserve meetings

C. Establishing and maintaining a reserve call-out roster

D. Maintaining and ensuring performance evaluations are completed

E. Ensuring monthly activity hours are documented in the Volunteer Integrated Management System (VIMS)

F. Monitoring individual reserve deputy performance

G. Monitoring overall Reserve Program

354.10 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve deputies, who have not been released from the immediate supervision requirement per the completion of the formal training process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

All Level I reserve deputies, upon completing the Regular Basic Course or its equivalent, shall complete a POST-approved field training program prior to working alone in a general law enforcement assignment. The field training program shall be delivered over a minimum of 10 weeks (400 hours). [Commission Regulation 1007(a)(1)(C)]

The field training program for reserve deputy sheriffs shall be administered by the station/bureau field training program supervisor while coordinating closely with the station/bureau Reserve Deputy Coordinator.

There is no field training requirement for Level II and III reserve deputies.

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354.11 SUPERVISION OF RESERVE DEPUTIES

Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve deputies who have attained Level I status unless special authorization is received from the reserve coordinator with the approval of the Chief Deputy.

354.12 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve deputies certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Chief Deputy, be relieved of the "immediate supervision" requirement. Level I reserve deputies may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In absence of the Reserve Coordinator and the Chief Deputy, the watch commander may assign a certified Level I reserve deputy to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

354.13 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and coordinated by the Reserve Coordinator. All reserve deputy sheriffs are required to attend 75% of the scheduled, regular, monthly meetings. Exceptions will be reviewed on a case-by-case bases and must be approved by the Reserve Coordinator. Time spent at reserve meetings qualify towards the 16-hour monthly and/or 192 annual hour requirements.

354.14 IDENTIFICATION OF RESERVE DEPUTIES

All reserve deputies wil be issued a uniform badge and a department identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

354.15 UNIFORM

Reserve deputies shall conform to all uniform regulations and appearance standards of this department. Reserve deputies shall not affix any rank insignias to their uniforms. While in an off-duty capacity, reserve deputies should not travel to and from assigned duty stations in uniform.

354.16 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or investigation may be investigated by the station/bureau or the Professional Standards Bureau (PSB) at the discretion of the Field Operations Chief Deputy.

Reserve deputies are considered at-will employees. Government Code § 3300 et seq. applies to reserve deputies with the exception that the right to a hearing is limited to the opportunity to clear their name.

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Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Department Standards Manual.

354.17 RESERVE DEPUTY EVALUATIONS

While in training Level I reserve deputies will be constantly evaluated using standardized daily and weekly observation reports. Level I reserve deputies will be considered trainees until all of the training phases have been completed. Reserve deputies having completed their field training will be evaluated annually using performance dimensions consistent with sworn deputy sheriffs, and applicable to the duties and authorities granted to that position.

354.18 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve deputy as having peace officer powers only during his/her assigned tour of duty provided the reserve deputy qualifies or falls within the provisions of Penal Code § 832.6.

Any Level I or II reserve deputy may carry a loaded firearm that has been approved by the Sheriff or the Rangemaster, during official duty assignments and/or to and from those assignments. A reserve deputy must qualify with any firearm that they carry in accordance with department policy.

All reserve deputies are required to qualify with the same frequency, proficiency, and standards as a full-time deputy sheriff. Should a reserve deputy fail to qualify, they will not be allowed to carry a firearm until they can demonstrate to a Rangemaster the required proficiency as established by department standards.

Only Level I reserve deputies are authorized to purchase AR-15 rifles for patrol use at the discretion of the Sheriff or his/her designee.Reserve deputies must be in compliance with all standards set forth in this DSM, regarding volunteer hours, PSP training and Department training in the use and deployment of an AR-15 rifle. If a Level I reserve deputy is requesting to purchase an AR-15 rifle, they must submit a memorandum via chain of command to the Volunteer Forces Unit, outlining the reason for purchasing and the training received in the use and deployment of an AR-15, which will be forwarded to the Joint Operations Bureau Commander for approval.

354.19 CARRYING FIREARM ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve deputies to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty assignments.

Level III Reserve Deputy Sheriff's shall not be armed while on duty except under the following circumstances:

A. When deployed on a Search and Rescue or Posse Mission that takes place in open terrain, forest or other locations that are not generally within a designate city or residential community.

B. While participating in ceremonial or dress parades or displays.

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C. While working on a security details for parades or other events at the discretion of the station/bureau commander.

D. While assigned to a prisoner transportation detail.

354.20 DEPLOYMENT OF RESERVE PERSONNEL

The department shall deploy reserve deputies in accordance with department policies and regulations, and the policies of POST. Reserve deputies involved in multiple volunteer assignments must balance their work hours between assignments as determined by the station/bureau reserve deputy coordinator. Failure to satisfactorily participate in one program or the other may be cause for removal from that program. All reserve deputies reporting for duty shall notify the on-duty watch commander for assignment.

354.21 EMERGENCY VEHICLE OPERATIONS BY RESERVE DEPUTIES

The emergency operation of a vehicle is limited to sworn, field trained, personnel, including Level I reserve deputies and those in the field training program accompanied by a field training officer.

Level II reserve deputies shall not operate as the driver of an emergency vehicle during a pursuit or code 3 response.

Level III reserve deputies and classified employees shall not operate (nor be a passenger in) a vehicle in pursuit mode (See Vehicle Pursuit Policy DSM 314).

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Incident Notifications

361.1 PURPOSE AND SCOPE

A primary goal of the department is to offer a transparent view of our operations and of occurrences within the county. A supervisor making department administration aware of such incidents is often the first step in achieving this goal. Since the department responds to so many unique and unexpected events and occurrences, some clarification is needed about what should be reported to Sheriff's Administration. This policy provides guidance for determining when, how and to whom notification should be made and is intended to work in conjunction with a supervisor's judgment and experience.

361.2 INCIDENTS REQUIRING NOTIFICATION

Serious crimes, disasters, or prolonged incidents are of interest to the Sheriff and the affected Chief Deputy for a variety of reasons. The following list of incident types requiring notification by a supervisor, is provided as a guide but may not include other occurrences about which formal notification should be considered.

- Homicides;
- Officer involved shooting,on- or off-duty
- Any on- or off-duty discharge of a firearm regardless of injury;
- Hate crimes;
- Significant incident on a school campus or related to campus safety;
- Terrorist incidents and specific or credible threats of terrorism;
- Detention, arrest, or booking of elected officials, government officials, dignitaries, notables, law enforcement agency personnel, or Riverside County Sheriff's Department personnel;
- Death or serious injuries to suspects in, or being taken into our custody;
- Pursuits that result in injury, major damage, or significant media exposure;
- Press inquiries into note-worthy incidents, or media presence at a scene;
- Any event likely to prompt media inquiries;
- Inmate hunger strike
- Significant inmate disturbance or riot
- Inmate escape or attempted escape
- Major or prolonged power failure within a jail
- Emergency movement, relocation, or evacuation of large numbers of inmates
- Serious jail health crisis, e.g. wide-spread food poisoning, disease outbreak

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- Local disasters,11-99 responses, or the providing of significant mutual aid;
- Investigations involving criminal conduct by RSD employees;
- Traffic collision with major damage to county property;
- Traffic collision with any injury to county employee;
- Aircraft crash with major damage, injury, or death;
- Significant injury, hospitalization, or death of employee - on or off-duty;
- Death of a Riverside County official or other notable person;
- SEB, HDT, or CHU activations;
- Search and rescue (SAR) operations involving RSD SAR - in or out of Riverside County;
- High-profile/risk search warrants;
- Warrant sweeps;
- Multi-Agency operations or large scale enforcement activity;
- Evacuations of any type;
- Missing children with unusual circumstances, Amber Alerts, Blue Alerts, Silver Alerts
- Labor disputes, planned or unplanned
- Massive demonstrations and/or rioting

361.3 NOTICE OF INCIDENT (NOI)

Following a supervisor's initial handling of a major incident, a Notice of Incident (NOI) should be sent via email to the station or bureau lieutenant(s) and commander. All of the incidents listed above will generally require an NOI; however, a supervisor's presence and leadership at a critical incident or evolving crime scene shall take precedence over the distribution of the NOI. As soon as circumstances are stabilized, sufficient resources have arrived, and the supervisor has gathered and confirmed the basic facts, the NOI should be written and sent to recipients designated by the commander.

A summary is all that is required. Supervisor's should refrain from offering opinions or predictions, and adhere to all protocols regarding victim and suspect identities. An NOI is confidential, and shall not be distributed to the media, distributed to citizens, or posted to any on-line format or forum.

Additional, or update, notifications may be needed as an incident develops, but these may be brief narrative summaries sent within the same email string to all original recipients.

See attachment: NOI TEMPLATE.pdf

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361.3.1 NOTICE OF INCIDENT (NOI) - EMPLOYEE INJURY OR SERIOUS ILLNESS
A supervisor may use a shorter format to make notification of on-, or off-duty employee injuries or serious illness. A supervisor's core functions immediately following a significant employee injury should not be interrupted to complete such notifications.

See attachment: NOI TEMPLATE EMPLOYEE.pdf

361.4 ROUTINE NOTIFICATIONS

Since not all incidents require an NOI, or necessitate notification to a chief deputy, shift supervisors may call, email, or text brief summaries of otherwise notable incidents to their supervisor without using the NOI format.

361.5 OTHER NOTIFICATIONS

The arrest of a peace officer should prompt a notification to the station or bureau lieutenant and an NOI.. There is no mandate to notify the employing agency of such arrests, therefore our agency response will depend upon direction from the Professional Standards Bureau. The arrest of a school employee *may* necessitate notification to their employer under specific circumstances. See the Mandatory Employer Notification Policy. All questions regarding employer notifications of arrest should be directed to the on-call PSB sergeant.

361.6 SUPERVISOR RESPONSIBILITY

The Watch Commander is responsible for writing and sending the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information about the incident as possible before any notification and be prepared to provide pertinent information to assist their supervisor. The Watch Commander shall attempt to make the notifications as soon as practicable, but not before scenes are stabilized. Notification should be made by calling the phone number provided by their supervisor. If no answer is received, the supervisor shall send a very brief summary of the incident to their supervisor by email or text message.

361.6.1 INVESTIGATOR NOTIFICATION
If the incident requires that an investigator respond from home, the immediate supervisor of the Investigations Bureau shall be contacted who will then contact and dispatch investigator(s). The Investigations Bureau Sergeant will notify the Investigations Bureau Lieutenant.

361.6.2 TRAFFIC BUREAU NOTIFICATION
In the event of a traffic fatality or major-injury collision, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

361.6.3 MEDIA INFORMATION BUREAU (MIB) NOTIFICATION
The Public Information Officer shall be notified by telephone, as soon as practical regarding NOI-related occurrences or whenever the media is present at, or inquiring about, an incident. Other

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routine or "information only" notifications related to other on-going or planned occurrences that will inform the MIB about department operations should be made by email to MIB@riversidesheriff.org.

361.6.4 SHERIFF'S ADMINISTRATIVE LOG

A summary of these critical incidents shall also be included in the daily Sheriff's Administrative Log (SAL). The SAL is a brief compilation of a station or bureau's notable activity over the preceeding 24-hour period. The log shall be distributed via the relevant SAL email group by 0500 hours each day and include data regarding the number of calls handled in the city and county, a very brief summary of notable incidents, and the sender's contact information.

See attachment: SAL.pdf

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Anti-Reproductive Rights Crimes Reporting

368.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

368.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant;

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant;

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

368.3 REPORTING REQUIREMENTS

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms. See attachment: BCIA 8371_ARRC.pdf

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Information Services Bureau.

(c) By the 10th of each month, it shall be the responsibility of the Information Services Bureau Records Manager to insure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC's were reported during the previous month, a Summary Worksheet shall be submitted to DOJ with an indication that no such crimes were reported.

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2. Any ARRC's reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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Limited English Proficiency Services

370.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take reasonable steps to insure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 U.S.C. 2000d)

370.1.1 DEFINITIONS

Limited English Proficient (LEP) - Those individuals whose primary language is not English. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient.

370.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages deputies could encounter, this department will analyze four factors in determining those measures which will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably, therefore this analysis must remain flexible and requires an ongoing balance of the following four factors:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by deputies or who may benefit from programs or services within the department's jurisdiction or a particular geographic area;

(b) The frequency with which LEP individuals are likely to come in contact with deputies, programs or services;

(c) The nature and importance of the contact, program, information or service provided;

(d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the department or deputies.

370.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the department at no cost or choose to provide their own interpreter services at their own expense. Deputies should document in any related report whether the LEP individual elected to use interpreter services provided by the department or some other source. Department provided interpreter services may include, but are not limited to:

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370.3.1 BILINGUAL STAFF

Individual deputies and employees need not be certified as interpreters, but need only have a competent understanding of the language involved to accomplish the particular task or to convey a message. When bilingual employees of this department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

370.3.2 WRITTEN FORMS AND GUIDELINES

This department will endeavor to provide frequently used and critical forms and guidelines in languages most commonly represented within the community or a particular area. When appropriate, these forms will be conspicuously posted at the front counter and otherwise available upon request. For example, the Department's Personnel Complaint form and information about various department programs and services should be made readily available to LEP individuals.

370.3.3 TELEPHONE INTERPRETER SERVICES

The Watch Commander and Dispatch Supervisor will maintain a list of qualified interpreter services which may be contacted to assist LEP individuals upon approval of a supervisor.

370.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise required to complete a report or other documentation and translation services are provided to any involved LEP individual(s), such services should be noted in the related report.

370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 911 lines through all available resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this department.

370.4.2 ARREST AND BOOKING PROCESSES

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent translation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such,

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department personnel providing translation services or forms in these situations will make every reasonable effort to accurately translate all communications with LEP individuals.

Employees providing translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for this department to make every reasonable effort to provide effective language services in these situations.

370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian contacts, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the department recognizes that it would be virtually impossible to provide immediate access to complete translation services to every deputy in the field. Each deputy and/or supervisor must, however, assess each such situation to determine the need and availability for translation services to any and all involved LEP individuals.

Although not every situation can be addressed within this policy, it is important that a deputy is able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would also, for example, be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

While family and friends of an LEP individual may frequently offer to assist with interpretation, deputies should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect/witness).

Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

370.4.4 COMPLAINTS

The department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to a supervisor. Investigations into such complaints shall be handled in accordance with department policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department. Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language accessible manner.

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370.5 TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

(a) Employee awareness of LEP policies, procedures, forms and available resources;

(b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters;

(c) Training for management staff so they can reinforce its importance and ensure its implementation by staff.

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Communications with Persons with Disabilities

372.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

372.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

372.2 POLICY

It is the policy of the Riverside County Sheriff's Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects, arrestees, and inmates have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

372.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by and directly responsible to the Support Services Chief or authorized designee.

The responsibilities of the ADA Coordinator shall include, but are not limited to:

(a) Working with the County ADA coordinator regarding the Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Ensuring that a list of qualified interpreter services is maintained and available to each watch commander and dispatch supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(d) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(e) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(f) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to departmental services, programs and activities.

372.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean they completely understand the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

372.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems. Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities. In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual’s choice of auxiliary aid or service. The individual’s preferred communication

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method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

372.6 TYPES OF ASSISTANCE AVAILABLE

Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept Department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

The Department maintains the following service contracts with the following language translation services:

(a) Rise Interpreting (services include sign language)

(b) Interpreters Unlimited (services include written languages)

(c) Dayle McIntosh Center (services include VRI)

372.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members

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may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

372.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use Department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide their own interpreter (28 CFR 35.160).

On-scene interpretation needs can be coordinated through Dispatch. For other situations, employees can directly contact the companies in 371.6 from a list maintained at each station / bureau (the list contains station-specific identification numbers).

372.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing, or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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372.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

372.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

372.12 REPORTING

Whenever any member of this Department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

372.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this Department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

372.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

372.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

372.15 ARREST, BOOKINGS, AND HOUSING

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use Department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates they prefer a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

Corrections personnel shall review the special needs log at the beginning of each shift to identify inmates with special needs. If communication with a deaf or hard of hearing inmate is required, the classification notes shall be consulted to determine their preferred method of communication.

372.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this Department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

372.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

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372.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

Station/bureau commanders or their designee shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Ben Clark Training Center shall maintain records of all training provided in accordance with established records retention schedules.

372.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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Mandatory Employer Notification

374.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher), care facility employee, or sworn peace officer has been arrested under certain circumstances. When an employee of a public or private educational institute is arrested for specified sex and narcotic offenses, California Penal, Health and Safety, and Education Codes require mandatory notifications to specified entities, provided that the department knows the arrestee is a school employee.

374.2 NOTIFICATION PROCEDURE

Whenever a sworn member of the department has arrested a school, or care facility employee as defined below, the deputy shall notify their supervisor as soon as practical of the arrest and charge.

The supervisor shall evaluate the circumstances and determine if notification to the arrestee's employer is required by law, and if so, due diligence should be put forth in attempting to notify the employer as soon as practical.

The supervisor shall only notify the employer about the arrest and applicable charge requiring notification. Details about statements made, specific acts alleged, or other extraordinary information shall not be divulged or discussed.

See section 373.3 for arrests of law enforcement agency personnel.

374.3 ARRESTS OF LAW ENFORCEMENT AGENCY PERSONNEL

The arrest or detention of sworn peace officers should be conveyed to an RSD supervisor via the guidelines in DSM #358, but all employer notifications to the arrestee's agency, if any, will be made by the Professional Standards Bureau. Employer notifications regarding the arrest of non-sworn employees shall not be made.

374.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITY

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

374.5 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Sheriff or his/her designee is required to report the arrest as follows.

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374.5.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

374.5.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

374.5.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

374.5.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor’s Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

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Report of Firearm Prohibition From a Licensed Psychotherapist

375.1 PURPOSE AND SCOPE

The purpose of this policy is to comply with the legal reporting requirements when the Department receives a Law Enforcement Report of Firearm Prohibition from a licensed psychotherapist.

Pursuant to Welfare & Institutions Code (WIC) Section 8100(b)(1), any person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable person or persons is prohibited from possessing, having custody or control over, purchasing, receiving, or attempting to purchase or receive any firearm or deadly weapon for five years.

W.I.C. Section 8105(c) requires a licensed psychotherapist who receives such a threat to report the identity of the person subject to this prohibition to local law enforcement within 24-hours of receipt.

375.2 POLICY

Upon receipt of a report, whether written or verbal, the Riverside County Sheriff's Department, shall within 24 hours, notify the CA DOJ electronically using the DOJ-BOF Form 4074, of the person who is subject to the prohibition (specified by subdivision (b) of Section 8100).

375.3 PROCEDURE

Any department member who is assigned or receives the notification shall complete the DOJ-BOF Form 4074 within 24 hours and transmit it electronically to DOJ. This form has been added to the Department's Intranet.

The commander of any station/bureau/facility who receives this type of report shall be responsible to ensure the notification is completed and transmitted to DOJ as prescribed by the code.

A follow-up investigation shall be conducted where appropriate based on the circumstances of the report. Department members assigned to follow up shall conduct a thorough investigation, determine the credibility of the threat, and take other appropriate action as
warranted by the circumstances. All follow-up investigations shall be documented in a written report and copied to the Special Investigations Bureau along with a copy of the completed and previously-transmitted DOJ-BOF Form 4074.

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375.4 REVOCATION/RESCIND OF PRIOR DEPARTMENT DIRECTIVE(S)

With the publication of DSM 375, Department Directive 16-026 and any supplemental directives are rescinded.

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Biological Samples

376.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

376.2 POLICY

The Riverside County Sheriff's Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state.

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

376.2.1 ARRESTEES

Immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest (but in any case prior to physical release from custody), any adult arrested or charged with any of the following felony offenses are required to provide DNA samples. (Penal Code § 296.1(a)(1)(A):

(a) Any felony offense or attempt to commit any felony offense specified in Penal Code § 290 or felony offense which requires registration under 290. (Penal Code § 296(a)(2)(A)). Murder, voluntary manslaughter or the attempt to commit either offense. (Penal Code § 296(a)(2)(B)). Samples collected under this provision will be collected by the Corrections Division after booking.

376.2.2 SEX AND ARSON REGISTRANTS

Any adult or juvenile who is required to register as a sex offender under Penal Code § 290 or arsonist under Penal Code § 457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. (Penal Code § 296(a)(3)).

At the time that any such registrant registers, updates registration, or is notified by DOJ or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided. (Penal Code § 296.2(c)). Samples collected under this provision will generally be collected at the offender's station of registration.

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A) FIELD OPERATIONS

(a) When a 290 PC registrant appears for their registration appointment, a CII inquiry needs to be completed to see if the registrant is on file with DOJ for CAL-DNA and palm prints.

1. Query the individual's CII record. Check the record to verify it is for the correct individual and that the specified criminal conviction is listed on the record.

2. Check to verify whether or not DOJ has received a CAL-DNA sample and that the registration crime is listed in Penal Code Section 296. The CII record will reflect one of the following entries if DOJ has received CAL-DNA:

   (a) DNA SAMPLES RECEIVED notice will appear as: DNA SAMPLES HAVE BEEN COLLECTED AND RECEIVED BY THE DNA LABORATORY PURSUANT TO 296 PC.

   (b) DNA SAMPLES TYPED notice will appear as: DNA TYPING HAS BEEN COMPLETED ON A BLOOD SAMPLE SUBMITTED UNDER 296 PC AND THE DATA IS STORED IN THE (BFS) FELON DATA BASE.

   (c) NEW DNA SAMPLE IS NEEDED notice will appear as: REQUEST THAT A NEW SAMPLE OF BLOOD AND SALIVA BE COLLECTED UNDER 296 PC AND SUBMITTED TO THE DNA LABORATORY.

3. Check to verify whether DOJ has received palm print card impressions. The palm print impression flag is separate from the CAL-DNA flag. Do not assume the palm cards have been obtained just because the CAL-DNA flag appears on the CII.

   (a) The palm print flag appears in the criminal history record as: PALM PRINT ON FILE AT DOJ.

4. If the CII record does not have a flag indicated above that a CAL-DNA sample or palm print has been obtained, you must collect these specimens in accordance with state law and Department procedures.

376.2.3 INMATES WITHIN RIVERSIDE COUNTY FACILITY

Corrections personnel will obtain DNA samples as outlined in CORRECTIONS DIVISION POLICY MANUAL 504.06 - DNA SAMPLES.

376.3 SAMPLE TYPES

Those who must submit a biological sample must submit at least one of the following types:

376.3.1 BLOOD SAMPLES

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the DOJ DNA lab shall be placed in DOJ blood vials. (Penal Code § 298(a) and (b)(2)). A right thumbprint shall be placed on the sample vial along with other required identifying information.

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376.3.2 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have received training in the collection of buccal swabs and with the use of DOJ buccal swab collectors in accordance with product instructions (Penal Code § 298(a) and (b)(3)). A right thumbprint shall be placed on the collector along with other required identifying information. The subject should be positively identified by livescan.

(Note: If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor. (See 375.3.4)

376.3.3 FULL PALM PRINTS

Full palm print impressions shall be obtained on DOJ prescribed forms along with all DNA samples. (Penal Code § 298(b)(4)).

376.3.4 USE OF FORCE TO OBTAIN SAMPLES

Riverside County employees outside the Corrections Division shall not use force to collect a DNA sample.

(a) Any person who refuses to give the required samples is guilty of a misdemeanor (Penal Code Section 298.1) therefore, following a refusal, a criminal case shall be forwarded to the District Attorney's office for prosecution.

376.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

376.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual’s criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

376.4.2 FOLLOW UP NOTICE TO DOJ

Within two (2) years of submitting any DNA specimen, sample or impression to DOJ, this Department shall notify DOJ whether the individual remains a suspect in a criminal investigation. (Penal Code § 297(b)(2)). It shall be the responsibility of DOJ to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

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376.5 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

376.5.1 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

376.5.2 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Volunteer Mounted Posse

377.1 PURPOSE AND SCOPE

The Riverside County Volunteer Mounted Posse (VMP) is comprised of civilian and Sheriff's Department employee volunteers who serve within the Sheriff's Department, and as a unit of the Law Enforcement Division of the Disaster Council of the County. The objective of the VMP is to support the operations of the Sheriff's Department and promote community service through positive public relations.

377.2 POLICY

A VMP member shall meet the standards of the Riverside County Sheriff's Volunteer Forces Unit for the level of membership obtained. No person shall become a VMP member or be permitted to participate in any mounted activities with any Troop until a background investigation has been completed and approved by the Volunteer Forces Unit. Only approved qualified members can deploy in a mounted capacity, in any Troop call-out, event or mission. Requests for policy/ procedure changes shall be submitted in a detailed memorandum to the Joint Posse Board for review, outlining the reason for changing any current policy/procedures. The Sheriff or his designee shall make the final determination of any policy/procedure changes for the VMP.

377.3 GOALS AND OBJECTIVES

Posse members will use their equestrian training and expertise to participate in Department operations that are authorized by State law and Department directives. Posse members are volunteer members of the Department and have no peace officer powers, unless they are already a sworn peace officer. Generally, VMP members are to observe and notify the appropriate authority of suspicious activity, circumstances, incidents or criminal activity.

Such deployments may include, but are not limited to:

1. Mounted patrol of:
    a. Special events and fairs
    b. Shopping centers and parking areas
    c. Environmentally protected areas
    d. Equestrian and hiking trails
    e. Recreational areas and parks
2. Search and recovery missions
3. Community relation presentations such as static displays, parades or recruiting fairs
4. Deployments as directed by the Sheriff or his designee.

377.4 ORGANIZATION

A VMP member is a qualified Department trained and certified volunteer for the Riverside County Sheriff's Department, in a non-vested, part-time, uncompensated position. VMP members

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are at-will volunteers. Sheriff's Department employees may volunteer for posse service at the discretion of the Sheriff or his designee. Sworn and Level I Reserve Deputies are authorized to be armed while working as a member of the VMP at the discretion of the Sheriff or his designee. Station/Bureau commanders may assign a Troop Liaison/Coordinator to provide guidance and supervision to the Troop. VMP members shall have membership in only one Troop.

VMP members shall be governed by the conduct and behavior as any other employee of the Sheriff's Department. Actions performed under the authority of the Sheriff's Department only exist while a VMP member is on-duty in a specific assignment for the Department. VMP members do not have any Sheriff's Department authority while off-duty. Under State law, posse members do not have peace officer powers either on or off-duty. All uniformed VMP members shall maintain a neat and clean appearance. VMP members are prohibited from smoking while on their mount.

377.5 OPERATIONS

Training shall be administered at the Troop level. Members may participate in another Troops training or mission at the request of the Troop, and with the approval of the Station Liaison/ Coordinator. All VMP training shall adhere to Department standards. All members shall document their activities in the Volunteer Integrated Management System (VIMS) and account for all service time to the Department. All time spent attending meetings, activities, call-outs and training are to be logged in VIMS. The station Liaison/Coordinator will coordinate the member's registration into VIMS upon approval of the application and background process. Each VMP member shall participate in at least 50% of each of the following categories for their assigned Troop during each six-month period (January-June and July-December):

a) Meetings
b) Events
c) Training

Failure to meet this participation requirement may result in termination of posse membership.

377.6 MINIMUM QUALIFICATIONS CRITERIA

VMP members must own or have reasonable access to, and satisfactorily maintain a mount, in good condition and sound health, which can satisfactorily complete the Volunteer Mounted Posse Qualification Test, in order to show proficiency for deployments and assignments. VMP members must own or have reasonable access to a livestock/horse trailer and tow vehicle capable of transporting a Department approved and certified mount. The trailer must be in serviceable condition and have current registration.

377.7 HORSE REQUIREMENTS / TRAINING

The VMP minimum mount standards are as follows:

(a) Minimum 14 hands and appropriate to rider size, tasks and use.

(b) Appropriate weight to size and structure of mount.

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(c) Geldings and mares are required. Stallions shall not be utilized.

(d) The mount must be of such disposition that the animal is gentle, calm, quiet, well-mannered, intelligent and free from vicious habits such as kicking and biting, and easily controlled by the VMP member.

(e) The VMP member's mount shall have it's muzzle clipped (whisker hairs to be no longer than 1/4"), fetlocks trimmed, and bridle path trimmed, if the mount has one. Breeds that have feathers are not required to be trimmed.

A mount presented by a VMP member for use in posse operations must successfully pass the Volunteer Mounted Posse Qualification Test with a minimum score of 92% to show adaptability and proficiency in deployment and assignments. Any member that does not qualify during the annual qualifications is not eligible to deploy until they attend and successfully pass the Volunteer Mounted Posse Qualification test.

Annual qualifications will be held twice in Spring and twice in the Fall. One date in the Fall will be designated as a make-up qualification. VMP members shall possess and maintain records of annual immunizations as required to maintain good health for their mount.

Miniature horses/ponies may be used as mascots to the VMP. Prior to any miniature horse/pony having contact with the public, all sections of the Miniature/Pony Qualification Test must be passed. Miniature horse/pony qualifications can be administered by the Posse Troop President and designee. There is a limit of two mascots per Troop.

377.8 EQUIPMENT

VMP members shall supply all items of tack for his/her mount. Cost of tack and equipment shall be the responsibility of the VMP. Individual troops may purchase and supply equipment to their members.Below is a list of required equipment for VMP members.

(a) Saddle-Brown western style leather or leather appearing with horn.

(b) Bridle-Brown western style leather or leather appearing Halter/Bridle combination with throat latch.

(c) Breast collar-Brown leather with department approved flat “Mounted Posse” badge fastened to the breast collar. The Mounted Posse badge will be issued by the Department and returned upon separation from the VMP.

(d) Saddle blanket-Sheriff green with the Sheriff’s shoulder patch attached. The blanket may also have built in saddle bags.

(e) Saddle bags-Green canvas with the Sheriff’s shoulder patch attached.

(f) Cantle bags-Shall have reflective “Sheriff” affixed.

(g) Hackamores, bosals, tie downs, clip on reins and other training aids shall not be used at any time.

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377.9 UNIFORMS

VMP members shall refer to the Department Uniform Manual regarding all approved VMP uniforms. All issued uniforms and equipment shall be returned to Uniform Services upon resignation or termination from the VMP.

The primary role for Color Guard is a ceremonial unit which presents the Colors at formal events such as parades and other events. The Honor Guard is also a ceremonial unit that attends funerals and memorials of fallen officers. Because of the VMP Honor Guard's high public visibility, it is imperative that the VMP Honor Guard unit is trained to high standards. It is the Mounted Color Guards responsibility to ensure that the nation's flag and the organizational flag(s) are displayed, saluted, and carried correctly, respectfully, and with great honor.

(a) Color Guard qualifications will follow the same schedule as annual qualifications.

(b) Riders will be required to pass the Color Guard Qualification Test. Once passed, the rider and the mount they qualified on will not be required to requalify. If the rider obtains a new mount, he/she will be required to qualify with the new mount.

377.10 POSSE CHAIN OF COMMAND

Posse members must follow the chain of command indicated below to address and resolve any conflicts or concerns; however, in instances where the member needs to report a violation(s) of the Department's sexual harassment policy, any crime, or any serious policy violation, the posse member should contact any supervisor. Failure to follow the chain of command may result in termination from the posse.

(a) Posse member

(b) Troop Board member

(c) Troop – Station Coordinator

(d) Station Coordinator Supervisor

(e) Volunteer Forces Unit

(f) Joint Operations Bureau Commander

377.11 LEAVE OF ABSENCE

A posse member in good standing, who has been with the VMP for a minimum of one year, may request a leave of absence for a maximum of six months. A request for a leave of absence must be submitted to the Station Troop Liaison/Coordinator in writing outlining the reason and requested duration for the leave of absence. The troop board will make the decision to accept or deny the request, as well as determine what, if any issued equipment is to be returned for the duration of the leave of absence. Upon returning, the posse member will be reissued all items. After six months leave, the VMP member may be required to repeat a background investigation update.

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377.12 SEPARATION FROM VOLUNTEER MOUNTED POSSE

Upon resignation or termination from the VMP, the troop member shall return all uniform items; patches, badges and equipment issued to him/herby the Department or non-profit association. The station coordinator may use all lawful means to ensure the return of all property issued to a VMP member.

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Volunteer Program

378.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers are an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the department and prompt new enthusiasm.

378.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

378.2 VOLUNTEER FORCES MANAGEMENT

The Volunteer Forces Unit shall be managed under the Commander of the Joint Operations Bureau. Each station or bureau shall designate a Volunteer Coordinator assigned to oversee routine operations of their respective volunteer units. The Volunteer Coordinator is a station-level liaison to the Volunteer Forces Unit and may be a sworn or non-sworn member of the department. Additionally, an Administrative Sergeant or Lieutenant should be designated at each station or bureau as the Volunteer Administrator to assist the Coordinator and provide oversight of the program.

378.2.1 VOLUNTEER FORCES UNIT

The Volunteer Forces Unit is to provide centralized coordination of all volunteer forces across the department in an effort to provide the most effective assignment and coordination of all volunteers. The Volunteer Forces Unit shall also work with other department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Forces Unit shall be responsible for the following:

(a) Processing interest applications and conducting pre-appointment background investigations;

(b) Recruiting, selecting and training qualified volunteers for various positions;

(c) Facilitating the implementation of new volunteer activities and assignments;

(d) Maintaining records for each volunteer;

(e) Tracking and evaluating the contribution of volunteers;

(f) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers;

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(g) Maintaining a record of volunteer schedules and work hours;

(h) Completion and dissemination as appropriate of all necessary paperwork and information;

(i) Planning periodic recognition events;

(j) Administering discipline when warranted;

(k) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

378.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the department in serving the public.

Those interested in becoming a volunteer should be assisted and guided throughout this effort. Any department member receiving an inquiry about becoming a volunteer should direct the interested party to the Volunteer Forces Unit webpage on the department's public website.

378.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee will be contacted by the Volunteer Forces Unit to schedule and conduct a face-to-face interview with the applicant. Following the interview, the Volunteer Coordinator will notify the Volunteer Forces Unit of their recommendation regarding the applicant.

A documented background investigation shall be completed by the Volunteer Forces Unit on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check;

1. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Employment;

(c) References

378.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the department, normally from the Volunteer Forces Unit. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

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Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the department.

378.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment. All volunteers should attend one of the following academies most relevant to their specific duties:

(a) Citizen Volunteer Academy

(b) Chaplain Academy

(c) Explorer Academy

Volunteers may also receive other position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their Volunteer Coordinator or the Volunteer Forces Unit.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the department.

378.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

378.2.7 DRESS CODE

As representatives of the department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn

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deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

378.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

378.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the department, or maintain that they represent the department in such matters without permission from the proper department personnel.

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378.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the department and shall be returned at the termination of service.

378.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a department vehicle Code-3.

378.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

378.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Forces Unit. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

378.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer’s suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the department.

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378.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Chaplains

379.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Riverside County Sheriff's Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

379.2 POLICY

The Riverside County Sheriff's Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

379.3 ELIGIBILITY

Requirements for participation as a chaplain for the Departmentshall include, but are not limited to:

(a) A minimum of five years pastoral experience.

(b) A minimum of a Bachelor's Degree in Theology.

(c) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addition to alcohol or other drugs, and excessive debt.

(d) Managing their households, families and personal affairs well.

(e) Having a good reputation in the community.

(f) Successful completion of an appropriate-level background investigation.

(g) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

379.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Riverside County Sheriff's Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to pass a pre-employment background and attend a Chaplain Academy held at the Ben Clark Public Training Center, before appointment to any station or bureau.

379.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit an interest application to the Volunteer Forces Unit, which is located on the Sheriff's webpage.

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(b) Interview with the Department chaplain coordinator.

(c) Successfully complete an appropriate-level background investigation.

(d) Complete a six-month probationary period or as designated by the Sheriff.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

379.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Riverside County Sheriff's Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Riverside County Sheriff's Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

379.6 CHAPLAIN COORDINATOR

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Chief Deputy or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains, Volunteer Forces Unit and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

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(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

379.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Field Operations Bureau . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Riverside County Sheriff's Department.

379.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

379.7.2 OPERATIONAL GUIDELINES

(a) Chaplains are expected to be reasonably available for call-outs.

(b) Each chaplain is required to serve with Riverside County Sheriff's Department personnel a minimum of ten hours per month.

(c) At the end of each meeting, shift or call-out the chaplain will document their hours and activities in the Volunteer Integrated Management System (VIMS).

(d) Chaplains shall be permitted to ride with deputies during any shift and observe Riverside County Sheriff's Department operations, provided the Watch Commander has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

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(f) In responding to incidents, a chaplain shall never function as a deputy.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Riverside County Sheriff's Department unless otherwise authorized by the Sheriff or the authorized designee.

379.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

379.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

379.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

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(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

379.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled bi-monthly meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

379.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Riverside County Sheriff's Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Riverside County Sheriff's Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

379.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Chief Deputy, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death

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- Sensitivity and diversity

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Mounted Enforcement Detail

380.1 PURPOSE AND SCOPE

The Mounted Enforcement Detail (MED) is to provide the department additional resources and special expertise in the area of equestrian services to better serve the citizens of Riverside County and for mutual aid. The Riverside County Sheriff's - MED will augment patrol and specialized units and integrate with other law enforcement services.

380.2 POLICY

The department shall develop a set of operational guidelines contained within this DSM for the MED. It shall be the responsibility of the MED supervisor to review this policy on an annual basis. Any changes to these guidelines shall be approved by the Sheriff or his designee. The MED supervisor will ensure all MED members are familiar with this policy.

380.3 DEFINITIONS

Mounted Baton – 40" wooden baton used for mounted patrol.

Bridle - the headgear used to direct a horse consisting of reins and a bit.

Farrier – a person who shoes horses.

Gelding – a castrated horse or other equine, such as a pony, donkey or mule.

Halter - a set of straps placed around a horse's head so that the horse can be led or tied.

Mount – another term for a horse.

Tack – equipment needed to ride a horse.

380.4 GOALS AND OBJECTIVES

Members of the MED will use their specialized training and equipment to provide support as requested in the following areas: promotion of positive communications and interactions with the community, proactive enforcement, crime deterrence through highly visible law enforcement presence, searches for persons or evidence, crowd control, mobile field force, law enforcement presence in natural disasters especially in areas where access to vehicles is limited or denied, representing the Riverside County Sheriff's Department at special events, in any event or function as determined by the Sheriff or his designee.

The Mounted Enforcement Unit will be assigned to duties consisting of, but not limited to:

a. Crime Suppression
b. Directed Patrol
c. Crowd Management
d. Mobile Field Force
e. Ceremonial Events

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f. Static Displays
g. Wildfire Equine and Livestock Evacuation
h. High Visibility/Community Interaction
i. Search and Rescue

380.5 ORGANIZATION

The MED will be comprised of full-time and Level I reserve deputies of the Riverside County Sheriff's Department who are willing to provide the services of their personally owned mounts to the Department. The MED will be a collateral assignment and will be overseen by the MED supervisor.

380.6 OPERATIONS

All requests for deployment shall be approved by the MED supervisor or his/her designee. The MED supervisor will designate which members shall be deployed based on suitability of rider and horse for the given assignment. All deployments shall consist of a minimum of two MED riders.

MED members will inform their regular duty supervisor of any scheduled deployments as soon as possible to determine if a scheduling conflict exists. If a conflict exists, the MED supervisor shall be informed by the member immediately so the conflict can be resolved between the two supervisors.

The MED guidelines shall set specific operational procedures that cover, but not limited to, safety concerns, horse nuisances, injury reporting, civilian interactions with horses, grooming, and vehicle use.

380.7 ADMINISTRATION

380.7.1 ASSIGNMENT TO THE MED

(a) Qualified reserve or full-time deputies of any rank may be selected and assigned to the MED. Selected MED members shall have completed probation and be in good standing with his/her primary duty assignment and posses a Meets Standard or better rating on their most recent performance evaluation.Unacceptable work performance in the regular duty assignment can be the basis for removal from the MED.

(b) A reserve deputy must have at least 12 months of experience with the Riverside County Sheriff's Department and be rated as a P.O.S.T. Level I Reserve Deputy.

(c) Members must provide own mount, in addition to the care, boarding, feed, veterinary and farrier services that the mount will require.

(d) Members shall possess the physical ability to withstand numerous hours on horseback.

(e) The following tasks will not be compensated when performed during periods that are not authorized deployments or training days:

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1. Regular care and cleaning of the horse and equipment.

380.8 MINIMUM QUALIFICATIONS CRITERIA FOR MOUNTED DETAIL MEMBERS

To be considered for a position on the MED, all members shall first pass a rider assessment test, administered by a certified MED instructor. New members shall attend and successfully pass a POST approved Mounted Officer class prior to deployment. Members shall also pass a bi-annual rider proficiency test administered by a Mounted Enforcement Detail Instructor. Members must recertify upon changing mounts.

380.9 HORSES

All horses assigned to the MED will be purchased or leased by an individual member and maintained by that member. Department members are responsible for the personal care and grooming of their mount. The Mounted Enforcement Detail will provide veterinary services for the mount if it is injured while on duty or during authorized training.

Horses shall have their muzzle clipped (whisker hairs to be no longer than 1/4”), fetlocks trimmed and bridle path trimmed, if the horse has one. Breeds that have feathers are not required to be trimmed. Exception would be during a call-out where immediate response is requested.

Horses selected shall satisfy the recognized criteria and standards as set forth in this policy, including certification by a certified MED Instructor. Geldings are preferred and must be at least 14.2 hands tall. Stallions are not permitted for use within the MED. The mount must be of such disposition that the animal is gentle, calm, quiet, well-mannered, intelligent, and free from vicious habits such as striking, kicking, biting, and easily controlled by the MED member. All horses are subject to the approval of the Mounted Enforcement Detail Supervisor.

380.10 EQUIPMENT

(a) MED members will have access to a horse trailer and tow vehicle.

(b) The department will issue certain items of tack and equipment to members assigned to the MED, as determined by the Sheriff or his designee. MED personnel must provide, or have access to, a brown western style saddle, halter and lead rope, other required tack and equipment, and all grooming equipment.

(c) The cost of items mandated by the department, including specialized uniforms, headgear, and pants shall be provided by the department. Maintenance of such items shall be the responsibility of the member.

(d) All equipment shall be approved by MED supervision prior to use.

(e) The Mounted Enforcement Detail will be issued uniforms and equipment: bridle, breast collar, saddle blanket, saddle bags, bokken and all the required equipment of these items. Members will be responsible for their own equipment and issued equipment, and will ensure that all equipment is maintained in good working condition. Upon separation from the Detail, all issued equipment must be returned.

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380.11 HORSE BATON

The forty (40) inch horse baton is the approved baton for MED use. Each member will comply with all department policy and MED operational guidelines when carrying the horse baton. The MED supervisor will ensure thorough training and acceptable proficiency levels are met.

380.12 TRAINING AND DUTIES

The MED shall train at least once a month and be attended by all assigned MED members. Each MED member is responsible for informing their regular duty supervisor of any scheduling adjustments that need to be made. This will be done as soon as each MED officer is notified of the training date and time. Failure to participate on scheduled training days may preclude the member from certification. Unjustified absences, failure to train, or failure to certify may result in disqualification from the MED. Consecutive absences from monthly training sessions may require the MED member to attend the next available session prior to deployment, at the discretion of the MED supervisor.

Performance, training and deployment records of the horse and officer shall be maintained by the MED supervisor, as well as, all pertinent documents and veterinary records on the horse.

(a) It shall be understood that horses require constant training to maintain adequate fitness and competency to be deployed. When a member sustains an injury during the course of a training session outside of a designated training day, the injury may be treated as been having sustained during on-duty time as long as the training was approved by the MED supervisor. Notification of any such injury shall be made to the MED supervisor immediately.

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Explorer Program

381.1 PURPOSE AND SCOPE

The purpose of Law Enforcement Exploring is to provide juveniles who may be interested in a career in law enforcement with a comprehensive volunteer experience, including training, competition, service and practical experiences. Character development, physical fitness, good citizenship and patriotism are integral components of the overall program. Through their involvement in the program, Explorers develop an awareness of the purpose, mission and objectives of law enforcement agencies.

The mission of the Riverside County Sheriff's Department Explorer program is to stimulate interest of today's youth in law enforcement practices and the Explorer Code of Ethics; to promote self-confidence and responsibility, and to provide specific services to the community.

381.2 EXPLORER MEMBERSHIP AND REQUIREMENTS

Law Enforcement Exploring is open to persons ages 14 - 20½. Eligibility standards include:

a) Completing a preliminary interest application to the Volunteer Forces Unit.

b) Attending three consecutive post meetings to determine their degree of interest in the program.

c) Must undergo a thorough background investigation to assess character and integrity that may include interviews with neighbors, teachers and employers.

d) Must not have a prior conviction for a criminal offense or serious traffic offense.

e) Must have and maintain a minimum of a 2.0 cumulative grade point average (GPA) in high school to remain in the Post.

f) Must complete the Police Explorer Academy within one year of appointment and the six-month introductory period.

The Volunteer Forces Unit shall complete a background investigation on all applicants. The background investigation will ensure the applicant meets the Explorer Post minimum program requirements. If a candidate fails to meet these requirements, the Volunteer Forces Unit will notify the Explorer Advisor, who will in turn notify the applicant of the denial. Applicants are not authorized to wear uniforms, participate in training, events or the ride-along program until a background investigation is completed and notification is made by the Volunteer Forces Unit that the applicant is approved.

381.3 ORGANIZATION AND COMMAND STRUCTURE

The Post shall have two Explorer Advisors appointed by the station commander or his/her designee. The Post may have as many Associate Advisors as deemed necessary to effectively operate the Post. All members of the staff shall be full-time, Riverside County Sheriff employees. The Explorer Advisors and all Associate Advisors shall report to the sergeant in charge of the Explorer Program at each station/bureau.

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The Explorer post chain of command is a framework for membership that follows a traditional rank structure of paramilitary organizations. It teaches Explorers responsibility, supervision and cooperation. The chain of command is as follows:

a) Explorer Captain
b) Explorer Lieutenant
c) Explorer Sergeant
d) Explorer Corporal
e) Explorer

Generally, Explorers should follow the chain of command to communicate information. In instances where the Explorer needs to report violations of the Department’s sexual harassment policy, any crime, or any serious policy violation, the Explorer should contact any Advisor.

381.4 SCOPE OF ACTIVITIES

Typical types of patrol operations, calls for services and other law enforcement assistance that trained Explorers can provide with relatively minimal risk include, but are not limited to:

a) Crime prevention services.
b) Citizen tours of police facilities.
c) Child identification fingerprinting for parents/legal guardians.
d) Agency information booth at career fairs and community events.
e) Assistance with organized searches for lost/missing persons.
f) Traffic/crowd control at parades, festivals and other community events.

There are numerous police operations and procedures that must not intentionally involve Explorers due to the considerable potential for legal complications or for an aggressive and risk inherent response. Explorers must realize that they have no police powers. They are volunteers and should take no law enforcement action. This does not mean an Explorer cannot make a private person's arrest under PC 837 in their capacity as a private citizen; however, Explorers are never to attempt an arrest or to detain anyone under any circumstances while acting in their capacity as an Explorer. Such operations and procedures which an Explorer should not conduct include, but are not limited to:

a) Conducting any type of arrests
b) Direct involvement with high-risk calls
c) Administer Breathalyzer/sobriety tests
d) Custodial interviews or interrogations
e) Traffic or foot pursuits
f) Searches & seizures (to include direct Explorer involvement in a routine detention)
g) Conducting surveillance operations
h) Processing evidence or involved in the chain of custody of evidence
i) Field testing of narcotics or other controlled substances if such test is part of a criminal investigation

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j) Be present or involved in any manner of a Hazardous Material incident including clandestine labs
k) Be present or involved in any manner with an active shooter incident
l) Be present or involved with any sex-crime investigation
m) Enter any known violent or dangerous scene
n) Handling, intake or transfer of persons taken into custody

381.5 EXPLORER SAFETY

The following provisions have been adopted to provide security for youth; in addition, they serve to maintain proper and appropriate boundaries between Explorers and Department employees. Adherence to these provisions not only enhances the protection of participants but also ensures the values of the Department are preserved.

a) Two Explorer Advisors are required on all trips and outings.
b) No one-on-one contact between adults and participants is not permitted, except for authorized ride-along programs. Personal conferences must be conducted in plain view of others.
c) When camping or staying in a hotel, no youth is permitted to sleep in the same tent or room with an adult other than their parents or guardians, or with a member of the opposite sex. In general, youth members of the opposite sex should not socialize or congregate together within tents or hotel rooms. Similarly, adults should refrain from gathering within tents or hotel rooms with youth.
d) Proper appropriate clothing for activities is required.
e) Discipline in the Explorer Program should be constructive and reflect the program's underlying values. Corporal punishment and hazing are never permitted.

Explorers are prohibited from directly or indirectly engaging in covert operations (i.e., serving in an undercover capacity, with the exception of tobacco and alcohol decoy operations and a release waiver is obtained from a parent or guardian) and should not be used as confidential informants or sources. These activities have potential legal complications and are risks inherent for the agency and the Explorer.

Law Enforcement Explorers (whether in uniform) are not permitted to drive marked police vehicles or other motorized police conveyances. The exception to this policy is when Explorers are participating in an authorized training program or competition and are under the direct, onsite, supervision of a law enforcement officer or Explorer Advisor/Coordinator.

Outings are trips or meetings that occur at places other than the usual group/post-meeting location and require preplanning of transportation. Outings may have an overnight component.

Transportation to and from Planned Outings:

a) Meet for departure at a designated area.
b) Prearrange a schedule for periodic checkpoint stops as a group.

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c) Plan a daily destination point.

d) A common departure site and daily destination point are a must. If you cannot provide two adults for each vehicle, the minimum required is one adult and two or more youth participants, never one on one.

No fewer than four individuals (always with a minimum of two adults) go on any overnight or extended outing. If an accident occurs, one person stays with the injured, and two go for help. Additional adult leadership requirements must reflect an awareness of such factors as size and skill level of the group, anticipated environmental conditions, and overall degree of challenge.

a) Male and female leaders require separate sleeping facilities. Married couples may share the same quarters if appropriate facilities are available.

b) Male and female youth participants will not share the same sleeping facility.

c) When staying in tents, no youth will stay in the tent of an adult other than his or her parent or guardian. Youth and adults, other than the participant's parent(s), must have separate sleeping quarters.

d) If separate shower and bathroom facilities are not available, separate times for male and female use should be scheduled and posted.

381.6 CODE OF CONDUCT

Explorers should remember that whether on or “off-duty” their actions reflect upon the Riverside County Sheriff’s Department and the community. Whether in a post-sponsored social activity or “on-duty”, explorers shall always act so as not to bring discredit on themselves, the Department or the community.

(a) Explorers will be orderly, attentive and will exercise patience and discretion when dealing with the public.

(b) Explorers will obey all laws. Violation of any law may be cause for disciplinary action including dismissal.

(c) Explorers shall not impersonate a law enforcement officer or imply through appearance or action that they have any law enforcement authority beyond that of a private person.

(d) Explorers will immediately report any type of “off duty” contact with any law enforcement officer to an advisor. This includes contacts for traffic violations, criminal investigations, field interviews and any time the explorer is a reporting party or witness in any police matter. Any failure to notify an advisor is cause for immediate dismissal from the Post.

(e) Explorers will not use or have in their possession any controlled substance except when legally prescribed by a licensed physician. When an explorer is taking prescribed medication that could affect performance, the advisory staff shall be notified before the event/shift begins. Explorers are not allowed to use any tobacco products while on duty or at explorer social events.

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(f) Explorers shall address all Department personnel in a courteous manner, using rank or title and their last name unless otherwise instructed by the individual Department member.

(g) Explorers will promptly obey any lawful orders of a superior officer. Any explorer who refuses to obey a lawful order will be considered insubordinate. Should any lawful order given by a superior conflict with any previous order or published directive, the explorer will respectfully bring this conflict to the attention of the superior. The superior will take any necessary steps to correct the conflict and, at the same time, assume responsibility for the explorer's actions in carrying out the order.

(h) Explorers will not directly or indirectly solicit or accept any gratuities, loans, gifts, rewards, merchandise, meals, beverages, or any other thing of value in connection with their official position. Explorers will not use their official position, uniforms, or identification to obtain privileges not otherwise available to them. Any items of value, which the advisory staff obtains as a form of compensation to the post, shall not be considered gratuities, i.e.: means at functions, event T-shirts, etc. Explorers shall not accept these items unless they have been specifically approved by the advisory staff for that function.

(i) Explorers are never permitted to utilize an Explorer identification card or badge to identify them when off duty for any reason including a traffic stop.

(j) Fraternization between members of the department and Explorers are prohibited.

381.7 HARASSMENT IN THE WORKPLACE

Explorers shall be courteous to the public and fellow Explorers. Explorers shall be tactful in the performance of their duties, shall control their tempers, and exercise patience and discretion. Explorers shall not use coarse, violent, profane or insolent language or gestures. Explorers shall not express any prejudice or engage in harassment or discrimination based upon race, creed, color, national origin, ancestry, sex, gender identity or expression, age, physical or mental disability, medical condition, genetic information, religion, marital status or sexual preference. Harassment includes, but is not limited to, verbal, physical and visual harassment.

Any explorer who believes he or she has been the subject of harassment should report the alleged act immediately to his/her advisor or sergeant in charge of the Explorer Post. The explorer need not follow the chain of command to report harassment incidents.

All Explorers have a responsibility and obligation to enforce a zero-tolerance sexual harassment and discrimination policy. If offensive or hostile type behavior occurs, all Explorers present have the obligation to attempt to stop the action in progress and report it to their advisor.

Advisor's Responsibilities

a) Individual advisors are responsible to report and/or handle harassment incidents where the advisor knows or should have known of the incident by nature of his or her advisory position.

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b) Regardless of whether the complaining party requests action, the advisor must follow through, either by the formal complaint or by verbally warning the harasser and documenting the admonishment in writing.

c) The advisor, as well as the Department, may be held civilly liable if swift corrective action is not taken. Any advisor who fails to take corrective action is subject to be disciplined by this Department.

d) It is the responsibility of all advisors to establish and maintain a working environment, which is free from discriminatory intimidation, ridicule and insult.

The advisors and department supervisors have the responsibility and obligation to enforce a zero-tolerance harassment policy. If an allegation of harassment or misconduct is brought to the attention of the advisor or a department member, an investigation will be conducted.

381.8 RIDE-ALONGS

The purpose of the Explorer Program is to provide comprehensive training, competition, service, practical, and recreational experience for young adults interested in a career in law enforcement or a related field. Whenever possible and practical, the supervising deputy and Explorer should be of the same gender. Explorers between the ages of 14 and 17 years of age are not allowed to remain on duty between the hours of 2300 hours and 0700 hours. Explorers under 18 years of age may be authorized for special assignments (i.e. DUI checkpoints) outside these hours with parent/guardian and advisor approval. The ride-along program is not a special assignment.

(a) The watch commander or supervising deputy should ensure the explorer does not exceed 10 hours of work at their assignment.

(b) Explorers shall not participate in more than two Ride-Alongs per month unless approval is granted by the Explorer Advisor.As a prerequisite for participating in the Ride-Along Program, an Explorer must have successfully passed a 10 and 11 code test and not be the subject of any disciplinary action (to include not being on academic probation for failure to maintain a 2.0 cumulative GPA). Prior to being designated as qualified for the Ride-Along program, Explorers will receive specialized training in methods and techniques used in patrol operations and related services, traffic control, crowd control, telecommunications procedures, and youth protection issues.

(c) Explorers shall wear a department approved, ballistic vest while participating in a ride-along.

(d) Explorers will report for a Ride-Along well-groomed in a clean and pressed Class C uniform (Green Explorer Polo shirt and black BDU’s). Explorers should have other uniform items as dictated by weather or other factors (i.e. raincoat, coat, boots, flashlight, etc.).

(e) Explorers may not carry offensive or defensive weapons, such as a firearm, Taser, nightstick, baton (collapsible or otherwise), sap, sap gloves, any knife with a blade in excess of four inches, chemical repellent or electrical shock device.

(f) Explorers will report for their Ride-Along at least 15 minutes before their scheduled time in their complete uniform and with the required equipment.

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(g) Due to potential legal issues with federal and state statutes regulating criminal law and procedure, civil law, and privacy and confidentiality concerns, Explorers are not permitted to participate in interviews, interrogations, the handling or processing of evidence, or the intake or transfer of persons taken into custody. Further, Explorers are forbidden from responding to any opinion or judgment questions posed to them by the public. Conversations with citizens will be limited to comments made necessary by direct inquiry and do not require an opinion or judgment, or as otherwise directed by the supervising deputy. If avoidable, Explorers should not be placed in situations where they may be called as a witness in a criminal or civil proceeding.

(h) At all times during a Ride-Along the Explorer will adhere to the commands and direction given to him/her by the supervising deputy or, in the supervising deputy's absence or incapacity, any other law enforcement officer. The Explorer shall, to the extent possible, remain in the patrol vehicle as an observer during a Ride-Along unless otherwise directed by the supervising deputy or other law enforcement officer.

(i) Explorers, as directed by the supervising deputy, may assist with telecommunications, traffic control, perimeter control, completion of incident report forms, or any other activity that is considered by the supervising deputy to be routine and low risk for the Explorer.

Due to the considerable potential for legal complications or for an aggressive or risk inherent response, Explorers are prohibited from participating in arrests, vehicle and foot pursuits, civil unrest, sobriety tests or any other high-risk or legally precarious situation. Should, during the course of a Ride-Along, thesupervising deputy have enough advance notice of a high-risk or legally precarious call as it relates to the Explorer, he/she will transport the Explorer to a safe location or make arrangements for the Explorer to be transported to a safe location.

As a rule, if the supervising deputy is confronted with such a situation and able, he/she should make arrangements for another law enforcement officer to transport the Explorer to the station or other safe location. In some situations, it may be safer for the Explorer to remain in the patrol vehicle. It is the responsibility of the Explorer to remain as uninvolved as possible during a spontaneous emergency. In the event the supervising deputy needs emergency assistance and is unable to request assistance, the Explorer will contact dispatch by police radio or cell phone and relate as clearly as possible the location and situation.

If the Explorer's safety is in jeopardy, and he/she can be of no further assistance to the supervising deputy or other law enforcement personnel, the Explorer should remove himself/herself from the immediate area and, without unnecessary delay, report to the sheriff station.

The supervising deputy, or any other department personnel or volunteer involved with the Explorer Post, must report to the shift supervisor and Post Advisor any injury that occurs to an Explorer or any situation that may have legal consequences, arising from the Explorer's participation in a Ride-Along or any other activity.

The supervising deputy shall immediately terminate the Ride-Along for any violation of this policy.

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381.9 DISCIPLINE AND DISMISSAL

Any Explorer, who fails to abide by these policies, or any other rule, policy, standard or expectation of the Department, may be disciplined or dismissed from the Explorer program at the sole discretion of the Department.

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Service Animals

382.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

382.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

382.2 POLICY

It is the policy of the Riverside County Sheriff's Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.
- California law requires landlords to allow tenants to possess service, and in some cases 'emotional support,' animals on their property under certain circumstances.
- California law allows a certified trainer of service animals to be accompanied by such animal even if the handler does not have a disability.

382.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Riverside County Sheriff's Department affords to all members of the public (28 CFR 35.136).

382.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal’s status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

382.4.2 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a deputy may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

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382.4.3 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

382.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Station or Bureau K-9 Volunteer Program - Trial

383.1 IMPLEMENTATION

The sheriff may authorize the placement of a K-9 Volunteer at any station or bureau to strengthen comradery and to enhance our relationship with the public. This policy will outline the limitations and requirements before the placement of any K-9 Volunteer can occur. The safety of the employees and civilian visitors, and the proper care of the K-9 Volunteer must be diligently pursued before and during the implementation of a K-9 Volunteer program. These responsibilities fall to the area's captain or lieutenant.

It is important to note, that the K-9 Volunteer does not have a designated handler, and therefore the program relies on the efforts and contributions of all assigned with the K-9 Volunteer. Only the Coroner's Office, Sheriff's Dispatch, and the Basic Peace Officer Academy at the BCTC will participate in this trial program. Other locations may be added in the future with the Sheriff's approval.

383.2 QUALIFICATIONS

The dog must be certified through a nationally recognized organization for service dogs. This requirement is designed to verify, to the extent possible, that the behavior, temperament, and obedience of the K-9 Volunteer does not create a danger or a distraction in the workplace. Review and approval of the certification will be conducted by the sheriff or a designee before the placement of any K-9 Volunteer. The commander must provide proof of all vaccinations at the time of placement and maintain such vaccinations as commonly recommended by a veterinarian. The sheriff or designee may require re-certification or testing of the K-9 Volunteer at any time.

383.3 DISQUALIFICATIONS

A K-9 Volunteer may be disqualified from placement, or may be removed from department property and workplaces, if:

1. Aggressive behavior is observed such as biting, growling, lunging, nipping, or scratching;
2. The K-9 engages in uncontrolled, disruptive, or aggressive barking;
3. The K-9 destroys department or employee property;
4. The K-9 is not being properly cared for;
5. The K-9 falls into poor health;
6. The K-9 becomes a distraction to the unit's mission, safety, or workload;
7. The K-9 is urinating, defecating or vomiting inside the bureau or station;
8. The sheriff or his designee deems the dog disqualified;
9. The comander orders removal.

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383.4 PROCEDURES AND CARE

1. Any facility with a K-9 Volunteer must place conspicuous signs at the main entrance notifying the public that a dog is on the property.
2. The K-9 shall be in a designated area of the building without unsupervised access to the visiting public.
   (a) If the public is visiting with the K-9 Volunteer, a department member shall be present at all times and the dog shall be on a leash.
3. K-9 Volunteers shall never be allowed into areas where evidence is stored or is processed.
4. K-9 Volunteers shall not be allowed in break rooms or dining rooms.
5. K-9 Volunteers must be under some general supervision at all times.
   (a) Bureaus or stations that are unoccupied for periods of time during the day or night, may not be suitable for a K-9 Volunteer.
   (b) If a work location is not staffed during nighttime hours, or night staffing is insufficient to care for the K-9 Volunteer, the commander must make arrangements for volunteer care and housing elsewhere.
6. One employee on duty at any given time, must be willing to assume responsibility for the K-9 Volunteer's care, feeding, and control
7. Neither the department or the station/ bureau shall incur any costs for feeding, supplies, or medical care of the K-9 Volunteer unless such costs are authorized by the station/bureau commander.
8. An off-duty employee, regardless of classification or rank, who voluntarily accepts responsibility for a K-9 Volunteer will not be deemed to be on-duty or on-call, simply for caring for the K-9 Volunteer. Employees doing so, either on or off-duty, are ineligible for extra pay or benefits and no special designation or assignment exists related to a K-9 Volunteer.
9. Any employee who witnesses or experiences aggressive behavior by the K-9 Volunteer shall report it to their supervisor immediately.
10. Commander approval must be obtained before the K-9 Volunteer is transported from the station or bureau for any reason.

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Public Presentations

384.1 PURPOSE AND SCOPE

The department may authorize public presentations and interviews given by a department member when the presentation is related to the mission and functions of the department. This policy shall describe the conditions under which such presentations will occur.

384.2 AUTHORIZATION

A department member shall not attend meetings officially representing the department without permission of their commander. Requests for a department member to appear in public as an official representative of the department shall be submitted in a timely manner and shall state the reason, nature of the program, and the date, time and location of the appearance.

384.3 AUTHORIZED ATTIRE

A public presentation and appearance may be made in departmental uniform or professional business dress. Appropriate dress shall be based on the type of presentation, audience and the reason for the appearance.

384.4 RELEASE OF INFORMATION

Department members making public appearances shall not release information, reports, photographs or other informational material regarding operations of the department that is not public information.

384.5 PUBLIC ACCESS TO EQUIPMENT

Any department member conducting a presentation with the use of an animal, firearms, weapon systems. aircraft, or other displays shall exercise due diligence and caution with regard to the access allowed to the attending public. All unit-specific procedures and policies regarding equipment shall be adhered to and reasonable control of all displayed items shall be maintained.

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Department Use of Social Media

385.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes.
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department.

385.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

385.2 POLICY

The Riverside County Sheriff's Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events. All department-approved social media platforms, accounts, or sites are the sole property of the department.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

385.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor and the Media Information Bureau (MIB) prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command and sent to the MIB.

385.3.1 WEBSITE APPROVAL

Any department website must be approved before creation. Any station, bureau, or group must complete a 'social media account' request form (RSD 128), available on the intranet under 'Social

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Media.' The form will be forwarded, via the chain of command, to the MIB for review. If approved, MIB staff will create all accounts and approve authorized users. Any approval for a site is not permanent and may be revoked at any time.

385.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

385.4.1 INCIDENT-SPECIFIC USE

During rapidly-evolving incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

385.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Riverside County Sheriff's Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy, a supervisor, and the MIB.

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Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view, investigate the origin of the entry, and notify the MIB.

385.5.1 PUBLIC POSTING PROHIBITED
Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

385.6 MONITORING CONTENT

The Sheriff will appoint an MIB supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

385.7 RETENTION OF RECORDS

The Administration Chief Deputy should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

385.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Gun Violence Restraining Orders

387.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

387.1.1 DEFINITIONS

Definitions related to this policy are listed below. Each of these orders, if granted by a judicial officer, prohibits the restrained person from having custody or control over, owning, purchasing, possessing, receiving, or attempting to purchase or receive any firearm or ammunition (Penal Code § 18100).

Emergency Gun Violence Restraining Order - An emergency order requested by law enforcement and lasting up to 21 days.

Ex-Parte Gun Violence Restraining Order - An emergency order requested through a civil court, petitioned by an immediate family member of the person to be restrained, or by law enforcement, lasting up to 21 days.

Gun Violence Restraining Order - A civil order petitioned by an immediate family member of the restrained person or by law enforcement, issued after a notice and hearing, and lasting up to one to five years.

387.2 POLICY

It is the policy of the Department to petition for and serve emergency, ex-parte, and civil Gun Violence Restraining Orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

387.3 GUN VIOLENCE RESTRAINING ORDERS

A law enforcement officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm, or because less restrictive alternatives have either been tried and found to be ineffective, or have been determined to be inadequate or inappropriate, may:

(a) Request an Emergency Gun Violence Restraining Order (EPO #002) from a judicial officer (whether in person, via telephone or electronic petition) as outlined in 387.4 below; and or

(b) Contact their respective station detective bureau and request a Domestic Violence Threat Management investigator review the case and consider submitting an ex-parte or civil Gun Violence Restraining Order, with the assistance of Riverside County Counsel.

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms

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and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may electronically or orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

(a) Describe how the subject of the petition poses a significant danger in the near future of personal injury to him/herself or another by possessing or receiving a firearm or ammunition as determined by the factors listed in Penal Code § 18155;

(b) Describe how the order is necessary to prevent personal injury to the subject of the petition or another, or because less restrictive alternatives have either been tried or found to be ineffective or are inadequate or inappropriate for the circumstances;

(c) Understand the judicial officer considers the following when determining the facts in support of the order:

1. A recent (within the past six months) threat of violence or act of violence directed at another;
2. A recent threat or act of violence directed toward the subject of the petition
3. Any recent violation of a protective order of any kind;
4. Any conviction of a violent offense;
5. Any pattern of violent acts or threats within the past twelve months;
6. The unlawful and reckless use, display, or brandishing of a firearm;
7. Any history of use, attempted use, or threatened use of physical force against another person;
8. Any prior history of a felony arrest; and past police reports and records of convictions or recent criminal offenses that involve controlled substances or alcohol, ongoing abuse of controlled substances or alcohol, and/or evidence of recent acquisition of firearms, ammunition, or other deadly weapons.

Once the order has been granted, the law enforcement officer shall (Penal Code § 18140):

(a) Check the California Law Enforcement Telecommunications System (CLETS) to determine if there are any firearms registered to the individual and to review both local, state, and federal contacts to determine if the person has ever been documented as having a firearm or arrested for the same;

(b) If the subject has been located, ask them if they have any firearms, ammunition, or magazine in their possession or under their custody or control (Penal Code § 18160);

(c) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120);

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(d) Take into temporary custody any firearm or other deadly weapon discovered in plain sight or pursuant to consent (Penal Code § 18250);

(e) If the subject refuses to provide consent to search for firearms or refuses to relinquish their firearms pursuant to the court order, consider obtaining a search warrant (see 387.5 below);

(f) Inform the restrained person they are required within 24 hours to surrender their firearms and/or ammunition to a law enforcement agency or sell them to a licensed firearms dealer;

(g) Provide the restrained person with a copy of the order;

(h) Provide the restrained person with a property receipt of all items taken;

(i) As soon as practicable, but no later than the end of shift, submit proof of service to clerical staff (station clerical during regular business hours or ISB after regular business hours and weekends) for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115). These entries prompt the Department of Justice to place the individual in the Armed Prohibited Persons System;

(j) Request a supervisor flag the subject's address regarding the incident that prompted the request for the order. To flag the subject's address, department members must complete RSD Form 457 and submit it to Dispatch or the Technical Services Bureau (TSB) for entry into CAD;

(k) Document all of these actions in an incident report;

(l) As soon as practicable, provide a copy of the report to the station detective bureau/ Domestic Violence Threat Management investigator so a petition to the court for a permanent (one to five year) civil order can be considered.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

387.3.1 ADDITIONAL CONSIDERATIONS

Deputies should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Deputies should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

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387.4 SERVICE OF EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

Any law enforcement officer requesting an Emergency Gun Violence Restraining Order shall complete the required form and contact the on-call magistrate. When completing the form:

(a) Describe how the subject of the petition poses a significant danger in the near future of personal injury to him/herself or another by possessing or receiving a firearm or ammunition as determined by the factors listed in Penal Code § 18155;

(b) Describe how the order is necessary to prevent personal injury to the subject of the petition or another, or because less restrictive alternatives have either been tried or found to be ineffective or are inadequate or inappropriate for the circumstances;

(c) Understand the judicial officer considers the following when determining the facts in support of the order:

1. A recent (within the past six months) threat of violence or act of violence directed at another;
2. A recent threat or act of violence directed toward the subject of the petition;
3. Any recent violation of a protective order of any kind;
4. Any conviction of a violent offense;
5. Any pattern of violent acts or threats within the past twelve months;
6. The unlawful and reckless use, display, or brandishing of a firearm;
7. Any history of use, attempted use, or threatened use of physical force against another person;
8. Any prior history of a felony arrest; and past police reports and records of convictions or recent criminal offenses that involve controlled substances or alcohol, ongoing abuse of controlled substances or alcohol, and/or evidence of recent acquisition of firearms, ammunition, or other deadly weapons.

Once the order has been granted, the law enforcement officer shall (Penal Code § 18140):

(a) Check the California Law Enforcement Telecommunications System (CLETS) to determine if there are any firearms registered to the individual and to review both local, state, and federal contacts to determine if the person has ever been documented as having a firearm or arrested for the same;

(b) If the subject has been located, ask them if they have any firearms, ammunition, or magazine in their possession or under their custody or control (Penal Code § 18160);

(c) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120);

(d) Take into temporary custody any firearm or other deadly weapon discovered in plain sight or pursuant to consent (Penal Code § 18250);

(e) If the subject refuses to provide consent to search for firearms or refuses to relinquish their firearms pursuant to the court order, consider obtaining a search warrant (see 387.5 below);

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(f) Inform the restrained person they are required within 24 hours to surrender their firearms and/or ammunition to a law enforcement agency or sell them to a licensed firearms dealer;

(g) Provide the restrained person with a copy of the order;

(h) Provide the restrained person with a property receipt for all items taken;

(i) As soon as practicable, but no later than the end of shift, submit proof of service to clerical staff (station clerical during regular business hours or ISB after business hours and weekends) for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115). These entries prompt the Department of Justice to place the individual in the Armed Prohibited Persons System;

(j) Request a supervisor flag the subject's address regarding the incident that prompted the request for the order. To flag the subject's address, department members must complete RSD Form 457 and submit it to Dispatch or the Technical Services Bureau (TSB) for entry into CAD;

(k) Document all of these actions in an incident report;

(l) As soon as practicable, provide a copy of the report to the station detective bureau/ Domestic Violence Threat Management investigator so a petition to the court for a permanent (one to five year) civil order can be considered.

387.4.1 SERVICE OF EX-PARTE AND GUN VIOLENCE RESTRAINING ORDERS

Any law enforcement officer who chooses to petition the court for an ex-parte or a "permanent" (one to five year) order should use the Gun Violence Restraining Order forms established by the Judicial Council (Penal Code § 18105).

Once the forms are completed, and unless otherwise directed by a magistrate to a different court, they shall be forwarded to Family Law Court. If additional help is needed in filing the packet with the court, department members may contact Riverside County Counsel for assistance.

The petition should describe the number, types, and locations of any firearms and ammunition that the law enforcement officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125, 18150, 18175).

Any law enforcement officer serving any civil ex-parte or Gun Violence Restraining Order shall follow the service procedures outlined in DSM 387.4 Service of Emergency Gun Violence Restraining Orders, and:

(a) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160); and

(b) Transmit the original proof of service form to the issuing court as soon as practicable, but within one business day (Penal Code § 18115)

387.4.2 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the deputy shall (Penal Code § 18140):

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(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to clerical staff (station clerical during regular business hours, or ISB after regular business hours and weekends) for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

(d) Sign a declaration under penalty of perjury reciting the oral statement provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.

387.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The deputy serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.

2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the deputy shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner’s presence.

387.6 DETECTIVE BUREAU RESPONSIBILITIES

Reports for every case involving an Emergency Gun Violence Restraining Order shall be forwarded to detectives for follow-up. Station detectives may assist other bureaus and facilities with these cases. If the follow-up investigation determines a one to five year Gun Violence Restraining Order is necessary, the detective bureau shall complete the necessary forms and work with County Counsel on the petition. If the petition is accepted, a court hearing will follow. All parties shall be served notice as specified in the form instructions.

The Detective Bureau Supervisor will track all Emergency, Ex-Parte, and Gun Violence Restraining Orders in their jurisdiction. The Detective Bureau Supervisor will review each order

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and the subject named within the order at least two months prior to the order's expiration date and determine if an additional order is needed. If an additional order is warranted, the detective bureau supervisor will ensure that it is completed and submitted timely.

387.7 CLERICAL STAFF RESPONSIBILITIES

Station clerical staff are responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by a deputy, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).

(d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120). If an Assist Other Department (AOD) report is received from another agency, clerical staff at the station should give the report to the station's detective bureau and they should add a RSD Form A to the report so it can be scanned into REDS.

(e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

387.8 COURT ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual’s name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

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387.9 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

387.10 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Sheriff will appoint a Gun Violence Restraining Order Coordinator (usually within the Domestic Violence Grant Coordinator position). The responsibilities of the GVRO coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):

1. A temporary emergency gun violence restraining order.
2. An ex parte gun violence restraining order.
3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
2. Forwarding orders to station clerical staff for recording in appropriate databases and required notice to the court, as applicable.

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3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the restrained person of a gun violence restraining order.

(d) Coordinating with the Chief Deputy to provide deputies who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate deputy of the hearing date and the responsibility to appear (Penal Code § 18108).

387.11 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Bureau supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

387.12 POLICY AVAILABILITY

The Sheriff or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

387.13 TRAINING

The department should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

The training may be provided as:

- Doc Read training
- Briefing training
- Annual SEER review
- DV Coordinator training
- Advanced Officer Training (AOT)

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387.14 REVOCATION/RESCIND PRIOR DEPARTMENT DIRECTIVE(S)

With the publication of DSM 387, Department Directive #16-015 and any supplemental directives are rescinded.

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Off-Duty Law Enforcement Actions

388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Riverside County Sheriff's Department with respect to taking law enforcement action while off-duty.

388.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Off-duty deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

388.3 FIREARMS

Deputies of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty deputies shall also carry their department identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the department member's senses or judgment.

388.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects

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(b) The inability to communicate with responding units

(c) The lack of equipment, such as handcuffs, OC or baton

(d) The lack of cover

(e) The potential for increased risk to bystanders if the off-duty deputy were to intervene

(f) Unfamiliarity with the surroundings

(g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public

Deputies should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

388.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as a deputy sheriff until acknowledged. Official identification should also be displayed if possible.

388.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

388.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority, and remain at the scene, if safe and practicable.

388.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed deputies should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

388.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Use of Equestrian Center

389.1 PURPOSE AND SCOPE

To ensure the safe operation and use of the Riverside County Sheriff’s Department Equestrian Center by all personnel and authorized guests.

389.2 USE OF THE ARENA

(a) The equestrian center is for Sheriff's Department use only and is not open to the public. Allied agencies may use the equestrian center with approval from the Volunteer Forces Unit (VFU).

(b) Prior approval to use the arena by the Volunteer Mounted Posse (VMP), Mounted Enforcement Detail (MED), or an outside agency must be obtained from the Volunteer Forces Unit to ensure scheduling conflicts do not exist.

(c) If an outside instructor is used, their name and proof of insurance must be provided to VFU.

(d) VMP troops that are using the arena must be accompanied by a troops liaison/ coordinator unless otherwise authorized by VFU.

(e) Only one guest per MED/VMP member is allowed at the Ben Clark Equestrian Center. Guests must sign a Release of Liability and have it on file with VFU prior to attendance. All guests must remain in the bleacher area, unless approval has been authorized by the safety officer / instructor.

(f) While hosting POST schools or other training, POST guidelines 13.1 through 13.6.3 shall be followed. Student to instructor ratios recommended for Advanced Horsemanship is 15:1 and 5.1 for sensory training.

(g) The facility will be locked/secured upon completion of arena use.

(h) The employee using the facility will notify VFU upon arriving at the arena and upon leaving the arena.

389.3 ARENA USE RULES

a. The arena should be left in the following condition

1. Clean.
2. Manure will be removed from the arena, surrounding area, stalls and spread at a designated location.
3. Food refuse is to be sealed in a garbage bag and removed from the facility site.
4. The trash barrel provided is for trash only (not to be used for food refuse).
5. All lights/irrigation systems are to be turned off when not in use.
6. All associated equipment is to be returned to its proper place.
7. No property shall be taken from the arena (except to facilitate repair) without the permission of the Volunteer Forces Unit.

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8. If a problem is noted with the facility or equipment, the Volunteer Forces Unit is to be notified as soon as possible.

389.4 ARENA SAFETY RULES

(a) The arena is always active. Whenever any discharging of sensory aids (firecrackers, smoke grenades, starter pistols, incendiary devices) is to take place, a safety officer will be designated.

(b) Alcoholic beverages are prohibited from the equestrian center.

(c) Any training aids used, other than those provided or previously used in training, shall be approved by the Mounted Enforcement Detail supervisor.

(d) Additional safety equipment, (hearing and eye protection) may be required and will be worn at the discretion of the Mounted Enforcement Detail Supervisor or designated safety officer.

(e) Glass containers of any kind are prohibited in the arena.

(f) Failure to comply with any of the above rules may be cause for disciplinary action and/or suspension of arena privileges.

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Chapter 4 - Patrol Operations

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Patrol Function

401.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

401.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other bureaus or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and bureaus.

401.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, deputies should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Deputies should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

401.4 POLICY

The Riverside County Sheriff's Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

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401.5 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Riverside County. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.

(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(i) Directing and controlling traffic.

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Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing; however deputies may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying deputies of changes in schedules and assignments

(c) Notifying deputies of new or modified policies and directives

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS

The supervisor conducting briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in their absence or for training purposes. The sergeant shall ensure that any training material presented is consistent with current Department standards and policies before it is presented.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Ben Clark Training Center for inclusion in training records, as appropriate.

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Ride-Along Program

404.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens, employees, and allied agency personnel to experience the Riverside County Sheriff's law enforcement operations first hand. This policy outlines the requirements, limitations, and approval process while also providing the authorized forms for use throughout the Department. This policy does not apply to the Dispatch Center's Observation Program.

404.1.1 ELIGIBILITY

The Ride-Along Program is offered to residents, students and those employed within the county. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant, but other extraordinary factors may also justify disqualification:

- Being under 18 years old (Explorers in good standing must be at least 14)
- Prior criminal history (consideration should be given to severity and date of offense)
- Pending criminal action
- Pending lawsuit against the Department
- Rode-along within the previous two months (see section 404.4)

404.1.2 AVAILABILITY

A ride-along can be scheduled for any time of the day or night, on any day of the week and at any station regardless of the applicant's address. Commanders or their designees may elect not to schedule a ride-along to occur during a special, or unusual event, or on-going critical incident.

404.2 APPLICATION PROCESS

Everyone wishing to observe during a ride-along, with the exception of Reserve Deputies, must complete and submit the application and waiver. The application (RSD Form 213-701) shall be received, processed and scheduled by the station that will host the ride-along. Information requested will include a valid ID or California driver’s license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the required forms.

The applicant will be told that acceptance of this application will be at the discretion of the Station Commander or designee. If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial. Every application, whether approved or denied, will be entered into the Patrol Tracker system, scanned into the Retention of Electronic Documents System (REDS) and the original application retained for 30 days.

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See attachment: Ride Along Application-Form 213-701.pdf

404.2.1 CRIMINAL HISTORY CHECK
All ride-along applicants, with the exception of current Department employees or volunteers are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along. (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

404.3 PEACE OFFICER RIDE-ALONGS

Peace officers from the Riverside County Sheriff's Department and allied law enforcement agencies can participate in a ride-along. The peace officer, regardless of agency, shall be considered off-duty and in an uncompensated status throughout the ride-along, and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require. If armed, any firearm shall be concealed, and never displayed or used unless in an effort to prevent injury or death.

404.4 PROGRAM REQUIREMENTS

Civilian ride-alongs will be allowed to observe no more than once every two months. Exceptions can apply to the following:

- Department employees and volunteers;
- Explorers;
- Reserve Deputies;
- Applicants involved in approved research or media production.

The Patrol Tracker database known as Ride-Along Application Tracker (RAA) shall be queried before approving each application, and updated after each ride-along. All applicants shall complete an application and the liability waiver form, and be entered into the Ride-Along Application Tracker using their Department ID numbers, or a citizen's driver license number. Reserve Deputies need not complete an application or a waiver, or be entered into the Ride-Along Application Tracker.

An effort should be made to ensure that no more than one citizen will participate in a ride-along during the same shift. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along participants shall not be assigned to a relative or spouse.

No Department employee shall have a ride-along that has not been assigned via the requirements and protocols of this policy.

404.5 FOLLOWING APPROVAL OF THE APPLICATION

Generally, ride-alongs will be scheduled by the Administrative Sergeant.

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The administrative sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective watch commander as soon as possible for his/her scheduling considerations. Stations will assign each ride-along to a specific deputy before their arrival. The host deputy shall not be chosen in the presence of the ride-along. Attendance at the patrol briefing should be allowed so that all deputies on the shift are introduced to the ride-along for safety reasons. The shift sergeant may exclude the ride-along participant from briefing to relay criminal intelligence, confidential information, or to address personnel issues. Following the ride-along, the administrative sergeant should review both the participant and deputy comments provided for issues of departmental interest.

404.6 DEPUTIES' RESPONSIBILITY

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another unit respond to pick up the participant at that location. The ride-along may be continued at this time.

Deputies or other Department members accompanying the ride along, shall ensure the observer follows all the rules of conduct listed in 404.6.2.

Upon completion of the ride-along, the ride-along form shall be returned to the watch commander with comments offered by the deputy.

404.6.1 RELEASE OF LIABILITY WAIVER

Before the ride-along experience begins, the waiver (RSD Form 213-701 attachment above) shall be signed by each ride-along observer (except Reserve Deputies) showing that the observer assumes all risks of injury or danger and waives and releases claims against the County of Riverside and any other Department.

(a) All waivers shall be signed prior to any observation within this Department. The signature should be witnessed by the employee receiving the application and who should check the form for proper completion.

(b) Any person who refuses to sign the release of liability waiver shall be denied a ride-along.

404.6.2 CONTROL OF RIDE-ALONG / OBSERVER

The assigned employee shall maintain control over the ride-along at all times and instruct him/her regarding the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the deputy.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any Department equipment.

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(c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy's duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person.

(g) Ride-alongs shall not video or audio record any portion of their experience or observations unless previously approved by the commander. Limited recording may be approved for the purpose of research, academic study, or pre-approved film production, for example. Any recording shall not violate a citizen's or a deputy's legal and reasonable expectation of privacy and shall comply with all laws.

404.6.3 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Any clothing with images or text portraying alcohol, drugs, nudity, violence, or other subject matter inconsistent with our mission shall not be permitted. The watch commander shall refuse a ride along to anyone not properly dressed.

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Bias-Based Policing

406.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Riverside County Sheriff's Department's commitment to policing that is fair,objective and constitutional.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

406.2 POLICY

The Riverside County Sheriff's Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

406.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

406.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

406.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a

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supervisor. Members should intervene to prevent any biased-based actions by another member, regardless of rank.

406.4.1 REASON FOR CONTACT
Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

406.4.2 REPORTING OF STOPS - R.I.P.A.
Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple deputies conduct a stop, the deputy with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Riverside County Sheriff's Department is the primary agency, the Riverside County Sheriff's Department deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the deputy’s shift or as soon as practicable. It must; however, be submitted within 24 hours of the event. (11 CCR 999.227).

406.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Internal Affairs Bureau Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against deputies is collected and provided to the Records Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020).

Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (Government Code § 12525.5) per station or bureau procedure(s).

406.6 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Training Bureau.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

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(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary. (Penal Code § 13519.4(i)).

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Policing Tribal Lands

407.1 PURPOSE AND SCOPE

The Riverside County Sheriff's Department has regular contact with Tribal lands and their residents and must manage the legal nuances of policing in these areas. This policy will outline specific protocols unique to tribal lands and is intended to assist department members in delivering consistent law enforcement service, criminal investigations and compliance with Public Law 83-280 while serving the twelve Riverside County Tribal Communities, which include:

Agua Caliente Band of Cahuilla Indians- Palm Desert Station

Augustine Band of Cahuilla Indians - Thermal Station

Cabazon Band of Mission Indians - Thermal Station

Cahuilla Band of Indians- Hemet Station

Colorado River Indian Tribes - Colorado River Station

Morongo Band of Mission Indians- Cabazon Station

Pechanga Band of Luiseno Indians- Southwest Station

Ramona Band of Cahuilla Indians- Hemet Station

Santa Rosa Band of Cahuilla Indians- Hemet Station

Soboba Band of Luiseno Indians- Hemet Station

Torres Martinez Desert Cahuilla Indians- Thermal Station

Twenty Nine Palms Band of Mission Indians- Thermal Station

407.2 PUBLIC LAW 83-280

PL 83-280, as enacted by the federal government in 1953, sought to clarify the role of law enforcement upon Indian lands in six states, to include California. The law essentially transferred enforcement of state law to local agencies.

Most basically, PL 83-280 is divided into three areas of governmental concern:

1. Criminal Section (18 United States Code)
2. Civil Section (28 United States Code)
3. Informational Section (25 United States Code)

This policy will focus upon department policy related to the criminal section under 18 USC and our enforcement of state-level, criminal- prohibitive laws.

407.3 LAW ENFORCEMENT AUTHORITY

As stated, PL 83-280 tasked the State of California with enforcement of what are commonly referred to as 'criminal-prohibitive' laws on tribal lands. Criminal-prohibitive laws prohibit certain

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conduct, and do not exist to simply regulate otherwise allowable conduct. For example, criminal-prohibitive laws would include battery, theft, or sexual crimes and all such criminal-prohibitive statutes are enforceable on tribal lands regardless of the membership status of the offender. The enforcement of these laws carries the exact weight as if the violations were committed elsewhere.

Laws known as civil-regulatory merely regulate otherwise allowable conduct. PL 83-280 prohibits the Sheriff from enforcing civil-regulatory laws. For example, driving is a legal activity that is only regulated by rules and limitations set forth in the vehicle code, therefore civil-regulatory laws in the vehicle code are not enforceable on tribal lands. See 407.3.1.

State or county-level environmental regulations, land use, zoning, gambling, licensing, animal control, and hunting/fishing regulations are civil-regulatory laws and cannot be enforced by Sheriff's personnel.

407.3.1 ROUTINE PATROL AND TRAFFIC ENFORCEMENT

In general, the function of routine patrol and the calls handled by sheriff's personnel are no different than elsewhere in the county, with some notable exceptions.

ENTRY PROTOCOL / NOTIFICATION

Some Memorandums of Understanding outline protocols for access to reservation property, buildings, or businesses. Sheriff's personnel shall abide by any MOU requiring that due diligence be given to notify a reservation representative before entry and should know, for safety and confidentiality reasons, when tribal notification is appropriate and when it is not.

TRAFFIC ENFORCEMENT

The civil-regulatory sections in the California Vehicle Code, such as equipment violations, the requirement to have a valid driver license, current vehicle registration, proof of insurance, or compliance with speed limits, or traffic control signs are not enforceable, and cannot be used as primary detention violations. The majority of misdemeanors and felonies in the vehicle code are enforceable if they prohibit, and not simply regulate, certain conduct.

VEHICLE STORAGE / IMPOUND

Vehicles shall not be seized on tribal lands pursuant to any authority section that is based upon a violation of a civil-regulatory vehicle code section. For example, suspended or unlicensed driver, expired vehicle registration, or illegal handicapped parking are not grounds for lawful vehicle storage. Vehicles stored for other reasons (e.g. evidence, road hazard, driver arrested) shall be processed, towed, and stored as any other.

PARKING ENFORCEMENT

Legal differences exist regarding the classification of land possessed and used by tribes (e.g. Tribal land or Fee land). Therefore, parking enforcement should not be conducted by department members on tribal lands unless the department member has determined the legal status of the relevant land. If serious parking violations persist, department personnel should seek the assistance of tribal police, security personnel, or ask the TLU for direction on future enforcement.

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CIVIL MATTERS

In general, department personnel should not play a role in civil disputes on tribal lands such as landlord/tenant disputes, evictions from a reservation or repossessions, unless acting in a peace-keeping role. Regulatory laws related to such matters do not apply on tribal lands.

TRIBAL ORDINANCES AND LAWS

Sheriff's personnel shall not enforce any tribal ordinances or laws unless specifically given that authority by a Memorandum of Understanding between the Sheriff and the tribe.

CASINO GAMBLING VIOLATIONS

Unless the elements of a state-level 'criminal prohibitive' law exist, Sheriff's personnel shall not enforce the rules or protocols applicable to casino gaming but should instead keep the peace and allow casino or tribal personnel to investigate and resolve the matter.

MEMORANDUMS OF UNDERSTANDING (MOU)

While on tribal lands, Department members shall comply with any agreements, contracts, or Memorandums of Understanding that relate to the patrol function at their specific station or assignment.

407.3.2 MARIJUANA ENFORCEMENT

Enforcement of state-level laws regarding the illegal possession or sale of marijuana apply on tribal lands and can be enforced as they would anywhere else in the county.

If patrol personnel discover large-scale marijuana possession, sales, or cultivation on tribal land, they should contact the Special Investigations Bureau for direction as soon as possible.

407.3.3 CORONER AUTHORITY

All functions and authorities of the Coroner are the same on tribal lands, with the exception of the processing of certain human remains if believed or found to be Native American. Native American remains, funerary objects, and sacred objects found on federal or tribal lands are protected under the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq). See DSM 345 for specific procedures and limitations in place when Native American remains are discovered on and off tribal lands.

407.3.4 UNATTENDED DEATHS

The Coroner retains all control of bodies on a reservation regardless of the cause or manner of death or tribal membership status of the decedent. Deputies shall respond and process all unattended death incidents according to existing protocols.

Indian Tribes may be allowed to retain possession of a body only after the Coroner has agreed to release it. They then may cremate or bury the body on Reservation land with a properly issued permit from the Health Department.

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Patrol personnel should consult with the Coroner's office and with the Tribal Liaison Unit to help resolve any disputes or questions during unattended death investigations.

407.3.5 INVESTIGATIONS

All laws and constitutional rights regarding search and seizure, laws of arrest, and Miranda advisements apply on tribal lands.

Detectives responding to tribal lands for a protracted investigation shall notify the department's Tribal Liaison Unit as soon as possible to inform them about the location and circumstances, and to ask for their assistance, if needed.

The passage of PL 83-280 did not diminish a tribe's ability or right to pass and enforce their own laws on their lands. In some instances, concurrent jurisdiction exists between the federal, state and tribal governments. Consideration must be given to what crime has been committed and if the offender is Indian or non-Indian, when determining exclusive or concurrent jurisdictions for prosecution purposes.

407.4 PROTECTION ORDERS

Protection orders can be issued by State Courts, US Territory Courts, and Indian Tribal Courts. The 'Full Faith and Credit' portion of the Violence Against Women Act declares that all states, U.S. Territories and Indian Tribes shall honor each other's protection orders as if they were their own. The following outlines what is and is not required for a Tribal Court Order to be lawfully served or enforced:

If issued by a Tribal Court, the order need not;

1. have a certification or original signature affixed to the order.
2. have a "court stamp"
3. be registered or filed in the victim or respondent's current location.

If issued by a Tribal Court, the order must;

1. have the name of the respondent and the petitioner printed;
2. have a valid date;
3. be issued by a court with jurisdiction over the involved parties;
4. have been issued after the respondent had an opportunity to contest the order;
    (a) Family Code section 6403(b) allows, in the absence of a protection order, a peace officer to consider other factors that may establish probable cause to believe that a valid order exists.

407.4.1 ENFORCEMENT OF PROTECTION ORDERS

A department member assigned to a call alleging a violation of a domestic violence protection order issued by the state court, a US territory, or tribal court shall, when presented with probable cause of the violation;

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1. Shall make a lawful arrest of the person without a warrant and take that person into custody whether or not the violation occurred in the peace officer's presence (Penal Code 836(c)(1).

407.4.2 UNSERVED PROTECTION ORDERS

If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice for the purposes of this section (Family Code 6403(c)).

407.5 TRIBAL LIAISON UNIT (TLU)

In 2008, the Department established a dedicated Tribal Liaison Unit (TLU) to act in the interests of both the department's mission and the service needs of all twelve tribes. The TLU's primary functions include training both department personnel and tribal residents, engagement with various groups and committees managing Indian/Government affairs, and as a liaison to strengthen law enforcement's relationship with Indian Tribes in Riverside County.

Because this policy cannot cover every possible circumstance, the TLU is available to assist and respond, if needed, to help facilitate a quality response and investigation by our Sheriff's personnel. TLU contact information is available within the SOI screen "SOI Tribal" or by email to TLU@Riversidesheriff.org.

407.5.1 TRIBAL LIAISON NOTIFICATIONS

Department members are encouraged to contact the TLU for any questions regarding PL 83-280 or about other aspects of the Sheriff's role and authority on tribal lands. Department members shall notify the Tribal Liaison Unit as soon as possible in the following circumstances:

1. Pursuits on a reservation
2. Deaths
3. Discovery of Human Remains
4. Service of Search Warrants
5. Any other major incident that will likely generate an inquiry by Tribal government

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PERSONALLY OWNED RECORDING DEVICES (PRD)

408.1 PURPOSE AND SCOPE

All Body Worn Cameras (BWCs) or Personally-owned Recording Devices (PRDs) are governed by DSM 410. DSM 408 is intended to supplement DSM 410 in the event a Personal Recording Device is used by a Department member. With the adoption of DSM 408 and 410, the Department has rescinded Department Directives 16-003 and 16-004.

The Department recognizes that employees who have not been issued a Department-owned Body Worn Camera (BWC) may choose to use a Personally-owned Recording Device (PRD) to record events while on duty. The use of a PRD is not required.

408.2 APPROVAL PROCESS

Employees shall obtain approval prior to using any PRD. Approval shall be done by submitting RSO Form 440 (Approval for On-Duty Use of Personally-owned Video Recording Device) via chain of command to their Station Commander. Once approved, the employee shall then email the Technical Services Bureau Commander requesting access to the PRD Server. The original Form 440 shall be placed in the employee's Station I-File, and copies sent to the employee and Agency Web.

408.3 POLICY

Personal cell phones are strictly prohibited for use as a PRD. The Department considers all recordings made on-duty as property of the Department and subject to all applicable Department policies, processes, or investigative need, in the same manner as Department-owned BWC recordings as outlined in DSM 410.

All on-duty recordings captured on any PRD are subject to review. Department members are encouraged to erase any private recordings on their PRD prior to on-duty use.

An employee choosing to use a PRD when on-duty assumes any risk of damage to the device and acknowledges that, while it is not the Department’s intent, any private data on a PRD used to record on-duty activities may be viewed by Department personnel and/or other law enforcement agencies.

While use of a PRD is prohibited, once an employee receives a Department issued BWC, certain exemptions have been identified for their use.The Department recognizes there may be instances where Department issued BWC's become inoperable or unavailable due to battery issues, breakage, repair or maintenance, or similar circumstances. As outlined in DSM 410, employees are required to notify their supervisor if their BWC becomes inoperable. When possible, supervisors should issue a replacement BWC. In the event a replacement BWC is not available, supervisors may authorize the use a Personally-owned Recording Device that has been pre-approved by the Station Commander for use as a back up device.

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408.4 COMPATIBILITY AND PRIVACY

The Department acknowledges that PRD's are generally not compatible with the Enterprise BWC downloading and storage process and that the employee may have a reasonable expectation of privacy with some data stored on a PRD. Therefore, the download of relevant PRD recordings in compliance with DSM 410 is subject to the following process. This process is intended to preserve the integrity of PRD data for all related record keeping, administrative and evidentiary purposes, and to minimize review of private data

1. All on-duty PRD data shall be downloaded in compliance with DSM 410.
2. Only PRD's compatible with Windows Media Player may be used on-duty.
3. PRD settings that enable functions such as auto-sync, wireless uploads, or live streaming of recordings shall be disabled when the device is being used on-duty.
   (a) This restriction is intended to prevent unauthorized copies or unauthorized broadcast of Department recordings.
   (b) Personal cell phones, even if auto-sync or wireless upload features are disabled are strictly prohibited for use as a PRD.
4. The TSB Commander shall periodically monitor the department wide usage of the PRD recording system for proper usage.

408.5 DOWNLOAD AND STORAGE OF ROUTINE RECORDINGS:

1. Employees will create user accounts in the PRD recording system using a unique log-in.
   (a) The recording system will have rights-based accessibility.
      i. Users can upload and view, but not tamper or delete, files from the Central Storage.
      ii. Supervisors will be able to view subordinate’s recordings.
      iii. Administrators may delete recordings.
2. The PRD recordings will be downloaded from the PRD to the centralized storage using a Department computer workstation and a Department-provided PRD computer application.
   (a) Recordings downloaded to the Centralized File Storage will be accessible for viewing and to make approved copies via Department computers.
   (b) Employees shall not alter or modify the raw recordings.
3. Routine Daily Downloads.
   (a) All on-duty PRD recordings will be downloaded to the Centralized File Storage at the end of each shift.
   (b) Copies of specific incident recordings can then be created for authorized Departmental criminal, civil, or administrative purposes.

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4. Specific Incident Downloads
   (a) The recordings from specific incidents will be appropriately entered into the Department evidence system, Eleets, and secured into evidence.
5. Upon successful download of the PRD recording, the recording shall be deleted from the PRD and any temporary file locations on the Department computer used.
6. No personal or unauthorized copies of on-duty recordings are to be created, maintained or distributed.

408.6 MANAGEMENT OF PRD DATA RELATED TO CRITICAL INCIDENTS

1. Employees will comply with DSM 410 as to the securing of the PRD and its data as detailed in DSM 410.3.5.
2. Employees will cooperate with, and provide guidance to, personnel tasked with the identification and downloading of relevant recordings from the employee's PRD with sufficient detail for them to access and preserve the recordings.
3. If there is an issue of consent related to the downloading of recordings from the PRD, the PRD will be secured from the employee and a search warrant may be obtained before downloading the recordings.

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Mobile Data Computer Use

409.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between Department members and Dispatch.

409.2 POLICY

Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

409.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to data accessed, transmitted, received or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

409.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, and communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

409.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical, or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

409.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by a supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

409.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

409.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the deputy Response to Calls Policy.

Members should ensure a field supervisor is notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the radio until a "no-further-assistance" broadcast is made or if they are also handling an emergency.

409.6 EQUIPMENT CONSIDERATIONS

409.6.1 MALFUNCTIONING MDC

Whenever possible, members will not go into service with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, or other handheld device is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the radio.

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409.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Body-Worn Camera (BWC) Systems

410.1 PURPOSE AND SCOPE

The Riverside County Sheriff's Department provides department members with portable Body Worn Camera (BWC) recording devices to enhance documentary evidence of criminal investigations, administrative investigations, and as a preventative measure for use in civil liability reduction and risk management. Department members shall utilize their BWC in accordance with this policy to maximize its effectiveness.

This policy does not apply to in-car audio/video recordings, interviews or interrogations conducted in an interview room, authorized undercover operations, wiretaps, or eavesdropping (concealed or otherwise undisclosed listening devices).

410.2 POLICY

Department members who are issued a BWC shall become familiar with all states and features of the device. Department members shall deploy their BWC while on-duty as outlined by this policy. Once issued a BWC, no other BWC systems are authorized. These devices may not be used for non-work-related activity. Any department member violating the provisions, restrictions, and requirements of this policy may be subject to disciplinary action.

410.3 NOTABLE BWC STATES AND FEATURES

The department uses AXON model# Body3. The following recording states and features are capable with this device.

The BWC has four states:

(a) Off: the camera must be turned on / booted to operate.

(b) On, in READY mode: the camera is ready for activation and continuously recording the video RECALL feature (low-resolution video with no audio for up to 18 hours of looped recording) and the 30-second pre-event buffer feature with standard video resolution and no audio.

(c) On, in SLEEP mode: the camera is ready for activation, but suspends the pre-buffer and the RECALL feature. This mode is intended for bathroom breaks, employee locker room use, and HIPPA related confidentiality concerns.

(d) On, RECORDING mode: the camera is actively recording audio and video.

1. In the recording mode a MUTE feature is available and is recording as normal without audio.

Camera Features:

(a) LTE enabled/RESPOND

1. GPS: provides real-time precise location of the camera

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2. Priority Off-load: cellular upload to the cloud based Digital Evidence Management (DEMS)
    i. Use of this feature is discouraged and requires the approval of a supervisor for critical incidents.
3. Live Streaming: viewing an active recording in real-time remotely

(b) TASER Signal activation: remote activation of all BWCs within Bluetooth range via TASER deployment

(c) Video RECALL enabled: continuous low resolution recording without audio for up to 18 hours of looped recording while in standby mode

(d) AXON View App (cellular pairing): ability to pair a cell phone to BWC to view and access recordings via AXON app

(e) AXON View XL (application for Getac MDCs and desktop computers): ability to pair computer to BWC to view and access recordings

(f) AXON Capture App (cellular pairing): allows capturing of photos, video, and audio with upload capability to DEMS

Digital Evidence Management System:

The AXON system uses Evidence.com as a cloud-based Digital Evidence Management System. All BWC video will be automatically uploaded via a docking station to Evidence.com. Deputies will have to identify and tag evidentiary video with a file number and a retention instruction.

410.4 DEPARTMENT MEMBER RESPONSIBILITIES

410.4.1 DEPARTMENT BWC COORDINATOR

The department BWC Program Coordinator is the Technical Services Bureau (TSB) commander. The TSB commander shall appoint members of the TSB to coordinate the use and maintenance of BWCs and the storage of recordings in compliance with Penal Code §832.18. These responsibilities will include:

(a) Establishing a system for uploading, downloading, storing, and security of recordings

(b) Designating persons responsible for uploading / downloading recorded data

(c) Establishing a maintenance system to ensure availability of operable BWCs

(d) Establishing a system for tagging and categorizing data according to the type of incident captured

(e) Establishing a system to prevent tampering, deleting, and copying recordings

(f) Ensuring chain-of-custody integrity

(g) Working with legal counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation

(h) Maintaining logs of access and deletions of recordings

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410.4.2 BUREAU AND STATION COMMANDER RESPONSIBILITY

The bureau/station commander shall be responsible for designating a supervisor as the Bureau/ Station BWC Program Administrator.

410.4.3 BUREAU AND STATION PROGRAM ADMINISTRATOR RESPONSIBILITIES

The BWC Program Administrator shall be responsible for:

(a) Issuing a recording device to all department members at the bureau / station who may interact with the public, including **all** of patrol operations, detectives, and specialized teams.

(b) Maintaining the inventory and serviceability of the bureau/station's BWC supply

(c) Acting as the liaison to TSB related to all BWC matters

(d) Ensuring all issued BWCs are returned upon a department member's separation from service

(e) Ensuring any department member issued a BWC is trained on the proper use of the BWC and policy

1. All department members shall be provided, or have access to, a copy of the BWC policy as part of their BWC training
2. Training and review of the policy shall be conducted annually and documented in the department member's I-File

(f) Periodically inspecting and verifying bureau/station docking stations to ensure they are functioning properly (malfunctions should be reported immediately to TSB)

410.4.4 SUPERVISOR RESPONSIBILITIES - GENERAL

Supervisors shall:

(a) Ensure they lead by example and use the BWCs as outlined in this policy

(b) Ensure personnel possess and utilize the BWCs according to this policy, to include:

1. Care and maintenance
2. Recording
3. Uploading, downloading, and storage of video media
4. Evidence preservation
5. Documentation

(c) Ensure incident reports reflect the existence of BWC recordings, such recordings are properly documented in the report, and are preserved according to policy, specifically:

1. Verify the information in box 22 of the Form A
2. Acknowledge review by signing supervisor's approval section

(d) Supervisors responsible for department members who have been assigned BWCs shall conduct roll call training at least quarterly on BWC policy, expectations, use, and maintenance of BWC equipment, and document the training.

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(e) Supervisors shall ensure that a review of the BWC policy is conducted annually with their subordinates as part of the yearly employee evaluation report (E.R.) process.

410.4.5 SUPERVISOR RESPONSIBILITIES - CRITICAL INCIDENTS & USES OF FORCE

Some incidents require the immediate retrieval of BWC media to ensure proper chain of custody. Such incidents include, but are not limited to, the following:

(a) Discharge of a firearm by a department member

(b) Any act or use of a weapon by a department member that proximately causes or contributes to death, great bodily injury, or injury likely to cause death

(c) Any death of a person while in custody or under a department member's control

(d) Incidents involving great bodily injury or death

(e) Any incident deemed necessary by the jurisdictional agency head and agreed upon by the investigating agency head

Supervisors are required to do the following for such incidents:

(a) Respond to the scene

(b) Ensure the position/location of involved BWCs are documented and photographed

(c) Retrieve and take custody of involved BWCs per Penal Code §832.18(b)(1) (unless the Force Investigations Detail or Central Homicide Unit is leading the investigation)

(d) Ensure BWC data is uploaded and access is restricted per Penal Code §832.18(b)(1) (unless the Force Investigations Detail or Central Homicide Unit is leading the investigation)

Force Investigations Detail (FID) or Central Homicide Unit (CHU) staff will take custody of BWCs and upload BWC data for incidents they control. The applicable BWC footage may be uploaded using the priority upload feature at the discretion of FID or CHU.

For uses of force and critical incidents that do not involve serious bodily injury or death and will not be handled by FID or CHU, supervisors shall:

(a) Ensure all personnel at the scene upload their BWC footage as soon as possible. Supervisors may authorize the use of the priority upload feature.

(b) Watch all BWC footage prior to approving initial and supplemental reports

410.4.6 SUPERVISOR REVIEW

Supervisors are authorized to review relevant recordings any time to:

(a) Investigate alleged misconduct

(b) View or report meritorious conduct

(c) Whenever such recordings would be beneficial in reviewing the department member's performance

(d) Ensure all reports submitted for approval are factually consistent with the submitted BWC footage

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Supervisors shall not review recordings for the sole purpose of searching for violations of department policy or law not related to a specific complaint or incident without the express permission from their lieutenant. Supervisors who view a recording containing what may be a violation of department policy are required to inform their immediate supervisor.

- Viewing a recording under the provision(s) "a" through "d" (listed above) does not require a notation in the Digital Evidence Management System (DEMS).
- Viewing a recording outside the provision(s) "a" through "d" requires the lieutenant's prior approval and shall be noted in the DEMS.

410.5 BWC USER RESPONSIBILITIES

Prior to going into service for each assigned shift, department members assigned a BWC shall ensure the following:

(a) The device is in working order

(b) The battery is fully charged

(c) The recordings from the prior shift are uploaded, and if not, upload and clear the memory in its entirety at the start of watch or before going into service

BWCs shall be stored in their charging dock at the end of the shift.

(a) Department members who have been assigned a personal charging dock shall dock their BWCs to download the data prior to the start of their next shift.

410.5.1 MALFUNCTION

If the BWC is not in working order or the user becomes aware of a malfunction at any time, they shall:

(a) Immediately notify a supervisor and request a replacement

(b) Document the device malfunction in a department memorandum submitted to the station/bureau BWC Program Administrator for repair

If a malfunction occurred during a recorded incident, the malfunction and the related circumstances shall be documented in the report narrative.

410.5.2 SERVICEABILITY

Department members should monitor the device's effectiveness and make recommendations for operational improvements and/or policy revisions to the station BWC Program Administrator or bureau/station commander.

410.5.3 CONFIGURATION

Department members shall wear their assigned BWC in the following manner, with a focus on ensuring the device captures the optimum field of view:

(a) Personnel in uniform shall wear the BWC securely fastened in the mid-chest area / torso or in a similar manner

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(b) Personnel who are equipped with a helmet-mounted BWC may wear the device affixed to the helmet mount

(c) Personnel not in uniform should wear the BWC device in a conspicuous manner

Plain-clothes officers working undercover or on sensitive assignments are exempt from this section, unless directed by the sheriff or designee.

410.5.4 DOCUMENTATION

The BWC is designed to supplement and corroborate written reports. **All** BWC users present or involved in an incident outlined in this policy where **any** BWC video has been recorded and where reports will be written shall document the existence in the following manner:

(a) Complete box 22 on the Form A

(b) Identify and articulate BWC use in the narrative of the incident report (or memorandum for events of department significance that do not require a report)

(c) Upload the evidentiary video into the DEMS system with the corresponding file number

BWC recordings shall not replace investigative notes taken during an incident or at the scene. Department personnel are required to take detailed notes fully documenting the investigation of an incident. Support / back-up personnel shall make the primary deputy or investigator aware of the existence of their recording before reports are submitted. All BWC recordings related to cases submitted for criminal prosecution shall be uploaded into DEMS with the corresponding case number. Personnel should review relevant BWC footage prior to submitting incident reports on use of force cases or critical incidents.

If there is a failure to record an incident without justification, the department member may be subject to discipline.

If an incident does not require a crime report, but may result in a personnel complaint or create department liability (e.g., someone states or implies they are going to file a legal claim or complaint against the department, alleges wrongdoing by a member, or situations in which a member would reasonably expect a complaint or litigation claim to follow based on their training and experience), the existence of BWC recordings shall be detailed in a memorandum. Employees shall consult their supervisor if in doubt about what should initiate a memorandum. Once completed and approved, the memorandum shall be forwarded to the Professional Standards Bureau for archiving in the Pending Complaint/Civil Litigation suspense file. In addition, supervisors shall place a "Evidentiary" annotation (do not destroy - permanent retention) in the DEMS system to preserve the recording.

410.5.5 EVIDENCE AND STORAGE

Department members are required to upload and preserve **ALL** BWC video recordings regardless of criminal investigations and/or civil litigation.

All users shall upload their device in its entirety at the end of each shift. If this is not possible, the on-duty supervisor shall be notified to determine if overtime should be used to allow for the

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upload of the device or if the department member will upload their BWC prior to going in service for their next scheduled shift.

BWC footage documented in a criminal report is deemed evidentiary and must be tagged with the associated file number. While all BWC data must be uploaded, its retention shall be in accordance with the Riverside County Retention Policy. Uploaded BWC data will ultimately be purged upon the expiration of the retention requirements. As a result, additional steps must be taken to preserve BWC data deemed as evidence. Personnel shall submit into DEMS the entirety of the BWC video(s) recorded by all personnel involved or related to a criminal investigation (all BWC videos must comply with the Criminal Discovery Statute [PC 1054.1 et seq]).

(a) Personnel shall not edit, delete, or in any way manipulate BWC recordings relevant to any investigation

(b) The primary deputy conducting a criminal investigation is responsible for identifying all personnel assisting with the initial investigation and using a BWC

(c) Assisting personnel shall upload BWC evidence into DEMS and author a supplemental report

1. The primary deputy will advise their immediate supervisor when this has not occurred after a reasonable period of time (see Report Preparation policy)

410.5.6 SURREPTITIOUS USE OF THE BWC

Department members shall not intentionally surreptitiously record another department member, or surreptitiously activate another department member's BWC, without a court order unless lawfully authorized by the sheriff or designee

Department members may surreptitiously record any conversation during the course of a criminal investigation in which they reasonably believe such recording will be lawful and beneficial to the investigation (Penal Code §633).

Department members and supervisors involved in the investigation of a personnel complaint against a member the department must inform complainants and witnesses they are being recorded.

410.5.7 VIDEO RECALL FEATURE

Department members should be aware that AXON Body3 has a video RECALL feature that continually records low-resolution video with no audio (up to 18 hours of looped recording) while in the STANDBY mode. The video RECALL feature is not accessible to standard BWC users.

Video RECALL differs from the pre-buffer feature. When the BWC is activated, a portion (0-120 seconds max, currently set at 30 seconds) of the pre-buffer becomes part of the incident recording.

Any pre-recording from the video RECALL feature, not part of an intentional activation, requires a Lieutenant's approval to access. As part of the approval process, the lieutenant will provide an email outlining the justification and authorization to the requesting Sergeant and the Station BWC Administrator. When the Station BWC Administrator accesses the video RECALL feature they shall annotate the approving lieutenant's name, and justification.

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410.6 ACTIVATION OF THE BWC

This policy is not intended to describe every possible situation in which the BWC device should be used, although there are many situations where its use is appropriate.

While in service, without reasonable explanation, the BWC shall be kept in the READY mode. The BWC may be placed in SLEEP mode when the user is in a restroom, locker room, their personal residence or a department facility where prisoner or public contact is unlikely. However, it is the user's responsibility to return the BWC to READY mode before going back in service. Personnel should activate the recorder any time the department member believes it would be appropriate or valuable to record the incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, audio portions can be valuable evidence and are therefore subject to the same activation requirements as recording video with the BWC.

Personnel are not required to obtain consent from a private person while in a public place or in a location where there is no reasonable expectation of privacy (e.g. inside a building or dwelling where the officer is lawfully present and engaged in the performance of official duties).

Unless unsafe or impractical, or mechanical issues impede the use of the BWC, personnel shall activate their BWC prior to making contact and at the early stages of any of the following situations (not an exhaustive list):

(a) All enforcement and investigative contacts (e.g., traffic stops, pedestrian checks, flag-downs, consensual encounters, etc.)

(b) All self-initiated enforcement activity in which a department member would normally notify Dispatch

(c) Pursuits or failures-to-yield

(d) Code 3 responses

(e) All transportations (with certain exceptions as approved by a supervisor for long range transports in vehicles equipped with DVR/NVR such as in jail buses/vans)

(f) Detentions or arrests, including the service of arrest and search warrants

(g) Searching a person or property

(h) Evaluation of possible mental illness or incapacity

(i) Evaluation of being under the influence of drugs or alcohol

(j) Field Sobriety Tests (FSTs)

(k) Forced blood draws

(l) Any adversarial contact, disputes, disturbances, or exhibition of threats of violence

(m) Use of force

(n) When viewing items or witnessing events of evidentiary value

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1. The BWC device should not be used as a substitute for properly collecting and documenting items of physical evidence or replace the need to take still photographs or digital images of injuries, property damage, or other best evidence
2. BWC footage cannot be edited to only show items of evidentiary value; the entire video must be uploaded/booked

(o) Witness and suspect interviews

(p) Victim interviews

1. Personnel should consider the effect that recording a victim during a sensitive interview could have on the overall quality of the interview (i.e., evaluate whether obtaining the victim's recorded statement with their objection is more important than not obtaining a statement at all)
   i. Factors to consider:
      - Seriousness of the crime / injuries
      - Likelihood of the victim's statements being used in court
      - Likelihood of the victim recanting
      - Likelihood of the victim being unavailable to testify at a later time
2. If a victim refuses to be recorded, the value of obtaining a statement should take priority over recording the statement

(q) When directed by a supervisor

(r) When handling any in-person complaint or engagement that may lead to civil litigation (e.g., someone states or implies they are going to file a legal claim or complaint against the department, alleges wrongdoing by a member, or situations in which a member would reasonably expect a complaint or litigation claim to follow)

(s) Any call for service involving a crime where the BWC may aid in the apprehension and/or prosecution of a suspect

(t) Any other circumstances where the department member believes that a recording of an incident would appropriate

If the immediate activation of the BWC is not feasible due to an imminent risk to the safety of the member or others, the member shall activate the BWC as soon as practical after the threat which prevented activation has been addressed.

410.6.1 PRACTICAL CONSIDERATIONS

In cooperation with the District Attorney's Office, the department makes every effort to protect personal/confidential employee information from BWC evidence prior to releasing to the defense. However, department members should always remain mindful to protect personal, confidential, or sensitive information from being recorded during BWC usage. As such, personnel are reminded:

(a) Assume everything is being recorded

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(b) Maintain professionalism at all times

(c) Protect confidential/sensitive information

(d) Do not discuss tactics or thoughts/impressions

(e) Do not talk to or about a confidential informant

(f) Do not access CIIs in front of the camera

(g) Do not record login/password information for cell phones, office computer, evidence room, etc

(h) Do not text, speak, or joke with peers, family, or friends

(i) Do not use in a restroom or locker room

(j) Do not record protected conversations without explicit consent from all parties (e.g., attorneys, clergy, medical professionals, etc. per Penal Code §636)

(k) Do not use a BWC to reenact an unrecorded event (e.g., finding evidence) unless that it is audibly explained during the recording and is documented in the incident report

If BWC recordings that will be submitted as evidence contain any of the above listed items, the department member should inform their immediate supervisor. The District Attorney's Office should be alerted to the fact that sensitive or confidential information is contained in any BWC video so that it can be reviewed and redacted as appropriate and allowed by law. For non-evidentiary inadvertent recordings, department personnel may request the specific incident to be deleted. This shall be documented in a memorandum and sent to the respective commander via chain of command.

410.7 STOPPING RECORDINGS

Once activated, the BWC device should record continuously until the department member reasonably believes their direct participation in the incident is complete or the situation no longer fits the criteria for activation (i.e., policy requirements to record or not record particular situations/ events). Provisions for stopping recordings are outlined in this section. Whenever practicable, personnel should state the reasons the recording is being stopped prior to deactivating the BWC. Personnel shall resume recording after the reason for stopping it has ended, and shall state the reasons for stopping it after it is reactivated. All such deactivations shall be documented in the incident report (or a memorandum if an incident does not require a report).

410.7.1 SENSITIVE INFORMATION

BWCs may be placed in the MUTE mode under the following circumstances:

(a) During conversations involving:

1. Tactics
2. Intelligence
3. Sensitive information
4. Officer safety

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(b) During conversations with:

1. Confidential informants
2. Victims experiencing emotional distress from the use of the BWC

(c) When it reasonably appears privacy outweighs any legitimate law enforcement interest in video recording

1. Other means to record audio should be used when necessary and feasible

410.7.2 PROTECTED COMMUNICATION

BWCs shall be in SLEEP mode whenever necessary to ensure conversations are not recorded between a person in custody and their attorney, religious advisor, or physician/medical professional unless there is explicit consent from all parties to the conversation (Penal Code §636).

Unless a person in custody is combative or demonstrating violent behavior, BWCs shall not be activated, or must be turned off, in the following or similar circumstances :

(a) A health care provider discussing personal medical issues with a patient

(b) Personal medical issues are being discussed with EMTs/paramedics while responding to personal accidents/medical illnesses and there is no criminal evidentiary value in the recording (e.g., patient is not a victim of a crime or suspected of committing a crime)

(c) Okay to book processes

410.7.3 EXPLOSIVE DEVICE

Many portable recorders, including BWCs and audio/visual transmitters, emit radio waves that could trigger an explosive device. Therefore, BWCs should not be used where an explosive device may be present.

410.8 PROHIBITED USE

Department members are prohibited from using department-issued BWCs for personal use or non-work-related activities, and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

All recordings made by department members on any recording device, and any recording made while acting in an official capacity for the department, regardless of the ownership of the device it was made on, shall remain the property of the Riverside County Sheriff's Department. Department members shall have no expectation of privacy or ownership interest in the content of these recordings.

Department members shall not electronically record, copy, possess, alter, or disseminate BWC recordings unless it is imperative in the continuance of a criminal or administrative investigation, and/or compliance with a legal demand or CPRA request.

Copies made as evidence will be tagged and secured in accordance with policy.

Copies made for non-evidentiary purposes shall be approved in advance by the station/bureau commander. Department members shall not obtain or attempt to obtain copies for their personal

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use or the personal use of others. Personnel shall not share, disclose, or acquire any information obtained from a BWC recording unless in the course of their official capacity and duties.

410.9 LOCATIONS OF PRIVACY

The following are locations in which a reasonable expectation of privacy exists:

(a) Residence – Private citizens have a reasonable expectation of privacy within their own homes. However, when law enforcement officers are lawfully present in a private residence during a criminal investigation or under exigent circumstances, this expectation of privacy no longer exists. Therefore, personnel may initiate BWC recordings, when in private residence under these circumstances, per the recording protocols.

(b) Medical Facilities – Personnel should avoid initiating a BWC recording in a medical facility where persons are receiving treatment unless conducting a criminal investigation or responding to exigent circumstances. If medical staff request that a department employee not record while inside a medical facility, and no permissible justification exists, recording may stop.

(c) Jail Facilities – Personnel should avoid recording in a jail facility unless they are performing a criminal investigation or responding to exigent circumstances. Personnel should continue to record whenever they bring an arrestee into the jail for booking who is displaying uncooperative or hostile behavior until the point the person is removed from their presence. Requests to otherwise record within any jail facility shall be approved by a jail commander or designee prior to the event. Department members who enter any jail facility while recording shall notify jail staff.

(d) Restrooms, Dressing Rooms, Locker Rooms – Department members shall not initiate recordings inside restrooms, dressing rooms, or locker rooms unless they are conducting a criminal investigation or responding to exigent circumstances.

(e) Courthouse Assignments - Recording within a courthouse is at the discretion of the presiding judge. Department personnel shall follow the guidelines within the Rules of Court, Rule 1.150. Constant recording of day-to-day proceedings should not be done, but specific events that are of interest to the department consistent with the goals of our BWC program may be recorded.

1. Court assigned personnel should activate their BWC device when:
   - i. Acts of aggression begin on the part of the public, inmate, or a defendant
   - ii. Witnessing violations of court rules that may result in expulsion from the courtroom
   - iii. Before taking any enforcement action anywhere in the building
2. The presiding judge should be informed of the recording as soon as practical
3. Department court assigned personnel shall not activate their BWC device to record:
   - i. Attorney/Client communications
   - ii. Witnesses, jurors, or minors who are acting lawfully

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4. Jury selection, in-chambers proceedings, Pitchess Motion proceedings, or court staff meetings

410.10 VIEWING OF BWC RECORDINGS

As mentioned in section 410.7, all recorded media, images and audio from the BWC device are property of the Riverside County Sheriff's Department and shall not be copied, released, or disseminated in any form or manner beyond the parameters of this policy without the express written consent of the Sheriff, subject to CalEPCA (California Electronic Communications Privacy Act) requirements.

Although data captured by the BWC device is not considered criminal offender records information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis.

In no event shall any recording be used or shown to ridicule, harass, threaten, embarrass or extort any employee.

410.10.1 LIMITATIONS OF VIDEO RECORDINGS

When reviewing BWC recordings, department members must understand the limitations of video recordings. Generally, BWC and other video recordings:

(a) Record only a portion of an incident and lack the context of the entire event

1. Personnel may see or hear things that are not captured by the camera

(b) Often have a frame rate that is slower than the action being recorded, which can leave out significant aspects of an incident

(c) Are two-dimensional representations of incidents from a particular perspective, and tend to distort distance and other factors associated with depth perception

(d) Do not authentically record light levels and do not necessarily represent what people would perceive

(e) Do not account for neurological factors that may skew, alter, or suppress perception and memory

1. Mechanical processing of information differs from human processing, which may prevent recordings from exactly matching what a person sees and/or hears during a critical incident

2. Such differences pertain to field of view, focus of attention, and interpretation of perceived information

410.10.2 GENERAL VIEWING PROVISIONS

BWC recordings may be viewed by department personnel in the following situations:

(a) To test the BWC device to ensure it is working properly

(b) For use when preparing reports

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1. Personnel may view other employees' recordings of a non-critical incident to complete reports

(c) By an investigator in the course of a criminal investigation

(d) Prior to courtroom or deposition testimony

410.10.3 CRITICAL INCIDENT & ADMINISTRATIVE VIEWING PROVISIONS

Objective reasonableness is the foundation for judging law enforcement decisions and actions. It is crucial to acknowledge human perception and reality do not always align, and that each must be taken into consideration to obtain the totality of the circumstances in each case. The intent of any investigation is to obtain sufficient facts to develop a full understanding of what occurred. An interactive process can be the most effective means for accomplishing this as it accounts for the non-linear process of memory recollection. Therefore, viewing video recordings after a critical incident may assist department members in providing a more thorough representation of what occurred by allowing for additional comments and reconciling any discrepancies or omissions from initial statements. With this in mind, department members may:

(a) View their own video recordings prior to providing a statement pursuant to an administrative inquiry or investigation, including the administrative component of critical incidents

(b) View their own video recordings prior to providing a statement about a critical incident (e.g., deputy-involved shooting, use of force, etc.)

1. This does not apply to making a public safety statement

Department members may also:

(a) View other video recordings at the discretion of the lead administrative or criminal investigator

1. The determination to allow the viewing of an alternative video recording should be weighed against the totality of the circumstances to ensure the most accurate recollection of the incident and assist in establishing a true reflection of the incident

410.10.4 TRAINING

Recordings may generally not be shown for training purposes. The sheriff, or designee, has final decision-making authority to release BWC video for training purposes. The Training and Education Bureau, Advanced Officer Training (AOT) staff may evaluate BWC footage for training purposes with prior approval from the Training and Education Bureau commander. Prior to use of any video, the involved department member(s) should be advised of the release for the limited purposes of training. When an involved department member objects to their image being shown, the department will edit the video to conceal their identity.

In addition to quarterly roll-call training and an annual review during the E.R. process, department members will receive BWC use and policy training at Perishable Skills Program training (PSP) provided by the Ben Clark Training Center.

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410.10.5 AXON CAPTURE APP
Any evidence collected with a mobile phone shall be collected via the Axon Capture App.

410.11 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving recordings, members shall use the DEMS to upload and tag, categorize, and annotate them in accordance with proper procedure; and document their existence in any related report.

A member shall tag, categorize, and/or annotate recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil, or administrative matters

(b) A complainant, victim, or witness has requested non-disclosure

(c) A complainant, victim, or witness has not requested non-disclosure, but the disclosure of the recording may endanger the person

(d) Disclosure may be an unreasonable violation of someone's privacy

(e) Medical or mental health information is contained

(f) Disclosure may compromise an undercover deputy / officer or confidential informant

Anytime a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

410.12 RETENTION AND RELEASE OF RECORDINGS

All recordings not initially identified as evidence will be maintained as records of investigation for a period of twenty-six (26) months in compliance with California Government Code Section 26202.6 and as provided in the current records retention schedule approved by the Board of Supervisors pursuant to Board Policy A-13, unless a need arises to keep individual records for a longer period (such as an auditing function, active or likely litigation, formal litigation hold or records request, department head certification as to specified business need, etc.).

Penal Code 832.18 requires the following to be retained for a minimum of two years; however, the department shall retain all BWC recordings for twenty-six (26) months in compliance with Board Policy A-13:

(a) Incidents involving the use of force

(b) Deputy-involved shootings

(c) In-custody deaths

(d) Incidents that lead to the detention or arrest of an individual

(e) Recordings relevant to a formal or informal complaint against a department member

Records of access and deletion should be retained permanently (Penal Code § 832.18).

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All recordings are investigative records and should be reviewed prior to public release. The CPRA Unit may alter/edit recordings in order to protect the personal identity or information of uninvolved persons, juveniles, or other confidential information prior to release. The CPRA Unit will be the final approval authority for editing and releasing BWC recordings in the satisfaction of CPRA and allied agency requests.

(a) CPRA Requests - All recording releases pursuant to the California Public Records Act, via court order, or subpoena, shall be handled by the Sheriff's CPRA Unit.

(b) Media Inquiries – Inquires or requests for BWC recordings shall be received and processed in accordance with the Records Maintenance and Release Policy and the Media Relations Policy.

(c) Allied Agency Requests - All allied agency requests, both criminal and administrative, outside of a media or CPRA request require departmental approval. Requests related to criminal cases require a station commander approval and must be accompanied by a report (can be an Assist Other Department / AOD). Administrative requests shall be handled by the Professional Standards Bureau (PSB) and released at the PSB commander's approval.

1. This approval process is not required for criminal cases sent to the District Attorney's Office for review and prosecution.

All requests for the release of recordings will be handled in accordance with applicable state and federal laws.

(a) All recordings must be reviewed for necessary redaction to comply with legal mandates such as Marcy's Law and juvenile matters.

(b) Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

1. When doubt exists about release of questionable BWC recordings, a station/ bureau commander should consult with PSB and the CPRA unit for direction

Department members involved in critical incidents should be notified prior to the public release of BWC footage.

410.12.1 CORONER'S RELEASE PROVISION

The Coroner is required by law to be provided BWC footage and any other photos and videos to help determine manner, mode and cause of death. The case agent shall ensure that the Coroner's Office is provided with BWC video meeting the criteria described within the following section:

(a) Any police reports, crime scene or other information, videos, or laboratory tests that are in the possession of law enforcement and are related to a death that is incident to law enforcement activity shall be made available to the physician and surgeon who conducts the autopsy prior to the completion of the investigation of the death (California Government Code § 27522(g)).

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410.12.2 CRITICAL INCIDENTS

Refer to the Records Maintenance and Release policy for definitions, timeframes, and additional provisions for releasing audio and/or video recordings related to a critical incident.

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Public Recording of Law Enforcement Activity

411.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

411.2 POLICY

The Riverside County Sheriff's Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and shall not arbitrarily prevent someone from exercising the right to record members performing their official duties, regardless of their purpose for doing so. Our Code of Ethics includes a duty and promise to respect the Constitutional rights of all.

411.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the deputies.
4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the deputies, him/herself or others.

411.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

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Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves unlawfully. Accompanying the warnings should be clear directions on what a person can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to 'clear the area', a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

On-duty Department members being recorded should:

- Consider requesting or assigning cover officers to secure a safe area of operation and notifying videographers of an alternate location designated for them
- Avoid approaching a videographer unless a crime has been committed, or to ask them to move to another area
- Avoid asking for identification unless they have consented to a consensual encounter or they are being detained for a lawful reason
- Avoid engaging in arguments or debates with videographers
- Avoid making unnecessary or antagonistic comments to videographers
- Avoid appearing angry or annoyed by their presence or recording
- Avoid demanding to view their recorded material, or demanding that it be deleted
- Avoid seizing and/or searching devices unless a 4th Amendment Constitutional standard has been reached for a search or seizure
- Provide name and ID number if requested, and that of the shift supervisor if requested
- Remain knowledgeable about the elements of Penal Code sections 69, 148, 602, and other sections relevant to adversarial encounters with onlookers or videographers

If an arrest or other significant enforcement activity is taken as the result of a videographer that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued. Any and all BWC video shall be submitted as evidence.

411.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

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(d) Ensure that any enforcement, seizure or other actions are, or were, constitutional and consistent with this policy and state law.

(e) Explain alternatives for people who wish to express concern about the conduct of Department members, such as how and where to file a complaint, or explaining our reasoning and purpose for a particular action taken.

411.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of that person or of another suspect or crime that was recorded by the device in their possession.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

(a) To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner and the consent should be recorded when possible.

(b) If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of all property and evidence policies.

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Automated License Plate Readers

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

412.2 POLICY

The policy of the Riverside County Sheriff's Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

412.3 ADMINISTRATION

The ALPR technology, allows for the automated detection of license plates. It is used by the Riverside County Sheriff's Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to arrest warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Support Services Chief Deputy. This chief deputy will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

412.3.1 ALPR ADMINISTRATOR

The Support Services Chief Deputy shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department’s website.

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412.3.2 PUBLIC HEARING

Before implementing the current ALPR program within Riverside County, the department invited public opinion on the matter during an open meeting of the Riverside County Board of Supervisors in late 2017.

412.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training. This training will be facilitated via the DocRead format and will cover general ALPR use, legal requirements, privacy issues, and data collection and destruction guidelines.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the deputy should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

412.4.1 REPORT WRITING

The ALPR EDP code shall be used as a secondary EDP and is required on any written report where ALPR technology was effectively utilized during an investigation. For example, if an abandoned stolen vehicle is located via a notification from the ALPR system, the recovery should be documented as a Stolen Vehicle Recovery and the corresponding EDP for the recovery should be first on the Form A. On the second line of the Form A, “ALPR” should be entered in the offense section and "25T1-N" should be entered in the EDP code section. This practice will ensure proper identification of ALPR-related incidents and crime trends.

412.5 DATA COLLECTION AND RETENTION

The Support Services Chief is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

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All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

412.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Riverside County Sheriff's Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action. Department members shall only use their own assigned username and password when accessing any ALPR system. Department members shall include an identifiable justification, such as a file number, when accessing ALPR data.

(c) Any printed ALPR information must be destoyed using a secure method. No materials shall be disposed of in regular trash or recycling containers.

(d) NO ALPR data shall be given, sold, shared or otherwise transferred to any unauthorized party.

(e) ALPR system audits should be conducted on a regular basis.

(f) Any breach or unauthorized or unintentional release of any ALPR information shall be immediately reported to the Support Services Chief Deputy.

412.6.1 DATA SECURITY AND RETENTION

(a) Electronic data gathered during ALPR usage is the property of the Riverside County Sheriff’s Department. The approved ALPR vendor will maintain responsibility for adherence to protocols involving information security in accordance with FBI CJIS security policy. The approved vendor will also be responsible for executing retention and/or deletion routines of electronically stored data as specified by the Riverside County Records Management and Archive Policy and in compliance with applicable laws.

(b) Authorized Department vendors with access to systems containing ALPR data shall maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure.

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(c) Sheriff's TSB will require that ALPR login and query records are retained for a period of two years unless the information has been requested for investigative or other legal reasons. Any records retained must contain, at a minimum, the following information:

(a) The date and time ALPR information was accessed;

(b) The username of the person who accessed the information;

(c) The license plate number or other data elements used to query the ALPR system;

(d) The stated purpose for accessing the information.

(d) ALPR records retained by the Department will be maintained, safeguarded, and purged according to all applicable laws and policies. Consistent with Government Code § 26202 and Riverside County Records Management and Archive Policy A-43, raw ALPR information will be retained for a period of two years and then be deleted. ALPR data that may be needed for active or probable litigation, is the subject of an active public records request, or is needed for auditing purposes shall be maintained until the underlying matters are fully resolved before being deleted. ALPR information documented in criminal and/or administrative reports will follow the same retention period as the report. ALPR information placed in evidence will remain secured as evidence until destroyed per Department policy. Deletion of ALPR data will follow the steps specified pursuant to Board of Supervisors policy and in accordance with the Sheriff Department's records retention schedule.

412.6.2 CUSTODIAN OF RECORD

The Commander of TSB, acting on behalf of the Riverside County Sheriff's Department, is responsible for implementing the provisions of this usage and privacy policy as the official custodian/owner of the ALPR system, and ALPR information covered herein.

412.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the affected commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55). Public record requests for ALPR data shall be routed to the CPRA Unit for disposition.

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412.8 TRAINING

The department will ensure the presentation of department-approved training to those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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Crime and Disaster Scene Integrity

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

413.2 POLICY

It is the policy of the Riverside County Sheriff's Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

413.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person. A critical incident log will be started and passed on to the relief deputy until the scene has been processed and the investigation is complete.

413.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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413.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

413.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

413.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

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Medical Aid / Naloxone Protocols

414.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

414.2 POLICY

It is the policy of the Riverside County Sheriff's Department that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response. Members shall also maintain certification in accordance withguidelines established by the California Commission on Peace Officer Standards and Training (POST) or by the California Standards and Training for Corrections (STC).

414.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members shall take appropriate steps in good faith to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and within the scope of their employment. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact dispatch and request response by emergency medical services (EMS).

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing. Each patrol car is equipped with a Townson emergency medical-aid trauma bag that should be kept at the ready and may be used whenever citizens or deputies need first-aid. Each correctional facility shall use the medical-aid equipment provided within the facility.

When requesting EMS, the member should provide dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed

(b) The nature of the incident

(c) Any known scene hazards

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member
2. Changes in apparent condition
3. Number of patients, sex and age, if known
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol

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5. Whether the person is showing signs or symptoms of excited delirium or other agitated, chaotic behavior

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS and may consider assigning other deputies or civilians to meet EMS at a general location to direct them to the exact location.

Members should not direct EMS personnel whether to transport the person for treatment.

414.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies shall search any person who is in custody before releasing that person to EMS for transport.

A deputy shall accompany any person in custody during transport in an ambulance when;

- requested by EMS personnel
- it appears necessary to provide security
- it is necessary for investigative purposes
- so directed by a supervisor

The on-scene deputy or supervisor should also determine if a CSO is the appropriate escort after considering the persons behavior, criminal offenses and statements.

Members shall not provide emergency patrol car escort for medical transport or civilian vehicles.

414.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision about how the lack of immediate medical attention may result in serious bodily injury or in the person's death.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with law and department policies.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

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If the person still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Department members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment. Department members shall not speculate or promise who will, or will not be, financially responsible for such medical transportation or treatment. Responsibility for payment will be determined at a later time and shall not be discussed or otherwise used as leverage when the patient or arrestee is deciding to accept or deny treatment. The patient or arrestee is free to discuss this matter directly with the transportation company or medical facilities.

Regarding refusal of medical care within a correctional facility, please refer to Corrections Division Policy and Procedure sect 508.6.

414.6 MEDICAL ATTENTION RELATED TO THE USE OF FORCE

Other department policies refer to the providing of medical attention following the use of force by a member of this department. Some of these policy specifics include considerations unique to the use of certain restraint techniques or approved defensive weapon systems. In general, all department personnel shall provide medical attention to include, first-aid, CPR, and / or requesting EMS personnel following any use of force by the member or by another peace officer, as soon as it is safe to do so. Delays in providing medical attention following a use of force must be reasonable and defensible based on information known and/or reasonably believed at the time, circumstances present at the scene, or other extraordinary aspects of a particular incident.

414.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Generally, Fire Department personnel are responsible and have authority for designating a landing zone. Fire Department personnel will communicate with flight personnel during the operation. In certain circumstances, Sheriff’s aviation may be utilized for transport. In these cases, deputies shall follow the instructions from the pilot, and/or tactical flight officer.

Members should follow these cautions when near an air ambulance:

- Headlights, spotlights and flashlights should not be aimed upward at the air ambulance.
- Members should direct vehicle and pedestrian traffic away from the landing zone.
- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft’s tail rotor area.

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- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.
- Consider the effects of flying debris on any crime scene, evidence, or department property that may result during landing.

414.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

414.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact dispatch as soon as possible and request response by EMS.

414.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

414.8.3 AED TRAINING AND MAINTENANCE

The Chief Deputy or their designee should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Chief Deputy or their designee is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

414.9 NALOXONE PROGRAM

Recognizing the importance of providing rapid aid to individuals in an opioid-induced medical emergency, including Department members inadvertently exposed to fentanyl, the Riverside County Sheriff’s Department is equipping identified personnel with Naloxone.

Naloxone is a medication designed to rapidly reverse opioid overdose. It is an opioid antagonist, meaning that it binds to opioid receptors and can reverse and block the effects of other opioids. It can quickly restore normal respiration to a person whose breathing has slowed or stopped as a

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result of overdosing with heroin, fentanyl, or prescription opioid pain medications. The Department selected the FDA-approved formulation of Naloxone manufactured by Adapt Pharma, known as Narcan®. Narcan® nasal spray is a prefilled, needle-free device that requires no assembly and is sprayed into one nostril.

The following are procedures on the training, acquisition, deployment, administration, documentation, storage, and disposal of Naloxone based on state law, recommendations from Riverside County Emergency Medical Services Agency (REMSA) and Riverside County Department of Public Health, current Department policy, and best practices from other law enforcement agencies.

414.9.1 TRAINING

Pursuant to Health & Safety Code 1797.197, California Civil Code 1714.22, and California Code of Regulations Title 22, Division 9, Chapter 1.5, all training in the administration of Naloxone shall be in accordance with mandated training guidelines determined and established by the local Emergency Medical Services (EMS) agency. The local EMS agency for Riverside County is the Riverside County Emergency Medical Services Agency (REMSA).

The following ranks shall be trained in the use of Naloxone:

- All sworn personnel at the rank of Sergeant and below, as well as Community Service Officers, at patrol stations, courts, all divisions of the Special Investigations Bureau (SIB), and the Special Enforcement Bureau (SEB).
- All personnel at the rank of Coroner Sergeant and below at the Coroner's Bureau (except clerical staff), to include Forensic Pathologists, Coroner Technicians, and Forensic Technicians assigned to the Coroner's Bureau.
- All correction's personnel at the rank of Correctional Sergeant and below at all correctional facilities.

The initial training to all personnel will be conducted via the Department Doc Read Portal. Personnel will receive their initial issuance of Naloxone upon successful completion of the training. Thereafter, the one-hour recertification will occur every two years during First Aid/CPR recertification. Ben Clark Training Center (BCTC) will maintain responsibility for the content of the Doc Read Training, and facilitate trainer recertification every two years, to include any updated materials from California Commission on Peace Officer Standards and Training (POST), the State of California, REMSA, and/or revisions to Department policy and procedures.

414.10 ACQUISITION

The assigned Naloxone Program Coordinator at BCTC will be responsible for procuring and storing Naloxone to adequately address the supply and demand for all required users. The Naloxone Program Coordinator shall ensure accurate records are maintained of when the Naloxone units were received by the Sheriff's Department, the Lot #s, expiration date, the station/ bureau delivered to, and disposition (administered, expired, damaged, lost, etc.). Pursuant to

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Business and Professions Code 4119.9(b), these records will be retained for a minimum of three years.

414.11 DEPLOYMENT

Field personnel who are trained in accordance with mandated guidelines outlined above shall deploy with Naloxone in the field. The Training Lieutenant or their designee at each facility shall be responsible for the following:

- Ensuring all Department members deploying Naloxone have received appropriate training.
- Ensuring replacement of any Naloxone (whether assigned or in the reserve) that is damaged, unusable, expired, or administered.
- Replacing the Naloxone and ensuring there is an adequate supply available for deployment.
- Ensuring the Naloxone E-Worksheet is completed prior to the Department member's end of shift.

To ensure Naloxone is stored safely and consistent with the manufacturer's guidelines, it is recommended that on-duty Department members carry their doses of Naloxone in one of the following manners:

- On their person.
- In a readily accessible location within the passenger compartment of their vehicle, motorcycle storage compartments, or bicycle saddle bag.

When off-duty, Department members will store their Naloxone in their locked uniform locker or other secure area within their assigned station/bureau/facility. Naloxone should not be stored in a vehicle, motorcycle storage compartments, exterior locker, or bicycle saddle bag when the Department member is off-duty.

414.12 ADMINISTRATION OF NALOXONE

Only Department members who have completed Naloxone training are authorized to administer Naloxone when an opioid-related overdose is suspected. Indicators of an opioid-related overdose include, but are not limited to:

- Pinpoint pupils, even in a darkened environment
- Depressed or slow respirations
- Difficulty breathing such as labored breathing or shallow breaths
- Blue skin, lips, or fingernails
- Decreased pulse rate
- Low blood pressure
- Loss of alertness, drowsiness

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- Unresponsiveness
- Evidence of ingestions, inhalation, and injection such as needles, spoons, tourniquets, needle tracks, bloody nose
- Blood-shot eyes
- History of opioid use or abuse

There is no legal obligation to administer Naloxone. Trained personnel will have the discretion to administer or not administer Naloxone when indicated. Department members who administer Naloxone according to established training protocol are protected from civil and criminal liability if they act with reasonable care and in good faith.
When an opioid-related overdose is suspected, Department members shall treat the incident as a medical emergency and perform the following steps:

(a) Confirm emergency personnel are responding.

(b) Maintain universal precautions and utilize personal protective equipment.

(c) Perform patient assessment.

(d) Determine unresponsiveness.

(e) Update dispatch of potential overdose state.

(f) Follow Naloxone use protocol as outlined in the Naloxone training

(g) Immediately notify responding emergency medical personnel that Naloxone has been administered and the number of doses used.

(h) Notify the Sergeant.

Naloxone may be administered to Department canines who may have been exposed to opioids. The canine shall be transported to an authorized veterinary hospital for treatment. Department members should replace any used Naloxone device with another Naloxone device, prior to going back into service.

414.13 DOCUMENTATION

In all cases when Naloxone is administered, the incident shall be documented utilizing the Naloxone Usage Report E-Worksheet. This worksheet can be found on the MDC Intranet or Intranet portal. The data from the E-Worksheet is electronically submitted and tracked by the Naloxone Program Coordinator at BCTC, the Advanced Officer Training Lieutenant, and the representative at REMSA. Completion of the E-Worksheet should be noted in the CAD text of the call, or in their report, if a report is written.

414.14 STORAGE

Each station/bureau where Naloxone is deployed shall maintain an inventory of Naloxone; enough to replenish one dose of Naloxone to each authorized Department member at that station/ bureau. Storage of Naloxone units shall be in a secure area consistent with proper storage guidelines as detailed by the manufacturer, Adapt Pharma, which states Narcan® needs to be

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stored between 59-77 degrees F and protected from sunlight. Prolonged exposure to freezing temperatures, extreme heat, or direct sunlight may deteriorate the medication and significantly reduce its effectiveness.

414.15 DISPOSAL

Expired and/or damaged Naloxone can enter the regular waste supply without special precautions. If Naloxone is administered, the empty device can be discarded in any trash receptacle because it is not considered medical or biohazard waste.

414.16 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy’s training.

414.17 FIRST AID TRAINING

The Chief Deputy should ensure deputies receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

414.18 REVOCATION/RESCIND PRIOR DEPARTMENT DIRECTIVE(S)

With the publication of DSM 414, Department Directive #19-089 and any supplemental directives are rescinded.

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First Amendment Assemblies

415.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations that are peaceful in nature. Assemblies and demonstrations that become unlawful through property destruction or violence are generally handled under DSM 307-Mobile Field Force.

415.2 POLICY

The Riverside County Sheriff's Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

415.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting (Refer to DSM 307 MFF)

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life, and prevent the destruction of property.

Deputies should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront, or intimidate participants.

(c) Seize the cameras, cell phones, or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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415.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts, assistance in evaluating department performance, serving as training material, recording the use of dispersal orders, and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

415.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets, or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

415.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

415.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

415.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles, and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with County government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

415.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

415.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

415.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

415.8 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by deputies who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including a deputy, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).

415.8.1 USE SUMMARY

The Field Operations Chief Deputy or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

415.9 ARRESTS

The Riverside County Sheriff's Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of deputies and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

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(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

415.10 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

415.10.1 MEDIA ACCESS

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, deputies shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7). Allowing access to the "immediate area" does not allow the media access to the actual command post.

In addition, Penal Code § 409.7(c) does not prevent a law enforcement officer from enforcing other applicable laws if the person is engaged in activity that is unlawful.

415.11 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

415.12 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment, and supply records

(e) Incident, arrest, use of force, injury, and property damage reports

(f) Photographs, audio/video recordings, Central Dispatch records/tapes

(g) Media accounts (print and broadcast media)

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415.12.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time, and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts, or circumstances.

415.13 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Deputies should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

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ShotSpotter

416.1 PURPOSE AND SCOPE

The Riverside County Sheriff's Department utilizes the ShotSpotter gunshot detection technology to enhance its response to incidents of illegal gunfire in designated geographic areas. This program enhances the Department's ability to quickly respond to, and investigate, violent crime and other incidents involving gunfire. This system also helps to quickly identify any victims, suspects, witnesses and or evidence to the incident. The intent of the system is to reduce violent crime and incidents of indiscriminate gunfire. ShotSpotter alerts alone are reasonable suspicion incidents absent additional information and deputies should proceed accordingly.

The combination of real time alerts and accumulated data with accurate incident locations significantly changes how law enforcement responds and investigates gunfire incidents. This technology allows deputies to quickly determine the severity of the incident, which helps determine the appropriate level of field response, including the dispatching of emergency medical personnel, investigative units, and crime scene investigators. ShotSpotter is intended to provide real time information to aid in the saving of life, reduction of gun violence, respond to unreported shootings, faster response times, more evidence recovery, and ultimately, healthier communities.

416.2 INTRODUCTION

The ShotSpotter System utilizes audio sensors placed in selected areas to identify the location of gunfire. ShotSpotter immediately relays that information to Sheriff's Dispatch, as well as the deputy's Mobile Data Computers (MDCs), issued smartphones, and tablets.

The ShotSpotter System is intended to:

- Improve deputy and public safety through accurate and timely information.
- Improve response times to the scene by deputies and/or Emergency Medical Services (EMS).
- Increase prosecution of illegal gun possession and provide useful information to crime analysts and investigators.

416.3 POLICY

ShotSpotter technology enhances the Department's ability to respond to the accurate location of gunfire. ShotSpotter activations shall be dispatched as a **Priority 1** call in accordance with department policy of the dispatch of crimes in progress involving the use of firearms. Patrol deputies should respond to ShotSpotter activations, apprehend offenders, determine if and what level of medical aid is necessary, seize evidence, and attempt to locate witnesses.

Investigators and crime analysts will use the ShotSpotter System to identify patterns, analyze information, complete follow up, and provide recommendations to patrol operations, special operations, and/or the Investigations.

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All public records requests for ShotSpotter information will be handled in accordance with existing public records laws and practice. Special considerations exist in that ShotSpotter data is proprietary to the vendor; therefore, all such requests should be routed to the Department's CPRA Unit. Calls for service generated from the ShotSpotter notifications may be subject to a public records release.

Prior to a ShotSpotter activation, the information has gone through a review process that establishes the likelihood that the information is reliable. As such, all ShotSpotter activations will be treated as an incoming call of "shots fired" at a particular location and should be dispatched accordingly. Absent additional evidence of a shooting, a ShotSpotter notification alone, amounts to reasonable suspicion only. Deputies must evaluate the totality of the circumstances while responding and investigating such notifications.

The access and use of information derived from the ShotSpotter system must be in accordance with DSM 346 – Information Technology Use.

416.4 SHERIFF'S DISPATCH RESPONSIBILITIES

Sheriff's Dispatch will log in and monitor ShotSpotter activations.

Sheriff's Dispatch personnel shall process incoming ShotSpotter information as follows:

- Acknowledge and review the incoming information.
- Generate a Computer Aided Dispatch (CAD) call type with a "SSPOT" designation.
- Providing the specific location of the incident.
- Dispatch and/or confirm self-dispatch of appropriate number of patrol deputies.
- Confirm a field supervisor acknowledged the incident.
- Upon confirmation of a shooting victim, notify EMS dispatch.
- Update information of the incident provided by other reporting parties.
- Provide all applicable warning tag information provided in the dispatch notification.

416.5 PATROL RESPONSIBILITIES

Deputies assigned to patrol operations who have ShotSpotter accounts shall activate the ShotSpotter application on their MDC's and/or department issued cell phones at the beginning of each patrol shift and leave it running through the duration of their shift. Deputies who receive a ShotSpotter activation while on patrol may self-dispatch by advising Sheriff's Dispatch via radio.

Responding deputies should take a tactical approach to a ShotSpotter activation, keeping in mind the shooter(s) may still be on-scene. Respond with available and necessary resources. In formulating response, deputies should take the following into account:

- The severity of the incident (single or multiple shooters, direction and flight of the suspect(s))

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- When available, request Air Support
- Once on-scene, deputies should manage the situation as established protocols dictate for shooting scenes:
  - Identify, locate, and stop the threat posed by the shooter
  - Request medical aid for victims and render aid if possible
  - Secure the scene and any evidence
  - Obtain and broadcast any suspect information for responding units
  - Write the appropriate criminal report
- In instances where evidence of gunshots is located within the ShotSpotter coverage area and ShotSpotter did not notify the Department, the primary deputy should, within 24-hours, notify ShotSpotter of the missed detection by utilizing the reporting function available within the ShotSpotter application. Doing so will provide details of the missed incident for analysis prior to the deletion of the source data, which occurs after 24-hours.
- In instances where no evidence of a crime is located, no written report is required. However, Deputies shall add text to the CAD call indicating the lack of evidence or criminal activity.

416.6 EXPERT COURT TESTIMONY

ShotSpotter services include expert courtroom testimony. All inquiries regarding testimony from ShotSpotter experts should be referred directly to ShotSpotter or the Patrol Station's Program Manager.

416.7 PROGRAM MANAGEMENT

Individual stations and bureaus will be responsible for managing the ShotSpotter program. Station Commanders should identify a station-level representative for the ShotSpotter program.

The designee will ensure all sworn employees and Dispatch personnel have received training on the ShotSpotter system.

The designee will ensure all employees with ShotSpotter access are provided with any update training pertinent to the operation of ShotSpotter.

The designee may be tasked with collecting any program usage reports as requested by Sheriff's Admin.

416.8 CUSTODIAN OF RECORDS

ShotSpotter is the Custodian of Records for all data/information contained within its equipment and proprietary technology. All requests for ShotSpotter information or data shall be forwarded to the Department's CPRA Unit. This includes any CPRA's, DA request, subpoenas, litigation holds, etc.

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Cite and Release Policy

418.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

418.2 POLICY

It is the policy of the Riverside County Sheriff's Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department’s mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

418.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

418.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual, and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting deputy should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

418.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail.

418.3.3 OTHER REASONS FOR NON-RELEASE

Other reasons for denying citation release in the field may exist beyond those specified in subsection 419.4.1. Such reasons for non-release may include:

(a) Previous failure to appear is on record;

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(b) The person lacks ties to the area, such as a residence, job, or family;

(c) Unusual circumstances lead the deputy responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

418.3.4 INSTRUCTIONS TO CITED PERSON

When asking the defendant to sign the citation, the citing deputy shall point out to the defendant the time and place for appearance and take any other steps the deputy deems necessary to ensure that the defendant understands the written promise to appear.

418.4 NON-RELEASE

418.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))

(b) Felony domestic battery (Penal Code § 273.5)

(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))

(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)

(e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person’s workplace or residence (Penal Code § 273.6)

(f) Stalking (Penal Code § 646.9)

(g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

418.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety

1. The Riverside County Sheriff's Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge

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from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).

(e) The person could not provide satisfactory evidence of personal identification. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:

1. Previous failure to appear is on record
2. The person lacks ties to the area, such as a residence, job, or family
3. Unusual circumstances lead the deputy responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Information Services Bureau.

418.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence.

(b) The misdemeanor cited in the warrant involves a firearm.

(c) The misdemeanor cited in the warrant involves resisting arrest.

(d) The misdemeanor cited in the warrant involves giving false information to a peace officer.

(e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.

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(f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.

(g) The person has other ineligible charges pending against themselves.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

418.6 POST-BOOKING RELEASES

Refer to Corrections Division Policy Manual section 504.16 for policy on post-booking releases of inmates on misdemeanor citations.

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Contacts and Temporary Detentions

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person’s freedom of movement.

420.2 POLICY

The Riverside County Sheriff's Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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420.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Riverside County Sheriff's Department to strengthen community involvement, community awareness, and problem identification.

420.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the deputy

420.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single deputy.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

420.5 FIELD PHOTOGRAPHS

An effort should be made to locate existing photographs before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

420.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. Such consent should be captured on a BWC when possible.

420.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy’s reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

420.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and retained with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the photograph and FI card should be forwarded to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the deputy will forward the photograph and any documents to the designated criminal intelligence system supervisor, most likely assigned to Special Enforcement Teams or the Detective Bureau. This supervisor will ensure the photograph and supporting documents are retained as prescribed in current policy and 28 CFR.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be printed, attached to a completed Field Interview

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card and submitted as any other Field Interview card would be. The photograph shall then be deleted from the electronic device.

(c) Those assigned to process and input Field Interview cards shall enter the data from the card and scan the card and any associated photographs into the Retention of Electronic Documents System (REDS).

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule. Department personnel shall not retain, build, or maintain a personal database of Field Interview cards or detainee photographs.

420.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

420.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Riverside County Sheriff's Department members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Hazardous Material Response

421.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this Department.

421.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

421.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, fire, or act of terrorism. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from person transporting) Unless field personnel know with certainty which hazardous material(s) are presenting a danger, they should consider all of them dangerous until identified otherwise by a competent authority;

(b) Notify fire department;

(c) Provide first aid for injured parties if it can be done safely and without contamination;

(d) Consider evacuation of immediate area and surrounding areas dependent on substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary. Field personnel will not be used in contaminated areas.

421.2.1 INCIDENT COMMAND SYSTEM

Riverside County has adopted the Incident Command System (ICS) for command and control at the scene of a hazardous material incident. The function of the ICS is unified command.

Depending on the location of a contamination emergency, the senior fire department official may be the overall Incident Commander. For instance, the California Highway Patrol may be the lead agency for incidents occurring on freeways. The Incident Commander is responsible for directing all control operations, protecting life and property, etc. The senior ranking deputy sheriff will command Riverside County Sheriff's Department response forces, but report to the overall Incident Commander.

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Hazardous material response is outlined in more detail in the Riverside County Sheriff's Department Emergency Operations Procedures Manual. This manual is stored in the Administrative Sergeant's Office of each station.

421.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via Chain of Command to the Station Commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

421.3.1 SUPERVISOR RESPONSIBILITY

Upon being informed that an employee has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure. Supervisors learning of any hazardous material exposure to an employee should follow the procedure as outlined in Policy 1043 and 1058.8 of this manual.

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Response to Bomb Calls

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Riverside County Sheriff's Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

425.2 POLICY

It is the policy of the Riverside County Sheriff's Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

425.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

425.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

425.4.1 RIVERSIDE COUNTY SHERIFF'S DEPARTMENT FACILITY

If the bomb threat is against the Riverside County Sheriff's Department facility, the Watch Commander will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's department, as he/she deems appropriate.

425.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Riverside County Sheriff's Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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425.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

425.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the County of Riverside County, the member receiving the notification should obtain as much information as reasonably possible from the reporting party, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting sheriff's assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

425.5.1 ASSISTANCE

The Watch Commander should be notified when sheriff's assistance is requested. The Watch Commander will make the decision whether the department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility. Watch Commanders should consult with a Hazardous Device Team Supervisor for guidance in evaluating the facts and circumstances and the level of control the department will take.

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Should the Watch Commander, after such consultation, determine that the department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether a search by facility staff for a suspicious device would be, or has been, an effective measure.

(e) Whether to evacuate the facility and/or have sheriff's personnel search the building.

1. The Watch Commander shall not direct department personnel to search, or organize a search, or participate in any search of a private facility without guidance and prior approval of the Hazardous Device Team supervisor.

(f) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

(g) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

425.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the Hazardous Device Team or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The Hazardous Device Team or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

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(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

425.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

425.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

425.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Hazardous Device Team

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- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

425.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

425.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Patrol Rifles

427.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the department will make patrol rifles available to qualified patrol deputies as an additional and more immediate tactical resource.

427.2 PATROL RIFLE

Specifications for the department issued firearms, including shotgun, semi-automatic rifle and rifle shall be approved by the Sheriff. The department authorizes and maintains a Firearms Matrix for approval of firearms and ammunition. If a firearm or firearm accessory does not meet the criteria established in the Firearms Matrix, it is not authorized by the department and shall not be carried by an employee in the course and scope of their duties.

The Training and Education Bureau is responsible for the semi-annual review and update of the Firearms Matrix. The department can restrict, pause, or prohibit the use of any particular make or model of firearm at any time for any reason at the discretion of the Sheriff.

When changes are made to the Firearms Matrix, this policy (DSM 427 and DSM 412) will be re-issued with the associated link to the new Firearms Matrix. It is the department members responsibility to review the changes. By accepting this policy, department members acknowledge reviewing the revised Firearms Matrix.

The Sheriff authorizes the use of approved.223 or 5.56 mm patrol rifle systems, described in the currently approved weapons matrix, to be carried by all personnel who have attended the required training program, and who have successfully passed the live fire qualification course with a minimum passing grade of 90%.

427.2.1 RIFLE APPROVAL

A patrol rifle is an authorized firearm made available to properly trained and qualified deputies as a supplemental resource to their duty handgun or shotgun. A personally owned rifle may be carried for duty once it has been inspected by a department armorer and the deputy qualifies with it. Personnel who are authorized to carry an approved.223 or 5.56 mm patrol rifle must meet department approved qualifications as determined and regulated by the Commander of the Clark Training Center. The Clark Training Center shall maintain a current list of employees who have qualified and are authorized to carry an approved.223 or 5.56 mm patrol rifle.

427.2.2 RIFLE AMMUNITION

A list of approved rifle ammunition for duty use is published in the Firearms Matrix, which shall be maintained by the Commander of the Training and Education Bureau.

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427.3 RIFLE MAINTENANCE

Primary responsibility for repairs and service of Department owned patrol rifles shall fall on the Department's Armorer. Stations are responsible for inspections and routine cleaning of each patrol rifle on a monthly basis.

(a) Each patrol deputy carrying a patrol rifle may be required to field-strip and clean an assigned patrol rifle as needed.

(b) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of any patrol rifle.

(c) Each patrol rifle, whether Department or personally owned, shall be subject to inspection by a supervisor, a Department Rangemaster or Department Armorer at any time.

427.4 MODIFICATIONS

All authorized patrol rifle modifications, with the exception of fore-end stock removal, collapsible butt-stock removal, and/or sight, charging handle, lighting and optical equipment—must be considered a factory option and completed by the respective manufacturer, or a Department armorer. Refer to the Firearms Matrix glossary for examples and definitions.

427.4.1 LIGHTING SYSTEMS, OPTICAL SIGHTING SYSTEMS, AND MAGNIFIED OPTICS

The department authorizes the optional use of specified tactical lighting systems, optical sighting systems, and magnified optics on personally owned patrol rifles. Employees shall be responsible for the purchase, care and maintenance of these systems, including replacement of batteries and light bulbs. Employees who desire to purchase any of these systems shall have their firearm and attached system inspected by a department armorer prior to use. The Commander of the Training and Education Bureau shall maintain a list of approved lighting systems. This list is published in the Department Firearms Matrix. Firearms Matrix

Department members utilizing any such systems shall qualify with the new equipment before deployment and ensure they are completely familiar with the operation of the systems as installed.

427.5 TRAINING

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed Departmental training. This training shall consist of an initial 16-hour patrol rifle user's course and passing qualification score with a certified patrol rifle instructor. Deputies shall thereafter be required to successfully complete scheduled qualifications conducted by a certified Range Master.

Any deputy who fails to qualify after two attempts at a Department-sanctioned qualification session, must successfully complete remediation training and re-qualification as indicated by the Ben Clark Training Center Firearms Unit prior to reauthorization to carry the patrol rifle.

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427.6 DEPLOYMENT OF THE PATROL RIFLE

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

(a) Situations where the deputy reasonably anticipates an armed encounter;

(b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range;

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

(d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage;

(e) When a deputy reasonably believes that a suspect may be wearing body armor;

(f) When authorized or requested by a supervisor.

427.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department Use of Force Policy. Some considerations before deploying the patrol rifle include:

(a) The appropriateness of the use of alternate weapons and/or tactics;

(b) The velocity and penetrating power of the.223 or 5.56 mm round;

(c) The range of the.223 or 5.56 mm round;

(d) The background behind the potential target, and the risk to other persons in the area;

(e) On scene location of the Department’s Emergency Services Team members.

427.8 PATROL READY

Any qualified deputy carrying a patrol rifle in the field shall maintain the firearm in the "patrol ready" mode until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned deputy and meets the following conditions:

(a) There is no round in the chamber

(b) The rifle bolt is forward

(c) The rifle safety is on

(d) There is a fully loaded magazine in the rifle

(e) The rifle is stored in the locked patrol vehicle's rifle rack or trunk (if stored in a trunk, the rifle must be in a case)

The rifle shall not be carried unsecured in the interior of a patrol vehicle at any time and shall always be removed when a patrol vehicle is left unattended for maintenance or towing.

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427.9 RIFLE STORAGE

When not in use, department owned patrol rifles will be stored in Station Logistics in the designated rifle racks.

(a) At the start of each assigned shift, any qualified, on-duty deputy may sign-out a patrol rifle to be carried on duty.

(b) Each station will maintain logs of assigned patrol rifles and will document their issuance.

(c) At the end of the assigned deputy's shift, the patrol rifle will be made safe, returned, and secured in Station Logistics.

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Emergency Services Team (EST)

430.1 PURPOSE AND SCOPE

The Special Enforcement Bureau (SEB) is comprised of specially trained support service teams that provide a higher level of expertise and training, beneficial in handling critical incidents throughout the county. The Emergency Services Team (EST) is a component within the SEB tasked mainly with enforcement operations requiring a specialized degree of planing, weaponry, tactics, and equipment.

The Emergency Services Team (EST) also serves as the Department's Special Weapons and Tactics Team, commonly referred to as SWAT. There are two additional units directly under EST command, the Fugitive Warrant Enforcement Team (FWET) and the Riverside Off-Road Vehicle Enforcement (ROVE).

This policy will outline general parameters of response, command and control, training, and selection regarding the EST.

430.2 POLICY LIMITATIONS

These policies are not intended to address all situations that may arise involving a critical incident. They are for internal agency administrative purposes and are not intended to create any higher legal standard than is established by law.

430.3 MISSION

Recognizing that the presence of a highly trained, highly skilled law enforcement tactical unit has been shown to reduce the risk of injury or loss of life to citizens, law enforcement personnel, and suspects; and recognizing that a well-managed "Team" response to critical incidents is effective in successful resolution of critical incidents, it is the intent of the Emergency Services Team to provide a highly trained and skilled tactical team as a resource for the department in the handling of critical incidents.

430.4 COMMAND AND CONTROL

The Special Enforcement Bureau is managed by a sworn commander with the rank of Captain.

A Lieutenant shall serve as the secondary Unit Manager and is responsible for direct supervision over the team supervisors and acts as the temporary Bureau Commander in the absence of the SEB Commander.

Each of the respective SEB teams and Emergency Services Team squads will be supervised by a Sergeant.

430.4.1 EMERGENCY SERVICES TEAM MANUAL

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The Emergency Services Team operates under specialized tactics, training, and conduct as outlined in the EST operations policy manual. Each team member of the Emergency Services Team is required to read and provide written acknowledgement of the specialized tactics, training and conduct required of the EST position. Violations of the EST operations policies may result in removal from the Emergency Services Team, and or discipline.

430.5 ACTIVATION OF THE EMERGENCY SERVICES TEAM

EST missions are often performed in hazardous environments where conditions tend to compromise the safety of citizens, law enforcement personnel, and suspects. It shall be the intent of EST to utilize special weapons, tactics, and equipment in an attempt to lessen the risk of injury or death to all those involved during a tactical operation.

(a) Whenever possible, EST should be utilized for the following situations:

1. Hostage situations
2. Armed, violent or dangerous barricaded suspects
3. Sniper situations
4. High-risk searches, apprehensions
5. High-risk warrant services
6. Dignitary protection
7. Active shooter situations
8. Special or High-Risk Assignments as directed by the EST Chief Deputy

(b) Any department member may <u>request</u> EST activation through a supervisor, who can then contact EST's command staff or an EST sergeant directly. Any supervisor who requests EST assistance must notify their chain of command as soon as possible.

(c) The EST command staff (lieutenant or above) shall approve all team activations and shall notify the EST Chief Deputy.

(d) In critical incidents, an EST sergeant may activate EST when the sergeant has first-hand knowledge of a life-threatening event and the notification process causes a delay that may further endanger life. The life-threatening events may include hostage situations, sniper, active shooter, or where law enforcement is under fire and needs immediate EST assistance.

(e) EST activations take precedence over all other assignments within the department. A team call-out will include all available EST team members, unless directed by the EST Commander to activate a limited number of team members.

(f) Nothing in this policy shall prohibit Emergency Services Team personnel from responding directly to an incident, absent a request, should they have direct knowledge of the circumstances. Upon arrival, EST personnel will evaluate the situation and determine if additional resources are needed. If the circumstances require immediate defense of life, nothing in this policy shall prohibit EST personnel from using the necessary specialized equipment and/or tactics they possess and immediately intervening. When safe and prudent, EST personnel shall notify EST

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Command Staff of their involvement in an incident, the circumstances, and if additional resources are needed.

(g) A department member submitting a request for a high-risk warrant service out of the department's jurisdiction should allow the local law enforcement agency for that jurisdiction the option to serve the warrant. If denied by the agency with jurisdiction, EST may serve the warrant.

(h) Mutual Aid requests for activation of EST must be from the requesting agency's chief law enforcement official or his/her designee. The requesting agency must define whether the request is for primary or secondary assistance.

1. Primary Assistance denotes EST shall assume responsibility and control of the tactical operation.

2. Secondary Assistance denotes EST will assume a support role to the requesting agency's tactical team. The requesting agency will retain complete operational responsibility and control of the incident. The SEB Commander or designee will respond to the scene and accept mission assignments from the incident commander of the requesting agency. The integrity of EST will remain intact and under direct supervision of the SEB Commander.

(i) Tactical decisions, tactical operations, and tactical control of the scene shall be the responsibility of the EST's Command Staff.

(j) The EST commander or designee shall establish a tactical command post (TCP) and liaison with the Incident Commander.

(k) The TCP will be the point of control to gather, process, disseminate, and apply intelligence.

(l) In most situations the Crisis Negotiations Team (CNT) will be activated with EST. CNT may be utilized without activation of EST at the discretion of EST Command Staff.

(m) At the conclusion of a tactical operation, the Station/Bureau Commander will maintain control of the scene for the purposes of the criminal and/or administrative investigation(s).

430.6 USE OF FORCE

The Emergency Services Team shall follow the DSM Use of Force policy.

(a) Under some extreme conditions, it may become necessary for EST members to employ "Directed Fire." Directed Fire consists of weapons fire directed at an armed suspect's location with the intent of incapacitating the suspect(s) and/or preventing the suspect(s) from firing on officers or innocent persons located in vulnerable positions. EST members are accountable for all rounds fired and shall not knowingly endanger innocent persons with unnecessary weapons fire.

(b) In some extreme, urgent circumstances when time is not available to consult with the Incident/ EST Commander, EST members have the authority to act or react to imminent life-threatening situations, which may be outside current mission orders. Every effort should be made to communicate intentions prior to initiating emergency life-saving actions.

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430.7 TRAINING AND READINESS STANDARDS

The SEB Commander is required to develop, maintain, and update EST guidelines, tactics, firearm qualifications, and physical fitness standards in the following sections of the SEB operation:

1. Administration
2. Equipment
3. Operations
4. Tactics and Techniques
5. Training

430.8 UNIFORMS AND EQUIPMENT

All department members, including SEB/EST members are required to comply with the department's uniform policies as outlined in the uniform manual. However, SEB Command staff is authorized to approve assignment specific attire for SEB personnel.

Because of the unique assignment of SEB/EST, tactical situations may require modified attire and equipment specific to the assignment. The SEB Commander must approve all uniform attire for SEB personnel.

The Sheriff may authorize the use of special weapons by members of EST. These weapons include, but are not limited to, semi- and fully-automatic rifles/weapons. Fully automatic rifles/ weapons are only for on-duty use.

430.9 SELECTION AND RETENTION

The Emergency Services Team shall be comprised of members with the training and expertise to responsibly engage in tactical command, containment, emergency action, deliberate action and long rifle capabilities.

EST will select all prospective members from a valid applicant pool of eligible sworn personnel created through the testing process. Candidates must meet all departmental requirements to be eligible to participate in the EST selection process as determined by the department.

Generally, EST conducts candidate assessments on a bi-annual basis. Department members will be notified of the assessment process via departmental memorandum.

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Civil Disputes and Reposessions

432.1 PURPOSE AND SCOPE

This policy provides members of the Riverside County Sheriff's Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

432.2 POLICY

The Riverside County Sheriff's Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, department members may assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, department members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

Nothing in this policy is meant to restrict or prohibit the Sheriff's Civil Bureau from completing their functions as outlined in the Civil Process DSM 1102. Subject to availability, department members are encouraged to consult with the Sheriff's Civil Bureau on civil matters.

432.3 GENERAL CONSIDERATIONS

When appropriate, department members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Department members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, department members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Department members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Department members shall not provide legal advice; however, when appropriate, department members should inform the parties when they are at risk of violating criminal laws.

(d) Department members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

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(e) Department members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if ii appears that peacekeeping efforts longer than 30 minutes are warranted.

432.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any court order violation in a report. If there is a need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following :

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the District Attorney's Office for review and potential prosecution.

432.4.1 KEEP THE PEACE REQUESTS

Deputy responding to a call for a keep the peace to assistance with retrieving property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The department member may advise the person to seek private legal advice as to the distribution of disputed property.

Department members should accompany the person to the location of the property. Department members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

432.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

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432.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

432.7 REPOSESSIONS

Repossession is an action in which a creditor attempts to regain possession of the property he had either sold or for which he loaned money.

The defendant or debtor in such action is usually behind in his payments or alleged to be in default on terms of his conditional sales contract. Often, the creditor or his agent (usually a repossession agency) will attempt to seize the property without having first instituted a civil action through the courts.

The California Commercial Code section 9503 allows a secured party the right to take possession after default. In taking possession, a secured party may proceed without judicial process if this can be done without breach of peace.

Generally, the repossessor shall have in his possession a copy of the conditional sales contract. The printed agreement usually contained in a conditional sales contract provides that the merchandise shall remain personal property and title shall not pass to the buyer until the time the balance has been fully paid. If the buyer defaults in payment, the entire unpaid balance shall at once become due and payable, at the option of the seller, or seller may, without notice or demand, by process of law or otherwise, take possession of the said personal property. **A consent contained in the contract that the seller or creditor has authority to enter any premises and repossess goods sold is ineffective to waive constitutional protections against unreasonable search and seizures if made under intimidation implicit in the presence of a uniformed officer of the law**. A debtor may use reasonable force to maintain possession of the property. This will ordinarily not constitute a breach of the peace.

Similarly, once the repossessor has gained lawful possession of the property and has departed the premises, he may protest with reasonable force any attempts by the debtor to retake possession without being guilty of a breach of peace.

A repossession of a vehicle is deemed complete when the repossessor gains entry to the vehicle or when the vehicle becomes connected to a tow truck.

In those situations where the repossessor has not gained possession or cannot gain possession without a breach of the peace, the repossessor must proceed through a court action. It is unlawful for an individual to report a vehicle stolen when they have knowledge the vehicle has been repossessed.

When the repossession is complete and there is other personal property not covered by a security agreement contained in or on the vehicle at the time the vehicle is received, the buyer has the right to retain such non-hazardous or non-dangerous property, provided it is not an integral part of or attached to the vehicle.

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Repossessors have the right to enter an area secured by a fence as long as the fence and/or gate is not locked. A repossessor who cuts any lock securing a fenced area, in order to gain entry, is in violation of sections 594 and 602(k) (3) of the Penal Code and of the Business and Professions Code.

432.7.1 DEPUTY RESPONSE

Deputies should be aware that repossessions can escalate into a major disturbance that can involve many people and should not treat such calls lightly and pass them off as being civil problems. Deputies should handle all such calls firmly and fairly while protecting the property rights of all persons.

(a) Deputies should not honor requests by repossessors to accompany them in any attempts to recover property. The presence of a uniformed officer could imply to the buyer that he must comply with the repossession.

(b) Deputies shall not take any action when civil disputes arise, except to keep the peace.

(c) Deputies shall cause a repossessor to suspend his activities and seek judicial process when a breach of peace is imminent.

(d) When conducting a stolen vehicle investigation, deputies should inquire as to who has knowledge if the vehicle has been repossessed. Deputies should inquire as to who has title and whether or not the buyer is delinquent on their payments prior to completing a stolen report.

432.8 NOTIFICATION OF REPOSSESSION

California Vehicle Code section 28, "Whenever possession is taken of any vehicle or on the behalf of any legal owner thereof, under the terms of a security agreement or lease agreement, the person taking possession shall immediately notify by the most expeditious means available to the city police department where such taking of possession occurred, if within an incorporated city, or the sheriff's department of the county where such taking of possession occurred if outside an incorporated city, and shall within twenty-four (24) hours forward a written notice to such department."

Upon receipt of written notice of repossession, deputies shall forward the information to the Records Bureau or their station clerical for appropriate data entry.

432.9 LICENSING OF REPOSSESSION AGENCIES / COMPANIES

Repossession agencies and their employees must be licensed by the Department of Consumer Affairs, Bureau of Collection and Investigative Services. Any person performing the duties of a repossessor without a Bureau I. D. Card or a temporary registration shall be in violation of section 7502.1 of the Business and Professions Code, a misdemeanor, and is subject to citation by a deputy.

A person licensed as a repossession agency, or any of his employees, shall be prohibited from using any false or misleading representation during the course of recovery of personal property. (Refer to section 7508.2 of the Business and Professions Code for definition of such acts.)

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432.10 PRIVATE PROPERTY TOW

Generally, deputies should not become involved in towing of vehicles from private property. Unless associated with a criminal investigation, the towing of vehicles from private property are considered a civil matter. In instances where deputies are acting in a keep the peace capacity, Deputies should understand the legal differences between a private party tow and a repossession. In the case of a repossession, the vehicle owner or person in lawful possession of the vehicle can object to the repossession prior to the repossessor / tow operator taking control of the vehicle. DSM 432.7 states:

> A repossession of a vehicle is deemed complete when the repossessor gains entry to the vehicle or when the vehicle becomes connected to a tow truck. In those situations where the repossessor has not gained possession or cannot gain possession without a breach of the peace, the repossessor must proceed through a court action.

Private property tows have a different legal standard for the objection of the tow. The vehicle owner or person in possession of the vehicle can object to and stop the private property tow at any time while the vehicle is still on private property. Only when the vehicle has been removed from the private property and is in transit, is it considered in the possession of the tow company. In other words, if the vehicle owner or person in possession of the vehicle objects to the tow while it is still on private property, the tow operator must stop and return to the vehicle.

(a) Vehicle Code Section 22658 authorizes and regulates the removal of vehicles from private property. Subsection (a) states:

(a) The owner or person in lawful possession of private property, including an association of a common interest development as defined in Sections 4080 and 4100 or Sections 6528 and 6534 of the Civil Code, may cause the removal of a vehicle parked on the property to a storage facility that meets the requirements of subdivision (n) under any of the following circumstances:

(b) Deputies may be called upon to keep the peace during a private party tow. Deputies should be familiar with the following subsections of 22658:

(g) (1) (A) Possession of a vehicle under this section shall be deemed to arise when a vehicle is removed from private property and is in transit.

(B) Upon the request of the owner of the vehicle or that owner's agent, the towing company or its driver shall immediately and unconditionally release a vehicle that is not yet removed from the private property and in transit.

(C) A person failing to comply with subparagraph (B) is guilty of a misdemeanor.

Refer to DSM 510 for further.

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Aircraft Accidents

434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use. An aircraft accident is defined as an event in which the NTSB or FAA has the primary investigative authority.

434.2 POLICY

It is the policy of the Riverside County Sheriff to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.2.1 DEPUTY RESPONSIBILITY

The duties of the field deputy at the scene of an aircraft accident include:

(a) Determine the nature of the accident and what assistance is needed from additional personnel;

(b) Request additional personnel to respond as needed;

(c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel;

(d) Once emergency medical assistance is established by the fire department, seal off the area and contain it for the on-scene investigation;

(e) Provide crowd control and other assistance until directed otherwise by a supervisor;

(f) Contact the Coroner's Bureau if a death(s) occurs.

The fire department maintains control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Sheriff's personnel will then maintain control of the scene until the arrival of the investigators charged with determining the cause of the accident. Once the scene is relinquished to the investigating authority, Sheriff's personnel may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An Airport Service Worker or the Airport Manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

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434.2.2 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The Sheriff's Department Media Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or designee;

(b) When practical, the Department Public Information Officer should coordinate with the FAA Public Information Officer to prepare a press release for distribution to the media.

(c) Serves as the official Department spokesperson for the incident.

Information released to the press regarding any aircraft accident should be handled by the Department's Public Information Officer, or in accordance with existing policy. Release of such information should be coordinated with the Department's Public Information Officer and FAA Public Information Officer.

434.3 ARRIVAL AT SCENE

Department or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site, by starting and maintaining a critical incident log.

(f) Consider implementation of an Incident Command System (ICS).

434.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

434.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

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(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

434.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner's Office

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene supervisor should ensure the accident is still appropriately investigated and documented.

434.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION

All aircraft accidents occurring within the County of Riverside shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of department members deployed to assist; other city

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or county resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

434.8.1 WRECKAGE
When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

434.8.2 WITNESSES
Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

434.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Employee-Involved Traffic Collisions

435.1 DEPARTMENT MEMBER RESPONSIBILITIES - TRAFFIC COLLISIONS

All department employees, while on-duty or while operating a department vehicle, shall drive with due regard for the safety of others in accordance with the California Vehicle Code and relevant policies (See Deputy Response to Calls and Seatbelts Policy). In conjunction with DSM policies intended to prevent traffic collisions, this policy outlines the actions expected of department members following an on-duty collision, or collision involving a department vehicle.

435.2 FOLLOWING A COLLISION

1. Following any on-duty collision, or any collision involving a department vehicle,the involved employee(s) shall, if able:
    - (a) Tend to own urgent medical needs;
    - (b) Request/direct any resources needed;
    - (c) Notify dispatch and a supervisor;
    - (d) Secure any prisoner(s);
    - (e) Provide medical aid/rescue to injured parties.
    - (f) Make a reasonable effort to divert oncoming traffic;
    - (g) Provide relevant updates via radio.

435.3 SUPERVISOR RESPONSIBILITIES

- (a) Supervisors are required to respond to traffic collisions involving department vehicles. If the employee's supervisor is not available, an on-duty supervisor from the closest field station shall respond. The supervisor shall:
    - (a) Assume command of the scene and any further response;
    - (b) Ensure appropriate medical aid is provided/offered to all parties;
    - (c) Assign other personnel to any emergency call the involved unit was responding to;
    - (d) Document the collision (including photographs);
    - (e) Record statement(s) of other drivers/witnesses;
        1. Such statements should include a focus upon descriptions of injuries, degree of pain, mobility level, desire for medical treatment, etc.
    - (f) Secure any relevant BWC video;
    - (g) Canvas area for other video, secure a copy, or document its location if not immediately retrievable;

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(h) Supervisors should take note of any impairment on the part of any involved driver and take appropriate action to preserve the integrity of any resulting investigation(s) and evidence;

(i) Supervisors shall conduct an assessment regarding the need for personnel specially trained in drug recognition or impaired driving investigations;

(j) Supervisors shall conduct an assessment regarding the need for a response by the Professional Standards Bureau or Risk Management;

(k) Ensure a traffic collision investigation report is completed.

(l) Supervisors shall ensure employee involved traffic collisions related to a vehicle pursuit, Code 3 response, or involving injury, are investigated by an allied law enforcement agency; typically, the California Highway Patrol (CHP). If CHP or other allied agency is unable to respond, or has an unreasonable delay, supervisors shall request the investigation be conducted by properly trained personnel from a neighboring sheriff's station;

(m) When determining if a collision investigation should be done by personnel from an allied law enforcement agency, investigators from a neighboring sheriff's station or the involved employee's home station, supervisors shall utilize best practices of liability mitigation.

(n) In addition to the criteria above, non-injury traffic collisions involving private persons and/or occupied, privately owned vehicles shall be investigated by properly trained personnel from a neighboring sheriff's station to avoid potential conflicts of interest. This does not apply to collisions with unoccupied vehicles, public and private property. Although utilizing an investigator from a nearby station is the Department's designated policy, supervisors must practically balance this with potentially extended response times resulting in unreasonable delays to involved citizens.

(o) In some instances, a traffic collision report may not be required. Supervisors should consult with their command staff when deciding not to have a traffic collision investigation completed. For example, a collision report is not needed when an employee collides with a pole within the confines of the station parking lot. Because of the collision, there is only superficial damage to the department vehicle, no private vehicles were involved, and nobody was injured. Generally, all of the following circumstances should be present when electing not to conduct a traffic collision investigation:

(a) There is no damage to private property;

(b) No privately-owned vehicles were involved;

(c) The damage to county vehicles is very minor;

(d) No injuries were caused or claimed.

(b) Supervisors are required to notify their chain of command, as soon as possible, of any collision involving a department vehicle resulting in an injury to an employee, another person, or property damage (See Incident Notifications Policy).

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(a) Every department-involved collision, regardless of injury, shall be briefly described to the Professional Standards Bureau via email at PSBADMIN@riversidesheriff.org as soon as possible. Contact information shall be included for all involved parties.

(c) Supervisors shall direct involved personnel and witness employees to complete a detailed memorandum describing the circumstances surrounding the collision. All employees shall be afforded a reasonable length of time to consult with an employee representative before submitting their memorandum if they desire.

(d) Supervisors will utilize the ACCORD web application to submit the ACCORD form. Supervisors shall ensure the commander receives a copy by selecting this option in the web application. Supervisors will upload all relevant documents, photographs, and recordings.

(e) Supervisors shall ensure that Riverside County Fleet Services is notified regarding damaged vehicles and needed repairs by submitting a completed Accord Form within 48 hours of the incident.

435.4 COMMANDER RESPONSIBILITIES

(a) Commanders shall ensure that those under their command have received all appropriate medical attention, that worker's compensation forms have been submitted if required, and provide any other reasonable assistance that their personnel may need or request after involvement in a collision.

(b) Commanders shall notify their Division Chief Deputy of any collision involving a department vehicle that results in injury to an employee, other parties, or significant property damage (See Incident Notifications Policy for notification protocols).

(c) Commanders shall ensure proper assignment and handling of any investigation that may result from a collision.

(d) Commanders shall review and approve all Blue Team submission documents and forward as required.

(e) Commanders are responsible for reviewing the circumstances of collisions involving department vehicles within their commands and to recognize and address any inherently dangerous road or equipment conditions, patterns, driving behaviors, or training needs that may be revealed by such analysis.

(f) When a department employee is at fault for a collision, commanders shall determine the appropriate corrective action based on the totality of the circumstances and shall brief their respective chief deputy before determining that a formal administrative investigation is not necessary. All employees determined to be at-fault for a traffic collision, shall attend supplemental driver training in a course determined by the commander and the Training and Education Bureau. Commanders shall ensure any action taken is in accordance with current Memorandums of Understanding, Riverside County Policies, and Sheriff's Department Policies. See Minor Misconduct Policy for applicability to a traffic collision.

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PROVIDING ASSISTANCE TO BAIL BONDSMEN

436.1 PURPOSE AND SCOPE

This policy provides members of the Riverside County Sheriff's Department with guidance for addressing issues related to conflicts between persons released on bail and a bail bondsman. Insurance companies that sell bail bonds to temporarily release an arrested person from custody will often, with legal authority, attempt to return one of their customers into custody, for a variety of reasons. In many instances, the justification for returning the subject into custody is not based on any criminal violation, but is simply a violation of the civil contract between the insurance company and the released subject. On occasion, a bondsman or their agent will ask for law enforcement assistance.

Nothing in the policy is intended to prohibit or restrict Department members from serving arrest warrants for wanted subjects. This policy addresses instances with a nexus to a bail bondsman or their agent.

436.2 POLICY

Department members shall not assist a bail bondsman or their agent in the apprehension of a bail fugitive or any persons wanted for a violation of their bail contract. Department members are strictly prohibited from serving as backup for any bondsmen or their agents.

If a court ordered arrest warrant has been issued for a bond customer, deputies may offer to take over the situation in its entirety, respond to the location without the bondsmen or his/her agents, and attempt a lawful arrest warrant service (see section 436.6). If apprehended, the deputy will take custody of the individual and book him/her into jail on the warrant. Deputies are prohibited from turning such arrested persons over to any bondsmen or agents.

436.3 DEFINITIONS

The following are definitions related to Bail and Bail Bondsmen as outlined in Penal Code Section 12.99.01

Bail Fugitive (AKA Bail Jumper): means a defendant in a pending criminal case who has been released from custody under a financially secured appearance, cash, or other bond and has had that bond declared forfeited, or a defendant in a pending criminal case who has violated a bond condition whereby apprehension and re-incarceration are permitted.

Bail (AKA Bail Bondsman): means a person licensed by the Department of Insurance pursuant to Section 1800 of the Insurance Code.

Depositor of bail: means a person or entity that has deposited money or bonds to secure the release of a person charged with a crime or offense.

Bail fugitive recovery person: means a person who is provided written authorization pursuant to Sections 1300 and 1301 by the bail or depositor of bail, and is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court,

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jail, or police department, and any person who is employed to assist a bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department.

436.4 ISB RELEASE OF INFORMATION TO BAIL AGENT

Penal Code section 11105.6 states law enforcement may release certain information to a licensed bail agent or bail bond licensee. The release is not considered a mandate, and the Department has assigned the Information Services Bureau (ISB) as the sole designated point of contact for the release of this information. Department members shall refer all PC 11105.6 requests to ISB.

Prior to releasing any information to the agent or licensee, ISB shall verify the following circumstances exist:

- The information is from the record of a person from whom a bench warrant has been issued or from whom a bail forfeiture has been ordered
- The subject of the information request is a client of the agent or licensee
- The agent or licensee pays the appropriate Department fees equal to the cost of providing the information

Only after ISB verifies these conditions, they may release the following information to the agent or licensee:

- Individual's know aliases
- Booking photograph
- Identified prior convictions for any violent felony (per 667.5 (c) PC)
- Unaltered copy of booking and property record (excluding any medical information)

436.5 BONDSMEN NOTIFICATION REQUIREMENTS

Except under exigent circumstances, a bail bondsman or their agent is required to notify law enforcement prior to, and not more then six hours before, attempting to apprehend a bail fugitive. The bail bondsman or their agent is legally required to provide the following information

- Name of the bail bondsmen or their agents who are authorized to apprehend the bail fugitive
- The approximate time the bail bondsmen or their agents will be entering the jurisdiction and the approximate length of stay
- The name and approximate location of the bail fugitive

At a minimum, dispatch shall create a general broadcast call notifying the affected station or area. While deputies are prohibited from assisting any bail bondsmen, dispatch should attempt to obtain as much information as possible that would aid in a potential critical incident response.

If notification is made after the arrest due to exigent circumstances, Penal Code Section 1299.08(b) authorizes the Department to require a detailed explanation of those exigent

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circumstances within three (3) working days. The Department's policy is to exercise this mandate. As such, a call for service shall be created and the bondsmen's justification shall be included or attached to the report.

436.6 ROUTINE AND CRITICAL INCIDENT CALLS BY A BONDSMEN

Dispatchers and other Department employees shall inform the station watch commander of all requests for assistance from bail bondsmen or their agents immediately after such requests are received.

A bail bondsman or their agent may request to provide information regarding a bail fugitive with an active warrant. If a call for service is generated, the assigned deputy shall contact the RP at a safe location unrelated to the wanted subject. The deputy shall gather all pertinent information and review the facts with the watch commander.

The decision to act immediately or delay service of the warrant is at the discretion of the watch commander. A threat assessment should be done to determine the risk level to officer safety and the public in both instances. While this is not an all inclusive list, consideration shall be given to the following:

- Availability of manpower
- Type of warrant and the nature of the originating case
  - Violent felony vs. non-violent crime
- Need and availability of other Departmental resources
  - K9, air support, SEB, etc.
- The absence of higher priority tasks or calls for service
- The criminal history of the wanted subject and known associates
- Potential for weapons or violence
- Location of the wanted subject
- Availability of Department apprehension teams to take over apprehension efforts
  - FWET, MCU, GIT
- Need to conduct additional investigation or surveillance
- Alternative arrest methods or location(s)

In the event service is immediately attempted, deputies will take over the investigation from the bondsmen in its entirety. Deputies shall respond to the wanted persons location <u>without</u> the bondsmen or his/her agents, and attempt a lawful arrest warrant service. If the subject is apprehended, the deputy will book him/her into jail on the warrant. Deputies are prohibited from turning such arrested persons over to any bondsmen or agents.

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436.6.1 CRITICAL INCIDENT RESPONSE

In the event of a in-progress critical incident involving a bail bondsmen, dispatch or department members should ascertain if the wanted subject has an active warrant or is simply wanted for a violation of their bail contract. Violation of a bail contract is civil in nature and should be handled as a non-criminal civil matter. Subjects with an active warrant and refusing to surrender to the bondsman or their agent may be considered a barricaded subject. Deputies should direct the bail bondsmen or their agents to retreat from the location and assess the situation as outlined in DSM 424 (Hostage and Barricaded Incidents).

436.7 PROHIBITED SOLICITATION OF BAIL FUGITIVES WITH ACTIVE WARRANT

When making arrests of bail fugitives, Department members shall not solicit assistance from bail bondsmen or their agents. When Department members arrest bail fugitives on an outstanding arrest warrant, they shall not be released to the custody of the bail bondsmen or their agents, but shall be booked by the arresting deputy on the outstanding warrant.

436.8 DEPARTMENT MEMBERS AS BAILORS

Department members shall make notification via chain of command to their Commander when acting as bailors for any person in custody. Department members are prohibited from acting as bailors where any fee, gratuity or reward is solicited or accepted.

Department members shall refrain from suggesting, recommending, or advising any attorney or Bail Bondsmen to any person coming to their attention as a result of a law enforcement action or activity, except where their family member(s) may be involved.

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Mental Illness Commitments

439.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may take a person into custody for psychiatric evaluation and treatment pursuant to Welfare and Institutions Code § 5150.

439.2 POLICY

It is the policy of the Riverside County Sheriff's Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment process.

439.3 AUTHORITY

A deputy having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the deputy believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

439.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions

(b) Community or neighborhood mediation services

(c) Conflict resolution and de-escalation techniques

(d) Community or other resources available to assist in dealing with mental health issues

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

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439.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the deputy shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The deputy taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the deputy shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

439.5 TRANSPORTATION

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy and the vehicle code. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Watch Commander approval is required before transport commences. Transport by non-sworn personnel shall be evaluated, taking into consideration the detainee's demeanor, level of cooperation and any criminal charges.

439.5.1 EXCITED DELIRIUM SYNDROME

Deputies should not transport those persons believed to be suffering from Excited Delirium Syndrome (EDS) and instead should refer those persons to EMS personnel for treatment under existing EMS protocols and policies. When either dispatch or deputies believe that a call may involve a suspect experiencing EDS, they should request that EMS stage.

The following are signs and symptoms of EDS:

(a) Extremely aggressive or violent behavior

(b) Attraction to lights, sounds, glass or reflective surfaces

(c) Ongoing struggle despite futility

(d) Unusual physical strength and stamina

(e) Extremely hot to the touch or sweating profusely

(f) Unintelligible animal like noises or speech that is inconsistent and does not make sense

(g) Rapid Breathing

(h) Failure to recognize or respond to police presence at the scene

(i) Nudity or inappropriate clothing for the environment

(j) Suspected or known psychiatric illness

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(k) Suspected or known stimulant drug or alcohol intoxication

(l) Constant or near constant physical activity

439.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

439.7 DOCUMENTATION

The deputy shall complete the 5150 Worksheet (RSD form A10) and complete the 5150 e-Worksheet via the MDC or Sheriff's Intranet. The number generated by the eWorksheet shall be placed in the appropriate box on the 5150 Worksheet. The deputy shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for deputy involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

439.7.1 ADVISEMENTS AND RESOURCES

The deputy taking a person into custody for evaluation shall advise the person of:

(a) The deputy’s name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the deputy must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The deputy should also ask if the person needs assistance turning off any appliance or water.

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The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

Deputies shall leave a copy of the "What to do in a Mental Health Crisis" pamphlet at the residence or with a family member of the detainee and document to whom the pamphlet was provided. The pamphlet is available on the Sheriff's Intranet under the "Patrol Ops" heading.

439.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate and according to the victim's wishes.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the individual’s transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment or the implementation of processes pursuant to Penal Code § 4011.6.

In the supervisor’s judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

439.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons pursuant to the authorities in Welfare and Institutions Code § 8102(a).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place for the specific purpose of searching for weapons, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent).

The handling deputies shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Deputies shall advise the

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person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)).

439.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS
Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Detective Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

439.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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Homeless Persons

440.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes. The Department recognizes that homeless persons are often in need of outreach services and other unique law enforcement actions. The Department will address these needs in balance with our overall mission. Therefore, personnel will consider the following when serving the homeless community.

440.1.1 POLICY

It is the policy of the Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this Department will not use homelessness solely as a basis for detention or law enforcement action.

440.2 HOMELESS OUTREACH TEAM

The Sheriff will designate member(s) of the Department to act as homeless liaison officers comprising the Homeless Outreach Team (HOT). Their responsibilities include the following:

(a) Identify homeless persons and encampments within Riverside County and maintain a list of such encampments;

(b) Maintain and make available to all Department employees a list of assistance programs and other resources that are available to the homeless;

(c) Meet with social services and representatives of other organizations (Housing Authority, VA, RUHS, etc.) that render assistance to the homeless;

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and clean-up operations; (Revised department-standard 602 letter (RSD Form 469) is available on the intranet under "Field Ops")

2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Assist stations with coordinating events to address homeless encampments and other issues involving the homeless;

(f) Be present during any clean-up operation conducted by this Department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated;

(g) Develop training to assist Department personnel in understanding current legal and social issues relating to the homeless;

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(h) Develop a tracking mechanism to document programs and accomplishments in order to prepare an annual report related to the HOT and its efforts.

440.3 STATION LIAISONS

All patrol stations, at the discretion of the station commander, shall designate primary and secondary liaisons (sworn employees) to act as the point of contact with the Homeless Outreach Team. Station liaisons are responsible for the following:

(a) Identify homeless persons and encampments in and near station boundaries

(b) Collaborate with the HOT to facilitate station-level programs and training

(c) Coordinate enforcement action as needed to address:

1. Trespassing (Revised department-standard 602 letter (RSD Form 469) is available on the intranet under "Field Ops")
2. Stolen shopping carts
3. Loitering
4. Panhandling
5. Squatting
6. Other criminal acts

(d) Coordinate the annual Point in Time (PIT) count

(e) Serve as the Point in Time (PIT) count leader

(f) Update station management and personnel on current laws, trends, and strategies to address homeless issues

(g) Write press releases related to homeless operations or programs

440.3.1 COUNTY-LEVEL RESOURCES

Field deputies should know that other agencies within the county also have personnel assigned to address the homeless population and its impacts. Deputies assigned to patrol and HOT are encouraged to communicate with and seek the assistance of Riverside County's Senior Program Specialists who can be reached during daytime hours at two phone numbers available on the MDC Homeless SOI. Sr. Program Specialists work closely with all county agencies and can coordinate with us, Fire, Flood Control, Code Enforcement, and the Parks Department to mitigate encampments, abandoned property and other impacts.

440.4 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid and support, and for community-oriented policing purposes. Nothing in this policy is meant to dissuade deputies from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a

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breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

440.4.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses, or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult / Elder Abuse policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates they do not desire prosecution.

440.5 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies shall use reasonable care when handling, collecting, and retaining the personal property of homeless persons and shall not destroy or discard such property without legal cause.

When a homeless person is arrested or otherwise removed from a public place, deputies shall make reasonable accommodations to permit the person to lawfully secure their personal property. Otherwise, the personal property shall be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor shall be consulted when reasonably available. The property shall be photographed and measures shall be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property. Personal property taken from a homeless person shall be collected and stored (minimum of 90 days) in compliance with existing laws and policy. Exceptions to storing personal property for safekeeping include:

(a) Soiled property (urine, feces, saliva, blood, vomit)

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(b) Drenched clothing or material that cannot be wiped dry

(c) Perishable food / drinks

(d) Open containers that are unable to be sealed for storage

A supervisor must approve leaving such property in place and should ensure the property is photographed or video recorded where it was left and such actions documented in a report. Deputies should explain the reasons for leaving property in place, both to the owner and in reports, and should attempt to gain consent to do so.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or a Department homeless liaison deputy. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the station homeless liaison deputy or the Homeless Outreach Team.

Deputies who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a homeless liaison deputy if such property appears to involve a trespass, blight to the community, or is a subject of a complaint. It will be the responsibility of the station homeless liaison deputy / Homeless Outreach Team to address the matter in a timely fashion.

440.6 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (as would apply to any person falling under the provisions of applicable law).

When a mental illness hold is not warranted, the deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

440.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community, and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

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Immigration Violations

445.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the department relating to immigration and interacting with federal immigration officials.

445.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

445.2 POLICY

It is the policy of the Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this Department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

445.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

445.4 IMMIGRATION ENFORCEMENT INQUIRIES PROHIBITED

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes, and shall not assist with or perform the functions of an immigration officer whether formally or informally (Government Code § 7284.6). This does not prevent employees from asking arrestees / inmates about place of birth or citizenship to comply with consular notification requirements (834c PC), or to inquire about legal status to comply with or enforce other state laws (e.g., 26505 PC).

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445.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)
Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

445.5 DETENTIONS AND ARRESTS

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

A deputy shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

A deputy should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

445.5.1 BASIS FOR CONTACT
The fact that an individual is suspected of being an undocumented alien alone shall not be the only basis for contact, detention, or arrest.

445.5.2 IDENTIFICATION
If a person is detained pursuant to the authority of Vehicle Code § 40302(a), that person may be detained upon approval of a supervisor for a reasonable period not to exceed two hours for the purpose of establishing their true identity (Vehicle Code § 40307(b)). When practicable, the use of a fingerprint scanner should be used to facilitate and expedite the identification of the person. If a fingerprint scanner is not available, the person may be taken to the station for fingerprinting, taken before a magistrate (Vehicle Code § 40302(a), 40305(a), or 40307(a)), or booked in jail (Vehicle Code § 40307(a)). Other reasonable means to identify the person can be used as well (e.g., telephone calls, etc.). If the person's identity cannot be established, deputies have the

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discretion to release them after they sign the citation and affix a thumbprint to it (Vehicle Code § 40305(a)).

445.5.4 SUPERVISOR RESPONSIBILITIES
When notified that a deputy has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

445.5.4 INTERPRETATION SERVICES
Employees shall not use immigration authorities as interpreters for law enforcement matters relating to individuals in custody (Government Code § 7284.6).

445.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this Department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

445.6.1 SUPPORT SERVICES
Dispatch will forward all requests for assistance to the designated area watch commander. Records and clerical personnel shall immediately notify a supervisor or manager for any requests for assistance other than that which is outlined in Section 445.7.

445.6.2 FEDERAL USE OF DEPARTMENT FACILITIES
Immigration authorities cannot be provided with dedicated office space within Department facilities, or house federal detainees for purposes of civil immigration custody (Government Code § 7284.6).

445.6.3 TASK FORCE ACTIVITIES
Employees may conduct enforcement or investigative activities associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for the purposes of task force investigations, if the following conditions are met (Government Code § 7284.6):

(a) The primary purpose of the joint law enforcement task force is not immigration enforcement as defined in Government Code § 7284.4(f)

(b) The enforcement or investigative duties are primarily related to the violation of state or federal law unrelated to immigration enforcement

(c) Participation in the task force does not violate any local law or policy to which it is otherwise subject

The lieutenant over the Crime Analysis Unit (CAU) will provide the California Attorney General with the following information in an annual report (Government Code § 7284.6(c)):

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(a) The purpose of the task force

(b) The federal, state, and local law enforcement agencies involved

(c) The total number of arrests made during the reporting period

(d) The number of people arrested for immigration enforcement purposes

(e) The number of transfers completed based on a judicial warrant, judicial probable determination, or according to the provisions of Government Code § 7282.5

445.7 INFORMATION SHARING

No member of this Department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in Department records

(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

445.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

445.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with

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information as to whether the Department intends to comply with the request (Government Code § 7283.1).

If the Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

445.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present (Government Code § 7284.6). The consent form must be available in the languages specified in Government Code § 7283.1.

445.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

445.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The lieutenant over the CAU shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the DOJ (Government Code § 7284.6(c)(2)).

445.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any documents or applications related to applying for U visa or T visa status should be forwarded in a timely manner to the relevant commander. The assigned handler of the application shall be someone of a supervisory rank and will complete the following:

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Determine the current status of any related case and whether further documentation is warranted.

(a) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(b) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

(a) The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(b) Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

445.8.1 TIME FRAMES FOR COMPLETION

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

445.8.2 REPORTING TO LEGISLATURE

The lieutenant over the CAU shall ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

445.8.3 POLICE REPORTS

Upon request, a deputy or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

445.9 RESOURCES

The California Department of Justice published Information Bulletin DLE-2018-01 on March 28, 2018, which provides information on the California Values Act, California TRUST Act, and the California TRUTH Act. The bulletin can be accessed via https://oag.ca.gov/sites/all/files/agweb/pdfs/law_enforcement/dle-18-01.pdf

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445.10 TRAINING

The training manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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Foreign Diplomatic and Consular Representatives

446.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Riverside County Sheriff's Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

446.2 POLICY

The Riverside County Sheriff's Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

446.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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446.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

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446.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

446.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Criminal Organizations

449.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Riverside County Sheriff's Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

449.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

449.2 POLICY

The Riverside County Sheriff's Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this Department to collect and share relevant information while respecting the privacy and legal rights of the public.

449.3 CRIMINAL INTELLIGENCE SYSTEMS

No Department member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for Department use.

Any criminal intelligence system approved for Department use should meet or exceed the standards of U.S. Code 28 CFR 23.20.

A designated supervisor will be responsible for managing each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

449.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this Department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are sent to the respective, regional Gang Task Force (GTF) office for archiving in secure files. Any supporting documentation for an entry

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shall be retained in accordance with the established records retention schedule of the managing agency and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the gang unit are appropriately marked as intelligence information. These records may not be purged without the approval of the designated gang unit supervisor.

449.3.2 GANG DATABASES

The Sheriff may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the Department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

It is the responsibility of the gang unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

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449.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the Department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

449.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible Department supervisor.

(b) Should not be originals that would ordinarily be retained by the Information Services Bureau or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Central Dispatch records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

449.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

449.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

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Department supervisors who utilize an authorized criminal intelligence system should work with the commander of the Ben Clark Training Center to train members to identify information that may be particularly relevant for inclusion.

449.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

449.7 CRIMINAL STREET GANGS

The designated supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

449.8 TRAINING

The commander of the Ben Clark Training Center, or designee should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

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(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

449.8.1 SHARED GANG DATABASE TRAINING

The commander of the Ben Clark Training Center or designee should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

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Arrestee Transport by Community Service Officers

460.1 PURPOSE AND SCOPE

The transportation of arrestees by community service officers must ensure the safety of the employee and reduce the potential for escape. This policy was established to outline improved transportation guidelines, restraint techniques and to increase communication between arresting deputies, community service officers, and supervisors.

460.2 POLICY

Community service officers are only allowed to transport non-violent, non-flight risk arrestees. To help employees decide whether an arrestee meets these criteria, the acronym **F.I.G.H.T.E.R.** was developed:

- **F**ought with Law Enforcement
- **I**nfluence of Drugs or Alcohol
- **G**ang Member
- **H**ostile, verbally or passively
- **T**hreat of Escape or Flight
- **E**xperienced Criminal
- **R**eport to Supervisor

If an arresting deputy or community service officer feels an arrestee meets one of the above **F.I.G.H.T.E.R.** criteria, a supervisor shall decide whether or not an arrestee can be transported by a community service officer.

In an effort to increase security and make transporting arrestees safer, all arrestees (when transported by a community service officer) will be restrained in waist and leg chains. The following will apply any time an arrestee is transported by a community service officer:

- The arrestee will be classified using the **F.I.G.H.T.E.R.** criteria
- The arrestee will be placed in waist and leg chains by sworn personnel
- The waist and leg chains will be removed by corrections personnel during the booking process

It may be reasonable in certain situations to deviate from this procedure. These situations will be evaluated on a case by case basis. The final decision on whether leg and waist chains will be used, or whether a community service officer will conduct the transport, will be made by a supervisor.

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460.3 TRAINING

This policy was initially adopted in July of 2012 (D.D. #12-031), and department wide training was conducted. From September 2012 forward, all new-hire community service officers are to receive training during their field training program.

460.4 ADDITIONAL RESTRAINTS

Station/Bureau commanders can acquire additional equipment through the following entities:

- **Leg Irons** - approved county vendors.
- **Waist Chains** - Division Warehouse at the Larry D. Smith Correctional Facility.

460.5 PREVIOUS DEPARTMENT DIRECTIVE RESCINDED

With the adoption of DSM 460, the Department has rescinded Department Directive 12-031 Arrestee Transport by Community Service Officers.

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Public Meetings (Bailiff Assignment at County Board of Supervisors, City Council, School Board, etc.)

461.1 PURPOSE AND SCOPE

This policy provides guidance for deputy sheriffs acting as Bailiffs assigned to public meetings held in the performance of government. These public meetings include those regularly held for the Riverside County Board of Supervisors, city councils, and school boards within our contract cities, and/or those instances where deputies may be called to respond to where a bailiff is not normally assigned.

461.2 POLICY

The Riverside County Sheriff’s Department respects the rights of the people to peaceably assemble and exercise their First Amendment rights at constitutionally protected activities. Deputies acting as Bailiffs shall be mindful of the delicate balance between the need to preserve public meeting decorum when objectively reasonable and the need to preserve the right to assemble and engage in free speech. Deputies acting as Bailiffs shall not intervene in constitutionally protected activity of assembly and/or speech, until such time the related conduct becomes objectively unreasonable and violates California State law, and all reasonable means have been attempted to regain order.

461.3 DEFINITIONS

The term "Bailiff" refers to a sworn member of the Sheriff’s Department assigned to maintain peace and order at public meetings commonly held by the Riverside County Board of Supervisors, a city council, a school board, or other related form of governance.

461.4 RELATED CALIFORNIA LAWS

CA Penal Code section 403

Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.

(Amended by Stats. 1994, Ch. 923, Sec. 159. Effective January 1, 1995.)

CA Government Code 54957.9

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only

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matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(Amended by Stats. 1981, Ch. 968, Sec. 34.)

461.5 GENERAL CONSIDERATIONS

Penal Code section 403 prohibits the disruption of public meetings and a violation of the law is a misdemeanor. The conduct to violate Penal Code 403 must be near outrageous. Outrageous conduct does not include trivialities such as indignities, annoyances, hurt feelings, or bad manners that a reasonable person is expected to endure. It is important to understand the intent behind public speaking sessions is for citizens to exercise their First Amendment right to freedom of speech and provide community and government leaders with feedback about their performance.

461.6 BEST PRACTICES

Legislative bodies, upon their inception, generally follow or adopt particular rules of order (e.g. Robert's Rules of Order, Rosenberg Rules of Order, custom rules, etc.), for conducting governance.

1. Each station shall have a standard operating procedure (SOP) for their Bailiff position.
2. If a legislative body modifies their rules of order, the responsible Sheriff's Department station commander will, within 30 days, update their station's SOP to address those changes, if applicable.
3. Commanders, or their designee, should engage in the discussion process with their respective legislative bodies to provide guidance and discuss any constitutional questions and or concerns.
4. Commanders, or their designee, shall meet annually with their legislative bodies to review and discuss the Sheriff's Department's policy on public meetings, the legislative body's expectations of the assigned Bailiff(s), and the appropriate response or protocols to address individuals or groups who may disrupt the public meetings.
5. Commanders, or their designee, should ensure Department members acting as Bailiffs within their command are familiar with the following:
   - This Department Standards Manual section (DSM 461)
   - The respective station's SOP on the Bailiff Program
   - The legislative body's particular set of rules and agreed upon expectations of the assigned Bailiff
     (a) The agreed upon expectations, responses and protocols to address individuals or groups disrupting public meetings should be detailed in the respective station's SOP on the Bailiff Program

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461.7 ENFORCEMENT ACTION

Deputies assigned as Bailiffs, or those who respond to a call for service to a public meeting, should keep in mind their primary role is to keep the peace.

Prior to taking enforcement action, deputies shall ensure the legislative body has taken all appropriate steps as outlined in their station's SOP to gain compliance. This may include shutting down the meeting and clearing of the meeting room/assembly area, as well as turning off any live video feed.

If an enforcement action becomes necessary, deputies shall activate their body worn camera (if equipped). When practical, deputies should give clear and concise warnings to individuals who are conducting themselves unlawfully. The warnings should include clear directions on what the person(s) can do to be compliant. Directions should be specific enough to allow compliance.

If the member(s) of the public's conduct rises to the point an arrest becomes necessary, deputies should do the following:

- Ensure their body worn camera is activated (if equipped).
- Ensure the live video feed is turned off.
- Attempt to persuade the person(s) to leave the assembly area.
- If the person(s) refuses, ask the presiding officer or chairperson for a recess, if it has not already been done.
- Consider removing compliant individuals first.
- During the recess, confer with the chairperson or their designee regarding a potential violation of PC 403; and when prudent, obtain a signed citizen's arrest form from the presiding representative or the city manager per the station's SOP.
    - If the person's actions, in violation of this statute, are so egregious and are clearly violating other criminal sections such as terrorist threats or assault, the deputy may immediately make an on-sight arrest.
- Verbally announce to the violator(s) they are being detained and or arrested for willfully disrupting a public meeting.
- Document the arrest and any use of force. The report should include the following:
    - The person(s) intentionally committed acts that violated implicit customs or usages of or explicit rules for governing the public meeting.
    - The person(s) knew or reasonably should have known that his or her acts violated those customs or usages of rules (e.g. told by the chairperson they were disrupting the meeting).
    - The person(s)' acts substantially and unlawfully interfered with the conduct of the meeting.
    - The collection of all relevant video and body worn camera recording.
- If a use of force incident takes place, the following shall occur:

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- The person is arrested and booked into jail
- Supervision is notified as soon as practical
- The use of force protocol (DSM-300) is followed

461.7.1 RESTARTING A PUBLIC MEETING

After the peace has been reestablished, and the legislative body has resumed the public meeting, the following should occur:

- Maintain a law enforcement presence
  - Increase the amount of law enforcement presence, if appropriate
- Allow members of the press into the meeting in accordance to CA Goverment Code 54957.9.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Riverside County Sheriff's Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) and the Crossroads Collision Database are valuable resources for traffic accident occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident-rate locations.

The department may employ the use of checkpoints for the purpose of gathering information relevant to an investigation, or during specific traffic enforcement programs. Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.2.1 UNINCORPORATED AREAS

Traffic enforcement is not a mandated function of the Sheriff in unincorporated areas of the county. Traffic enforcement is a primary duty of the Sheriff in contract cities.

Deputies assigned to unincorporated areas shall enforce only aggravated, serious traffic violations. Unincorporated areas identified with recurring violations, insufficient signage, or other conditions contributing to vehicle code violations should be brought to the attention of the California Highway Patrol.

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500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating a deputy's overall performance (Vehicle Code § 41603). The visibility and quality of a deputy’s work effort will be commensurate with the philosophy of this policy. Several methods, not just citations, are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

(a) Explanation of the violation or charge;

(b) Court appearance procedure including the optional or mandatory appearance by the motorist;

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court;

Once issued, a citation shall not be cancelled, concealed or otherwise destroyed without notifying a supervisor of the circumstances and communicating with the applicable court regarding the reason for cancellation. Under no circumstances shall a personal relationship with any officer, public official, or law enforcement agency be grounds for dismissal (CVC 40500(d)).

Once issued, a citation that is not to be lawfully cancelled shall be submitted and processed in a timely manner (CVC 40506).

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

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500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The deputy will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the department member.

500.6 TRAFFIC SERVICES COMMITTEE

Commanders of stations having contract cities may designate a representative to serve on a Departmental Traffic Services Committee. The Traffic Services Committee, if created, shall:

(a) Advise on development of programs and procedures relating to traffic;

(b) Advise on development of standard forms for traffic enforcement and accident reporting;

(c) Maintain SWITRS reports;

(d) Assist stations in analyzing their traffic statistics;

(e) Coordinate the department's traffic training programs with the Training and Education Bureau;

(f) Maintain liaison with other traffic related agencies;

(g) On request, provide stations with in-service training;

(h) On request, provide station with technical assistance in traffic enforcement and accident investigations;

(i) Convene as needed.

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Impaired Driving

505.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

This directive replaces DD #86-020 in its entirety and will specify policy and procedure related to the collection of evidence during DUI and other criminal investigations where blood or urine evidence is germane to proving elements of the crime.

505.2 POLICY

The Riverside County Sheriff's Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California’s impaired driving laws.

505.3 INVESTIGATIONS

All deputies are expected to enforce DUI laws with due diligence.

The traffic sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist in the investigation of DUI, documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using current and valid forms. Information documented on these forms does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The deputy's observations that indicate impairment on the part of the individual, and the deputy’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual’s driving or subsequent actions.

(e) The location and time frame of the individual’s vehicle operation and how this was determined.

(f) Any prior related convictions in California or another jurisdiction.

505.4 FIELD TESTS

Deputies should use the Standardized Field Sobriety Tests (SFST) approved by the National Highway Traffic Safety Administration (NHTSA) and any approved alternate tests when investigating violations of DUI laws.

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505.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

505.5.1 STATUTORY NOTIFICATIONS

Deputies requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

505.5.2 PRELIMINARY ALCOHOL SCREENING

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

505.5.3 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the deputy shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

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505.5.4 CHOICE OF TESTS

Deputies shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the deputy shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the deputy may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

505.5.5 BREATH SAMPLES

The deputy should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to a sergeant.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the deputy’s belief shall be included in the deputy’s report (Vehicle Code § 23612(a)(2)(C)).

Deputies under no circumstances shall share or loan their own, or utilize another employee's ID number or access card in order to use or activate any breath analysis device during an investigation.

505.5.6 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

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The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

505.5.7 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

505.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, deputies should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

505.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

505.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test, only after a search warrant has been obtained pursuant to Penal Code 1524.

Deputies should be aware that:

(a) Parole or probation status alone is not sufficient to avoid the warrant requirement. Each arrestee's specific conditions should be researched and confirmed.

(b) A driver's license holder's "Implied Consent" is not sufficient to avoid the warrant requirement.

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505.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor, after having confirmed that a search warrant has been obtained, should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video if practicable.

1. The sergeant and all deputies involved shall give careful risk-management consideration to using force to obtain blood evidence from extremely elderly arrestees, injured arrestees, or obviously pregnant arrestees. The total circumstances of a given investigation may not warrant force given the existence of these, or other, aggravating factors.

(c) Ensure that the blood sample is taken in a medically approved manner.

(d) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(e) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

(f) Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

(g) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(h) In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

(i) In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted

(j) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

(k) Force may also be used under these guidelines to collect a blood sample in felony cases, other than DUI, where the arrestee's suspected drug or alcohol impairment has a direct and relevant nexus to proving the elements of a FELONY child abuse, neglect, or endangerment charge. The arrestee must refuse to voluntarily submit to the draw and a search warrant seeking evidence of the felony charge, shall be obtained before force is used to seize the sample.

1. Force shall not be used when the only charge is 11550(a) HS, nor shall search warrants be sought to seize samples in 11550(a) HS cases.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

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505.7 ARREST AND INVESTIGATION

505.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

(c) The person will not be apprehended unless immediately arrested.

(d) The person may cause injury to him/herself or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

505.7.2 DEPUTY RESPONSIBILITIES

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

505.8 CLERICAL RESPONSIBILITIES

The clerical/records staff at each station or bureau will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

505.8 ADMINISTRATIVE HEARINGS

The administrative staff will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any employee who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Any employee who testifies at an administrative hearing should document the hearing date, time and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

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505.9 TRAINING

Department members participating in DUI investigations should attend DUI-related training classes that include, at a minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations.

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Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Riverside County Sheriff's Department. Nothing in this policy shall require a department member to tow a vehicle if they believe another response would be consistent with public safety objectives and the reasonable protection of property.

510.2 STORAGE AND IMPOUNDS

The responsibilities,considerations and requirements for those employees towing, storing or impounding a vehicle are listed below.

510.2.1 COMMUNITY CARETAKING DOCTRINE

The Community Caretaking Doctrine is a legal concept which recognizes that law enforcement, as part of their role as community caretakers, are sometimes allowed to search property, enter property, or seize property while they are engaging in community caretaking functions such as calls for public assistance, entering homes during welfare checks, or taking property for the purpose of protecting it from damage or theft.

Department members towing vehicles under the community caretaking doctrine should be confident that there exists articulable facts or circumstances that justify seizing a vehicle for a caretaking purpose, such as after the driver is taken into custody for example. Such facts shall be clearly detailed in the storage report. A supervisor should be consulted when appropriate before storing a vehicle pursuant to a community caretaking function or authority.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, or when an owner's request would unreasonably delay removal, a company will be selected from the rotational list of towing companies in Central Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the department to assume responsibility for a vehicle involved in a collision, the deputy shall request the dispatcher to call the next rotational tow. The deputy will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would

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reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-likelihood of theft or vandalism).

The following are examples of situations where vehicles shall be left at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest, or a violation for which the owner/controller is cite-released at the scene.
- Arrests that occur at the owner/controller's home, on the driveway, or on the street in front of the home and the vehicle is safely parked.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever an owner-approved and validly licensed agent can take possession of the vehicle within a reasonable amount of time.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the department will not be responsible for theft or damages.

510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver’s license, the deputy shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The deputy shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the deputy shall list on his/her copy of the notice to appear the name and driver’s license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver’s license and current vehicle registration.

510.2.5 DRIVING A NON-COUNTY VEHICLE

Vehicles which have been towed by or at the direction of the department should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

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510.2.6 DEPARTMENT MEMBER RESPONSIBILITIES

Any department member who causes a vehicle to be towed (except tows at owner's request) shall enter the vehicle as towed, stored or impounded as soon as possible. The CHP 180 "half-sheet" shall be submitted to the station records bureau before the end of shift.

Department members shall not make their own requests for any specific tow company, but shall instead make all tow requests via dispatch personnel. Any justifiable deviation from the towing company rotation list may include the following circumstances:

- Company unavailable to respond.
- Response time unreasonably long.
- Special equipment is needed to tow or retrieve vehicle.

The specific reason for a deviation from the tow rotation list shall be noted by dispatch personnel in the call text.

510.2.7 STATION/BUREAU RECORDS RESPONSIBILITY

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the station's clerical unit to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). This information is usually provided on the CHP 180 "half-sheet" that is submitted by the department member responsible for the tow.

The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

510.2.8 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report shall be given to the tow truck operator and the original shall be submitted with the report within 24 hours after the vehicle is stored.

The circumstances surrounding the tow shall be thoroughly documented using the CHP 180 form and a detailed report, which shall be submitted within 24 hours following the tow. The specific

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circumstances surrounding a vehicle tow and the timely submission of reports is critical in making an informed decision during a storage hearing following the seizure.

510.3 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the department against fraudulent claims of lost, stolen, or damaged property.

510.4 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.4.1 VEHICLES STORED ON DEPARTMENT PROPERTY

Vehicles requiring storage on station or department property, usually for evidence processing or examination purposes, shall be tracked and stored as follows:

(a) When possible, the vehicle shall be secured behind fencing or locked gate.

(b) The vehicle, if windows or top are damaged, shall be reasonably covered to prevent damage from the weather elements.

(c) The vehicle shall be entered into the ELEETS evidence system and the bar code sticker conspicuously affixed to the vehicle's interior.

The Property Lieutenant shall periodically inquire as to the status of vehicles held on station property and promptly release as appropriate.

510.5 RELEASE OF VEHICLE

The department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver’s license shall only be released upon presentation of proof of compliance, proof of payment,

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completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license in the possession of either party, and applicable fees paid prior to the end of the 30-day impoundment period. The following circumstances also require release before the end of a 30-day impoundment:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Supervisors whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should then approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing. See the Vehicle Impound Hearings Policy.

510.6 PRIVATE PROPERTY TOWS

Generally, deputies should not become involved in towing of vehicles from private property. Unless associated with a criminal investigation, the towing of vehicles from private property are considered a civil matter. In instances where Deputies are acting in a keep the peace capacity, Deputies should understand the legal differences between a private party tow and a repossession. In the case of a repossession, the vehicle owner or person in lawful possession of the vehicle can object to the repossession prior to the repossessor / tow operator taking control of the vehicle. DSM 432.7 states:

> A repossession of a vehicle is deemed complete when the repossessor gains entry to the vehicle or when the vehicle becomes connected to a tow truck. In those situations where the repossessor has not gained possession or cannot gain possession without a breach of the peace, the repossessor must proceed through a court action.

Private property tows have a different legal standard for the objection of the tow. The vehicle owner or person in possession of the vehicle can object to and stop the private property tow at any time while the vehicle is still on private property. Only when the vehicle has been removed

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from the private property and is in transit, is it considered in the possession of the tow company. In other words, if the vehicle owner or person in possession of the vehicle objects to the tow while it is still on private property, the tow operator must stop and return to the vehicle.

(a) Vehicle Code Section 22658 authorizes and regulates the removal of vehicles from private property. Subsection (a) states:

(a) The owner or person in lawful possession of private property, including an association of a common interest development as defined in Sections 4080 and 4100 or Sections 6528 and 6534 of the Civil Code, may cause the removal of a vehicle parked on the property to a storage facility that meets the requirements of subdivision (n) under any of the following circumstances:

(b) Deputies may be called upon to keep the peace during a private party tow. Deputies should be familiar with the following subsections of 22658:

(g) (1) (A) Possession of a vehicle under this section shall be deemed to arise when a vehicle is removed from private property and is in transit.

(B) Upon the request of the owner of the vehicle or that owner's agent, the towing company or its driver shall immediately and unconditionally release a vehicle that is not yet removed from the private property and in transit.

(C) A person failing to comply with subparagraph (B) is guilty of a misdemeanor.

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Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Riverside County Sheriff's Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)). The hearing, if requested, is held to provide due process relevant to the storage where both parties can informally present facts, evidence, or other factors relevant to the department's need to continue its possession of the vehicle.

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a sworn sergeant (or higher rank) and one that did not cause or direct the storage or impound of the vehicle.

The use of any previously published RSD "Vehicle Tow Hearing Flow Charts" or "Decision Tree" diagrams is for reference and guidance and are to be considered only part of the entire hearing and decision-making process. The hearing process should encompass a complete and thorough examination of all mitigating and aggravating factors, along with applicable authority sections associated with the seizure.

512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). A sworn sergeant (or higher rank) not involved in the storage shall serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the department.

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After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department’s policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the department’s expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Chief Deputy. The hearing officer will recommend to the appropriate Chief Deputy that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the department.

(d) All hearings shall be documented using the department's Tow Hearing Request Form, available within the Patrol Tracker Application. These forms shall be retained pursuant to the destruction schedule and shall be organized to allow for statistical review.

512.3 COMMANDER RESPONSIBILITIES

The commanders shall ensure that the Tow Hearing Request Forms are organized in a manner that allows for statistical review of the process and hearing outcomes.

The commanders shall periodically review the tow hearing process within their commands to ensure that the proper personnel are involved, that it is properly providing due process, and that the hearings are properly identifying vehicle storages that should be upheld, that occurred erroneously, or that should be amended.

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Vehicle Impound Hearings

Commanders shall ensure that changes in the law and department policy related to vehicle impounds and seizures are promptly relayed and trained upon.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Riverside County Sheriff's Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INVESTIGATION AUTHORITY AND PROTOCOL

The Sheriff has the responsibility and authority for all investigations conducted by the department. Operational responsibility for all investigations is at the bureau, station, or facility level. All divisions of the department can conduct criminal, non-criminal, and administrative investigations for the department or an allied agency. Throughout any investigation, the following protocols will generally apply:

(a) Any member of the department can be assigned to conduct or assist with an investigation.

(b) A criminal investigation shall not be delayed by an administrative investigation, both are to be conducted separately.

(c) When assigned to, or lawfully assuming control of any criminal investigation, the employee is in charge. The assigned employee will be in command of the scene and will take precedence over all ranks at the scene and elsewhere in connection with the investigation, unless specifically relieved of the responsibility by a superior officer. (This does not relieve supervision of its responsibilities or authority during any investigation or other assignment).

(d) When an employee is relieved of an investigation there shall be a review by the Commander regarding the circumstances. Reassignment for operational purposes is not considered relief from an investigation.

(e) During an investigation, if information comes to light which would be considered a conflict of interest or render the employee ineffective for that investigation, that finding shall be immediately reported to a supervisor.

(f) Should an employee identify another member as having a detrimental effect on a department investigation, that finding shall be immediately reported to a supervisor

(g) When conducting an investigation and information indicates that a departmental member may be involved in a criminal act, that finding shall be immediately reported to a supervisor.

(h) An employee is responsible for the proper investigation of all assignments, and for appropriate disposition of all assigned cases.

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600.4 INITIAL INVESTIGATION

600.4.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation in a timely manner.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

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Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the case agent's supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings, such as BWC recordings, should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of a deputy, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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The department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately and as required.

(b) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(c) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(d) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(e) Investigation has proven that a crime was not committed and such proof has been documented.

(f) The statute of limitations has expired under all circumstances that would allow prosecution of the offender.

The Domestic Violence, Child Abuse Sexual Assault Investigations and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor. None of these circumstances absolve an assigned department member from properly documenting an incident in an initial report as required by department policy.

600.7 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Chief Deputy. Any authorized request to modify the charges or to recommend dismissal of charges shall then be made to the prosecutor.

600.8 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

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600.9 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by department members while on-duty and for purposes related to the mission of this department. If a department member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the department member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The department member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release policy).

600.9.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.9.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal and supervisor counsel before any such interception.

600.10 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

All wiretap investigations/electronic communication intercepts will be coordinated and controlled by the Special Investigations Bureau Commander.The Department, in conjunction with state

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and federal law, must adhere to Title III of the Omnibus Crime Control and Safe Street Act of 1968, and the California Electronic Communications Privacy Act (ECPA) of 2016. Those provisions, certifications, policies, procedures, and laws are outlined in the “wiretap/electronic communications intercepts” in the Special Investigations Bureau Manual.

Any station, bureau, or facility within the Department wanting to start a wiretap/electronic communication intercept investigation shall make a formal request to the Special Investigations Bureau to coordinate all activities associated with this type of investigation.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.

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Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Riverside County Sheriff's Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

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602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Central Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.5.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned deputy shall accomplish the following:

(a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the deputy shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

    1. The deputy shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

    2. A support person may be excluded from the examination by the deputy or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

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602.5.2 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member or other qualified forensics personnel should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned deputy or investigator shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned deputy or investigator determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the deputy or investigator shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned deputy or investigator shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

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If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned deputy or investigator shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

602.6.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

  (a) Although such information may be communicated orally, the assigned deputy or investigator should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

  (b) Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):

  1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

  2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

  3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned deputy or investigator informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

  (a) Although such information may be communicated orally, the assigned deputy or investigator should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

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(b) No deputy or investigator shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT
Every station or bureau tasked with sexual assault investigations should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

602.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.8 CASE REVIEW

The Detective Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

602.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

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1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Riverside County Sheriff's Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

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604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

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604.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The department member presenting the photographic lineup may do so sequentially using the folder shuffle method (i.e., show the witness one person at a time) or simultaneously. Regardless of method, the witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

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604.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

  (a) The length of time the witness observed the suspect.

  (b) The distance between the witness and the suspect.

  (c) Whether the witness could view the suspect’s face.

  (d) The quality of the lighting when the suspect was observed by the witness.

  (e) Whether there were distracting noises or activity during the observation.

  (f) Any other circumstances affecting the witness’s opportunity to observe the suspect.

  (g) The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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Facial Recognition Technology

605.1 PURPOSE AND SCOPE

The department and its members use a variety of investigative tools and technologies to help identify, arrest and successfully prosecute criminal offenders. Facial Recognition is a powerful investigative tool which may assist law enforcement in their efforts, by providing viable suspect lead(s) for a crime already committed, to assist in identifying person(s) legally detained for enforcement purposes, and/or to help identify at risk person(s) or incapacitated individuals. The facial recognition program is administered by Riverside CAL-ID, as authorized by the Sheriff.

This policy will serve to provide all department personnel with standards, guidelines, and recommendations for the collection, access, use, dissemination, retention, and purging of images and related information applicable to the department's facial recognition program. This policy will ensure that all facial recognition uses are for official use only and consistent with authorized purposes, while not violating the privacy, civil rights, and civil liberties of individuals. All information obtained from facial recognition search requests is considered law enforcement sensitive.

605.2 POLICY

This policy and its references apply to all department personnel and to all law enforcement personnel who are granted direct access to the DataWorks Plus facial recognition system, as well as personnel who are permitted to request facial recognition searches. Any personnel from an outside law enforcement agency requesting facial recognition searches for an investigation must adhere to this policy.

605.3 FACIAL RECOGNITION REQUESTS AND USE PROCEDURES

The Riverside County Sheriff's Department shall adhere to the policies and procedures outlined in the Riverside CAL-ID Biometric Identification Network -Facial Recognition Policy. This document is available on the Sheriff's Intranet Homepage under "Facial Recognition Tool." The Facial Recognition Policy may also be accessed on the department's website. https://www.riversidesheriff.org/620/Support-Services

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Investigative Funds

608.1 PURPOSE AND SCOPE

The department shall maintain funds to be used for investigative purposes. Investigative funds shall be part of the budgetary process and overall control shall be maintained at the administrative levels of the department. Physical distribution of funds to individual case agents may be conducted and tracked at the station or bureau level.

608.2 AUTHORIZED PURPOSES

Investigative funds are to be utilized for investigative expenditures. Investigative expenditures include, but are not limited to, the following:

A. Purchase of evidence and/or contraband

B. Purchase of information

C. Costs of special operators or informants

D. Other investigative needs as determined by the case currently under investigation.

608.3 DEPARTMENT MEMBER RESPONSIBILITIES

All department employees who use investigative funds are responsible for such funds and shall employ proper safeguards to ensure the security of such funds. Supervisors of employees who are using investigative funds shall ensure that the funds are spent following the law and policies of the department. Supervisors shall maintain control of the use of the funds. Control of investigative funds shall include a bookkeeping system at the unit level that ensures proper maintenance and audit of such funds.

608.4 DOCUMENTATION

Department members who use investigative funds shall maintain proper documentation of expenditures. All documentation is subject to review and audit at any time and frequency determined by the department. See the Informants Policy for additional guidelines and requirements regarding the use of investigative funds.

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Informants

609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Riverside County Sheriff's Department for law enforcement purposes. This also includes a person agreeing to supply information to the Riverside County Sheriff's Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

609.1.2 TYPES OF INFORMANTS

Informants shall be classified as follows:

(a) Citizen Informant: A person who solely furnishes information without compensation or any other reward.

(b) Paid Informant: A person who, under the direction of a member of the Department, furnishes information or works as an operative, by committing any act, for monetary compensation or another type of reward (excluding leniency from prosecution).

(c) Defendant/Informant: A person who is subject to arrest or prosecution, or both, for a criminal offense; or, a defendant in a pending case who expects compensation for their assistance in the form of judicial or prosecutorial consideration.

(d) Restricted Use Informant: A person who is on parole or probation (federal or state) that may be only used with specific permission from their parole or probation officer.

(e) One-Time Informant: A person who may possess information that will assist with a critical investigation and willing to exchange that information for financial compensation, but who otherwise might not meet the requirements, or who is unwilling to sign up as an informant. Such exchanges will be authorized by a Department member holding the rank of sergeant or above. “One-Time” informants shall not commit any overt act in the furtherance of an investigation, whether at the direction of a Department member or otherwise. They must only provide information.

An expenditure report must be completed on all informants that receive compensation.

609.2 POLICY

The Riverside County Sheriff's Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments be routinely audited and payments to informants be made according to the criteria outlined in this policy.

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609.3 USE OF INFORMANTS

Department members are encouraged to broaden their law enforcement experience by selecting, developing and properly using informants in furthering a legitimate law enforcement purpose and in accordance with the guidelines in this policy. Nothing in this policy is meant to discourage the use of informants.

609.3.1 INITIAL APPROVAL

Before use, those individuals who work as paid informants, defendant/informants, or restricted use informants must be formally established as outlined in this policy. In considering the use of any individual as an informant:

(a) An evaluation must be made by the member in charge that the potential informant shall not compromise further interest of the Department or law enforcement in general.

(b) A determination must be made ensuring that the potential informant will accept the direction necessary to utilize their services effectively.

(c) A consideration of the type(s) of alleged crimes attributed to the informant. The informant's alleged crimes should fit into the categories of non-violent, non-serious, and non-high risk sex offenses.

Prior to activation of an informant, the member supervising the informant shall submit to their sergeant an evaluation, which shall consist of an overview of the informant’s potential and proposed utilization; the informant status, (i.e., paid, restricted use, etc.); the arrangement for payment or consideration; and the details of approval for use, if applicable (name of approving district attorney, which office, and conditions of approval). Consequently, all cases against an informant(s) occurring within Riverside Sheriff's Department jurisdiction shall be documented in a formal written report; typically, with an "Exceptional" case closure, and all related evidence shall be handled and booked pursuant to department policy.

Generally, informants shall be required to enter a plea of guilty to any pending charges before use. Any consideration of the plea should be during the prosecution phase. This information shall be forwarded to the Special Investigations Bureau Narcotics Lieutenant for review and submission to the Chief Deputy of Support Services and the Assistant Sheriff of Patrol/Support Services for approval. Only the captain or a lieutenant of the Special Investigations Bureau shall present the request to the Chief Deputy or Assistant Sheriff. If approval is granted, the required file shall be started, and the member supervising the informant shall be notified.

All paid informants, defendant informants, and restricted use informants shall be ineligible until they sign the establishment report(s) acknowledging that they have read and agreed to all conditions of use. Two sworn law enforcement members shall witness the signature. Should an informant refuse to sign the agreement, the statement of refusal shall be entered onto the agreement by one of the witnessing members. In the event an informant refuses to sign the agreement, the file shall be established and shall include a deactivation report for future record.

All paid informants, defendant informants, and restricted use informants shall be queried through LA CLEAR (Los Angeles Clearing House). If the query results in that informant being deemed

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unreliable, it is the responsibility of the supervising member of the informant to contact the prior manager and get details of the entered request. The supervising member shall get approval from his direct supervisor on whether the informant can be presented for approval.

As part of the established procedure, and before the approval to use, a complete debriefing shall be conducted. The nature and extent of the debriefing shall vary with the informant's background. However, the line of questioning shall be such that all knowledge of criminals and criminal activity, both drug and non-drug related, shall be covered.

Every ninety days, a status report shall be completed, and the responsibility for this report shall rest with the commander of the bureau/station using the informant. Also, a deactivation report shall be completed at the conclusion of the investigation or when the informant will no longer be utilized.

609.3.2 JUVENILE INFORMANTS
The use of informants under the age of 18 is prohibited.

609.3.3 USE OF INFORMANTS IN DRUG PURCHASES/BUYS
When an informant is to participate in an undercover purchase in which he/she may come in contact with either official County funds, controlled substances, or anything else having potential value as evidence, he/she shall without exception be searched thoroughly both before and after the undercover encounter. The informant shall, where possible, be kept under constant observation between searches. The reason for this is to preclude questions as to the validity or integrity of the evidence. The search of the informant shall be documented within the crime report.

609.3.4 INFORMANT AGREEMENTS
Informants will sometimes offer to exchange information for immunity or other valuable consideration concerning their criminal case. No department member shall make promises to an informant concerning such legal consideration. Members shall follow departmental procedures when such consideration appears appropriate. Contact shall be made with the District Attorney's Office before any decisions are made in regard to legal consideration.

609.4 INFORMANT INTEGRITY
To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Chief Deputy, Special Investigations Bureau Lieutenant or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Riverside County Sheriff's Department, and that they shall not represent themselves as such.

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(d) The relationship between department members and informants shall always be ethical and professional.

(e) Members shall not become intimately involved with an informant.

(f) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(g) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Investigations supervisor.

(h) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy.

(i) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(j) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses with appropriate signatures.

(k) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

609.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to a suspect(s) the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

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(g) The informant commits criminal acts subsequent to entering into an informant agreement.

609.4.2 DEACTIVATING AN INFORMANT

An informant shall be deactivated when they no longer have potential to furnish information or services which should lead to a significant prosecution or assist with a criminal investigation. Deactivation may also occur in the following circumstances:

(a) When an informant is no longer willing to cooperate or when his/her cooperation has been determined to be unsatisfactory.

(b) When determined to be in the best interest of the Department.

An informant who has been deactivated, for whatever reason, shall remain deactivated until the worth or potential can be re-established. If the informant is deactivated or deemed “unsuitable”, the case agent shall immediately contact LA CLEAR and update the status of that informant.

609.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant. Informant files shall be maintained pursuant to the County of Riverside document retention schedule.

609.5.1 INFORMANT FILE CONTENT

Informant files shall be maintained in a secure area within the Special Investigations Bureau. The Special Investigations Bureau Narcotics Lieutenant or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Chief Deputy, Special Investigations Bureau Narcotics Lieutenant or their authorized designees.

A log shall be maintained by the commander of the Special Investigations Bureau or designee, and anytime a file is reviewed it shall be documented on the log. The log shall include the date, the name of the deputy reviewing, and their signature. The informant files shall contain the following documents:

(a) Personal History Report/Establishment Report

(b) Photographs

(c) Informant History (RMS, FBI, CII printouts, etc.)

(d) Cooperation agreement signed by the informant, managing deputy, and supervisor

(e) Recording of contact during the issuance of an agreement

(f) Originals of payment vouchers

(g) Debriefing reports by deputies

(h) Deactivation reports or declaration of unsatisfactory performance

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(i) 90-day Status Reports

609.5.2 INFORMANT CODE NUMBER

When an informant is to be used, the Special Investigations Bureau shall assign an informant management number. This number shall only be used in reference to the file and shall not be included in any investigative reports. The code shall have nine (9) characters (i.e., I10200001) with each character designated as follows:

(a) The first character shall always be the letter “I.” (I as in Informant)

(b) The next 2 characters shall be the designator of the establishing station/facility/bureau (i.e., Colorado River Station [11], Thermal [12], Palm Desert [13], SIB/Narcotics [24], etc.). *See Appendix

(c) The 4th and 5th numbers shall be the last 2 digits of the year of the establishment (i.e., 18, 19, 20, etc.).

(d) The remaining numbers shall be the informant’s identification number. This number shall be assigned sequentially, and the numbering system will “carry over” from the previous calendar year (i.e., I-31-19-1234 end of the year 2019, I-31-20-1235 as the first identification number for 2020).

The Special Investigations Bureau shall maintain an Informant Code File for the entire department.

(a) The file shall contain the informant’s code number, the informant’s true name and date of birth, the type of informant (Restricted Use, Paid, etc.), the name of the station/facility/bureau of the establishing deputy/investigator, and the dates of activation and/or deactivation.

609.6 TASK FORCE ASSIGNMENTS

Department members assigned to multi-agency task forces shall follow the informant policy and procedures of the agency managing the task force.

609.7 INFORMANT PAYMENTS

The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

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609.7.1 PAYMENT PROCESS

All payments to informants shall be witnessed by at least two (2) sworn department members. All payments to informants shall be documented on a money expenditure report issued by the specific bureau or station pursuant to the station's standard operating procedures (SOPs) related to special investigation (SI) funds. Informants shall be required to sign their true name on the expenditure report, and the original shall be forwarded to the Special Investigations Bureau and placed in the informant file.

(a) Payments may be paid in cash from a Special Investigations Bureau buy/expense fund, or via the station's SI funds.

(b) The Special Investigations Bureau Narcotics Lieutenant, or applicable station lieutenant, shall sign the money expenditure sheet for cash payouts from the buy/ expense fund.

(c) To complete the payment process for any amount, the deputy delivering the payment shall complete a money expenditure form.

(d) The cash transfer form shall include the following:

1. Date
2. Payment amount
3. Riverside County Sheriff's Department case number
4. A statement that the informant is receiving funds in payment for information voluntarily rendered.

(a) The money expenditure form shall be signed by the informant.

(b) The money expenditure form will be kept in the informant's file.

609.7.2 AUDIT OF PAYMENTS

The Special Investigations Bureau supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every four months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

*Appendix:
Station/Jail Facility/Bureau/Specialty Team Informant Code Numbers
Colorado River Station/Blythe Jail = 11
Thermal Station = 12
Palm Desert Station =13
Cabazon Station = 14
Hemet/San Jacinto Station = 15

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Moreno Valley Station = 16
Perris Station = 17
Lake Elsinore Station = 18
Southwest Station = 19
John Benoit Detention Center = 20
Smith Correctional Facility = 21
Cois Byrd Detention Center = 22
Robert Presley Detention Center = 23
Special Investigations Bureau = 24
Central Homicide Unit = 25
Special Enforcement Bureau = 26
Gang Task Force = 27
Street Racing Team = 28

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Unmanned Aerial System (UAS) Operations

612.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the use of an Unmanned Aerial System (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS. The operation, staffing, training, and deploying of UAS assets is managed by the commander of the Special Enforcement Bureau.

612.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

612.3 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

Remote Pilot in Command (RPIC) - The person who is ultimately responsible for the overall operation. The RPIC shall ensure the flight is conducted safely, lawfully, and all necessary notifications have been made, including a Notice to Airman (NOTAM) where applicable. The RPIC may or may not be the person actually flying the UAS.

Person Manipulating the Controls (PMC) - The person who is piloting / physically controlling the flight of the UAS through the remote controller. If this person is not the RPIC, then the PMC shall be under the direct supervision of the RPIC.

Visual Observer (VO) - Personnel involved in the UAS operation who are assigned to keep a constant visual on the UAS during flight. Visual observers scan the area using the FAA's "see and avoid" technique to ensure the UAV remains clear of any possible hazards such as approaching aircraft, obstacles, etc. The Visual Observer shall have uninterrupted communication with the RPIC / PMC either in person, cell phone, radio, etc.

612.4 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where

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there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

612.5 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current; (This document is available on the Sheriff's Intranet Site, on the right side under "Aviation").
- Ensuring that all authorized operators and required observers have completed all required FAA and on-going department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS;
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff or designee.

612.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities;
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation;
- To harass, intimidate or discriminate against any individual or group;
- To conduct personal business of any type;
- The UAS shall not be weaponized.

612.7 PROCEDURES

Any department member acting as a RPIC shall hold a valid FAA Part 107 Remote Pilot Certificate and have received department approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.

612.7.1 DEPLOYMENT

All requests to deploy the UAS shall be approved by a station or bureau commander or designee prior to performing the flight/mission. The following is a list of mission types the UAS is authorized to be utilized for:

(a) Searches (e.g., for an outstanding suspect, article search, public safety hazard);

(b) Crime scene documentation;

(c) HAZMAT response;

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(d) Search and rescue;

(e) Missing persons;

(f) Barricaded persons;

(g) Traffic collision reconstruction;

(h) SEB operations;

(i) Disaster response;

(j) Special events (when approved by Sheriff’s Administration).

612.7.2 PUBLIC NOTIFICATION

Except in instances where officer safety could be jeopardized, or time is of the essence, officers should utilize the PA system to alert people in the area of the department’s UAS operation. To aid in public safety, alerts should notify the public that a UAS will be used and they should stay inside of their residence or parked vehicle. During pre-planned events or training, approved social media accounts should be utilized to inform the public of UAS operations.

612.7.3 SHERIFF'S AVIATION

Sheriff’s Aviation will be given priority to all airspace. In the event a department aviation asset or allied aviation asset is on scene while a UAS is deployed, the RPIC shall immediately land the UAS. After landing the UAS, the RPIC may contact the aviation asset and discuss a deconfliction plan, if needed. A manned aircraft and UAS may operate in the same airspace as long as the pilot in command (PIC) of the manned aircraft and the RPIC of the UAS have communicated and agreed on a deconfliction plan, and are in constant communication. The PIC of a manned aircraft will have the final authority as to whether the airspace will be shared.

612.7.4 MISSION DOCUMENTATION

All flights involving law enforcement activity (excluding demonstrations, training, and inspections) should be documented by the RPIC, or an involved officer, under the related report number as appropriate.

612.7.5 REQUIRED FAA REPORTING

By the 5th day of every month, every department member acting as a RPIC in the previous month shall report their flights to the department's UAS coordinator. (This can be electronically downloaded from the UAS flight controller.) Minimum reportable information shall include:

(a) Name and I.D. number of the RPIC;

(b) Location, time and duration of flights (electronically captured);

(c) Filed Notice to Airman number, if NOTAM is applicable;

(d) Description of emergency circumstances if NOTAM was required and not filed;

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(e) Reason for the flight;

(f) Name of approving supervisor.

612.8 UAS COLLISIONS

If a collision occurs during the operation of the UAS and results in serious injury to any person, any loss of consciousness, or if it causes damage to any property (other than the UAS) in excess of $500 to repair or replace the property, notification shall be made to the FAA Flight Standards District within ten days per FAA guidelines.

Flight Standards District Riverside: www.faa.gov/about/office_org/field_offices/fsdo/?state=CA

Riverside Flight Standards District Office: (951) 276-6701, 6961 Flight Road, Riverside, CA 92504

The department supervisor should document the incident per department policies and the UAS Coordinator shall conduct a review of the collision for maintenance, training issues, or operator negligence.

612.9 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Brady Material Disclosure

613.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

613.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -**Information known or possessed by the department that is both favorable and material to the current prosecution or defense of a criminal defendant.**

613.2 POLICY

The Riverside County Sheriff's Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Riverside County Sheriff's Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy. All potential Brady notifications required to a prosecutor under this policy shall be made by the Professional Standards Bureau.

613.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to PSB via their chain of command. A copy of the memo should be retained in the Department case file.

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613.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the deputy's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

613.5 INVESTIGATING BRADY ISSUES

If the department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

613.6 TRAINING

Department members should periodically review this policy.

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Chapter 7 - Equipment

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Department Owned & Personal Property

700.1 PURPOSE AND SCOPE

Employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may be cause for discipline.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made in compliance to the Board of Supervisors Policy number C-5 (Reimbursement for Damaged Clothing or Property). In addition to filling out the County's Personal Property Claim form C-1, the requesting employee shall also address a memorandum to the Station Commander via chain of command and describing the loss, the value, and the circumstances surrounding the loss.

The supervisor shall direct a memorandum to the Station Commander, which shall include the results of their investigation and whether the employee followed proper procedures. The supervisor's memorandum shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by the Station Commander and a finding that no misconduct or negligence was involved, repair or replacement may be permitted in whole or in part. The Station Commander will then forward a memorandum to the Safety Officer for review.

No replacement, reimbursement, or repairs will me approved for luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work. Nor will replacement be authorized for items damaged by normal wear and tear, items valued under $20.00, cleaning or laundering, damage caused or contributed to by employee negligence, or loss recoverable from another party or worker's compensation.

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A memorandum and/or a report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees may intentionally or unintentionally cause damage to the real or personal property of another while performing their duties. Any employee, who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

(c) Photographs shall be taken of the damaged property and included with the submitted report/memorandum.

(d) The supervisor is responsible for completing the County of Riverside Confidential Report of Vehicle Accident (a.k.a. ACCORD) form, and forwarding it via chain of command to Sheriff's Administration.

(e) Major damage or incidents of a significant nature (i.e., search warrants on wrong property, accidental discharge causing injury, etc.) require immediate notification of the Professional Standards Division.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the County of Riverside, it shall be the responsibility of the deputy present or the deputy responsible for the Department property to make a verbal report to his or her immediate supervisor as soon as circumstances permit. The deputy is to follow steps as outlined above in sections 700.31 and 700.4.

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These written reports/memorandums, accompanied by the supervisor's written memorandum, shall promptly be forwarded to the Station Commander.

700.5 REQUISITION OF SUPPLIES AND EQUIPMENT

(a) The Department will control the requisition, purchase, and acquisition of any supply, service or equipment obtained for Departmental purposes and operations.

(b) The requisition, purchase and acquisition of any supply, service or equipment is a coordinated venture between the Department and other County Departments and follows the requirements and standards as outlined by the Department, Board of Supervisors and the County of Riverside Standard Practices Manual.

700.6 PROPERTY AND EQUIPMENT

(a) All Departmental property and equipment shall be accounted for in accordance with accepted and established business principles and directives of the Department and the County of Riverside as outlined in the Standard Practices Manual.

(b) No County or Departmental equipment or property shall be removed or moved to another location or other command from which the property was originally assigned. All movement of Departmental equipment or property shall be done by written order authorizing the move of the items.

(c) No County or Departmental equipment shall be used for personal benefit or the benefit of others except in the performance of official duties or business. Any Department member misusing County or Departmental equipment or property may be subject to Department discipline.

(d) Any Department property or equipment that is no longer needed for service, or has been declared surplus, shall be disposed of in accordance with directives of the Department and the County.

(e) Flashlights commonly used in law enforcement are approved for use and their authorized purpose is to provide illumination.

(f) One knife is authorized to carry on-duty if allowed under California law and not otherwise prohibited by the Station Commander. The intended purpose of a knife is that of a "cutting tool" for use in emergencies, including the cutting of seat belts, harnesses or clothing at the scene of an emergency. The knife must be carried discretely in keeping with a professional appearance, but may not be carried on the duty belt. The knife must not have a blade longer than four inches and an overall length longer than eight inches. If a sworn deputy chooses to carry a fixed blade knife (see peace officer exemption in 17730(b) PC), the same length limitations apply. All knife blades shall have only one sharpened edge. Knives of any kind, are not authorized for carry or possession inside any correctional facility with the exception of department-supplied cutting tools.

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Donated Property

701.1 POLICY

The department may accept certain donated property for use by the agency or for the purpose of pursuing the objectives of the department.

701.2 RESTRICTIONS

No Department member shall solicit or accept any property of value on behalf of the department unless specifically authorized to do so by the Sheriff.

The Sheriff has sole discretion in determining the solicitation or acceptance of donated property. All decisions regarding acceptance will be in writing to the citizen or organization making the donation.

If property is accepted for department use, it shall be accounted for in accordance with directives and standards for inventory of department property and equipment.

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Capital Asset Policy

703.1 PURPOSE AND SCOPE

The Department has a Capital Asset Manual that establishes controls and procedures aimed at safeguarding assets, maintaining asset inventory, and complying with statutory requirements. The Capital Asset Manual defines asset terms and outlines the reporting process. This DSM and the capital asset manual applies to all stations, jails and bureaus of the Riverside Sheriff's Department and is applicable to all assets without regard to funding source.

703.2 POLICY

Per California Government Code Section 24501, on or before July 10th, (or next business day if it falls on a weekend) of each year, the Sheriff's Accounting and Finance Bureau, will submit a detailed inventory of all capital assets possessed by the department as of June 30th, to the Riverside County Office of the Auditor-Controller (ACO).

703.3 DEPARTMENT ASSET COORDINATOR AND ASSET ADMINISTRATORS

The Accounting and Finance Bureau shall designate a Department Asset Coordinator who shall collect, maintain, and meet all the reporting requirements as outlined by the Office of the Auditor-Controller.

Each Station, Bureau, or Facility Commander shall designate a localized Asset Administrator that will assist the Sheriff's Accounting & Finance Asset Coordinator in maintaining and reporting all Department assets.

703.4 COMPUTERIZED ASSET TRACKING

The Office of the Auditor Controller uses a computerized asset tracking system to depreciate and track all county assets. The ACO is the administrator of the computerized asset tracking system and all changes to an asset require their final approval to insure control of the inventory records.

703.5 CAPITAL ASSET POLICY MANUAL

The Sheriff's Accounting and Finance Bureau is responsible for the development and updating of the Departments Capital Asset Policy Manual. The manual should meet all of the collection and reporting requirements set forth in the Office of the Auditor Controller Standards Practice Manual. Station, Bureau, and Facility Commanders as well as the Asset Administrators should be familiar with both of these manuals.

The Capital Asset Policy Manual and associated forms can be located on the Departments Intranet site.

703.6 REVOCATION/RESCIND PRIOR DEPARTMENT DIRECTIVE(S)

With the adoption of DSM 703, Department Directive 13-077 and any supplemental directives are rescinded.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance personnel for repair.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons, ammunition, and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Bags
- Blanket
- Crime Scene Barricade Tape
- Cuffs
- Fingerprint collection kit
- Fire Extinguisher

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- First-Aid Kit
- Flares
- Jack and wrench
- Shotgun (duty ready and properly secured)
- Spare Tire
- Trauma kit

In addition, department members shall diligently complete the inspection checklist presented during the MDC log-on process.

704.4 VEHICLE REFUELING

Each vehicle's last driver shall ensure that it contains adequate fuel for the next user. Patrol vehicles shall be completely filled for the on-coming shift.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

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Vehicle Use

706.1 POLICY

The Riverside County Sheriff's Department provides vehicles for department-related business and may utilize marked, unmarked, transportation and special purpose vehicles to accomplish the department's mission throughout each division and across a wide variety of environments and circumstances.

Any department member operating a department vehicle must possess a valid driver license and will have completed any extraordinary training required for operation of the vehicle.

706.2 VEHICLE DEFINITIONS

706.2.1 MARKED VEHICLE

A marked vehicle is code-3 equipped with a distinctive paint scheme, department logos and a rooftop light bar. Marked vehicles should have an arrestee cage, spotlights and a PSEC radio system. They are most commonly assigned to uniformed field work on patrol or within the courts' field operations.

706.2.2 UNMARKED VEHICLE

An unmarked vehicle is code-3 equipped but lacks distinctive paint schemes and a rooftop light bar. Unmarked vehicles should have an arrestee cage, spot lights and a PSEC radio system. Unmarked vehicles are often referred to as "stealth" vehicles. They are most commonly assigned to Problem Oriented Policing Teams and other specialized units.

706.2.3 PLAIN VEHICLE

A plain vehicle is not code-3 equipped, and has no distinctive markings or arrestee cage. Plain vehicles may or may not have PSEC radio systems installed. They are most commonly assigned to investigators and administrators for on-duty and on-call use.

706.2.4 TRANSPORTATION VEHICLE

A transportation vehicle is a bus or van, normally used by the Corrections Division, to transport multiple inmates or arrestees. These vehicles may have distinctive paint schemes, one or more arrestee cages, a PSEC radio, and be code-three equipped. Some of these vehicles require special licensing to operate and may be equipped with special handicapped access equipment as well.

706.2.5 SPECIAL PURPOSE VEHICLE

Special purpose vehicles include motorcycles, quad runners, recreational vehicles, tractors, and some vehicles used by the Emergency Services Team for specific purposes. All special purpose vehicles used for enforcement duties, or that may need to respond code-3, shall have all necessary equipment required by the vehicle code. Other special purpose vehicles need not have distinctive markings, paint schemes, or emergency equipment.

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Patrol on bodies of water is conducted using department-approved vessels which shall have distinctive paint schemes, code-3 equipment, radio equipment and other special purpose equipment aboard.

706.3 USE OF VEHICLES - GENERAL

706.3.1 OPERATIONAL SAFETY

The operation of a department vehicle shall be conducted safely with due regard for weather, time of day, and road and traffic conditions. Department members must be in full control of the department vehicle at all times. Department vehicles will be operated in accordance with department policies, procedures and state law.

All operators of such vessels and vehicles shall be properly trained in their operation and use all required safety gear specific to the activity and vehicle or vessel operated.

706.3.2 AUTOMATIC VEHICLE LOCATION (AVL) SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system.

System data may be accessed by supervisors at any time for official department business.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.3 UNATTENDED VEHICLES / WEAPONS

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Department members shall ensure all weapons are secured while the vehicle is unattended. All weapons shall be removed from a vehicle if left for repair or before being towed.

706.3.4 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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706.3.5 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times to include handicapped parking and red curb restrictions.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.6 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the siren of any vehicle unless expressly authorized by a supervisor. The emergency lights shall only be activated when the vehicle is stopped and the non-sworn department member is conducting traffic control or while at a traffic accident scene.

706.3.7 OTHER VEHICLE USE OR MOVEMENT

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander.

This subsection does not apply to those who are assigned to vehicle logistic duties who may need to deliver every type of department vehicle to various locations for maintenance and inventory purposes.

706.3.8 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting department member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents. Department supervisors shall periodically inspect department vehicles and inquire about damage, maintenance, or cleanliness.

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706.3.9 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy or as otherwise directed by the Sheriff.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members for on-duty use at the discretion of their commander. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time.

The individual assignment of a vehicle or vehicles may be suspended when the department member, or group, is unable to perform his/her regular assignment, or for any other reason as determined by the commander.

706.4.1 KEYS

Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

706.4.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the commander or the authorized designee. Department members who regularly use a different vehicle each day, shall sign the vehicle in and out as required by station- or bureau-specific procedures.

706.4.3 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of his or her duty station.

(d) Off-street parking will be available at the member’s residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons, control devices and ballistic equipment will be removed from the interior of the vehicle and properly and legally secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

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706.4.4 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Department members who reside outside the County of Riverside County, or more than 60 miles from their duty station, may be required to secure the vehicle at a designated location or the department at the discretion of the Sheriff. Generally, assigned vehicles are motorcycles for traffic personnel, plain or unmarked vehicles for certain administrative positions, or plain vehicles assigned to on-call personnel.

Department members using an assigned vehicle overnight, shall sign a take-home vehicle form (RSD 115) that outlines certain standards of conduct (see Overnight Retention of County Vehicles section 706.4.5).

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff or a Chief Deputy gives authorization.

  1. With the adoption of DSM 706.4.4, the department has rescinded Department Directive #07-038.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Take home vehicles will generally be used:

  1. When a member has been placed on-call and is driving to and from work;
  2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related assignment;
  3. When the vehicle is being used by the Sheriff, chief deputies or department members who are in on-call administrative positions.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

  1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  2. All weapons shall be secured while the vehicle is unattended.
  3. All department identification, portable radios and equipment should be secured and out of sight, if possible.

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(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee. If the vehicle is not secured inside a locked garage, all weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the department.

It is the responsibility of the department member's immediate supervisor and the commander to closely monitor the assignment and use of take-home vehicles in accordance with the criteria above. Their use shall be closely restricted to mission-critical needs and never assigned for simple convenience or simply because a vehicle is available. Commanders shall ensure that the RSD Form 115 forms are signed, retrievable, and accurate and shall periodically evaluate vehicle odometer readings of their take-home vehicle fleet to ensure efficient and ethical use of vehicles.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

706.4.5 OVERNIGHT RETENTION OF COUNTY VEHICLES

Board of Supervisor's Policy D- 10 requires all County Departments to annually report information about employees who are authorized to retain county vehicles overnight (assigned take home vehicles). In addition, Sheriff's Administration requires a **quarterly update** for all vehicles retained overnight. To streamline the process, the Sheriff's Department utilizes the Overnight Vehicle Retention application. This app, along with a tutorial video, must be accessed on the Sheriff's intranet portal homepage.

The following Sheriff's Department schedule and procedure has been established to comply with Policy D-10. Sheriff's Administration will issue an annual Department Directive with the specific dates of compliance.

- All commanders shall identify those employees within their command who are assigned take home vehicles. Each fiscal year those employees are required to log into the OVR app and complete a new Employee Overnight Vehicle Retention Authorization Form and Overnight Retention of County Vehicle Acknowledgement Form (RSD Form 115).
- **By May 31 of each year**, commanders are required to log into the OVR app and review their respective Overnight Vehicle Retention Tracking Sheet. Commanders will ensure all employees listed have ***completed a new Overnight Vehicle Retention Authorization Form for the upcoming fiscal year with an authorization end date***

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of May 31 of the following year . Sheriff's Fleet will provide a complete report of the overnight vehicle retention documents to Sheriff's Administration for review.

- **By June 1 of each year**, Sheriff's Fleet, via the Support Chief Deputy, will provide a complete report of overnight vehicle retention documents to the County Executive Office. This will fulfill the requirements of Policy D-10.
- **By September 1, December 1, and March 1 of each year**, commanders are required to log into the OVR app and review their respective Overnight Vehicle Retention Tracking Sheet for accuracy. Sheriff's Fleet will provide a complete report of overnight vehicle retention documents to Sheriff's Administration.

706.4.6 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Riverside County Sheriff's Department or while otherwise off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Department members driving plain vehicles shall cover their uniform shirt while driving. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.4.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department.

(d) The department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make periodic inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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706.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Employee-Involved Traffic Collision Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the supervisor. An administrative investigation may be necessary to determine the circumstances surrounding the cause of the damage.

706.5.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to a department vehicle without legitimate purpose and prior authorization.

706.6 TOLL ROAD USE - DEPARTMENT VEHICLE

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting, or returning to the County after an emergency does not qualify for this exemption and personnel using County owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a County owned vehicle upon the toll road shall adhere to the following:

(a) All employees operating a County owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the County for any toll fees.

(b) If needing to use an electronically monitored toll road while en route to an urgent assignment, the department member shall notify their supervisor of the use (time, date, location, reason) as soon as possible.

706.6.1 TOLL ROAD USE & PARKING - PERSONAL CONFIDENTIAL LICENSE PLATES

Any department member driving their personally owned vehicle with confidential license plate data is not exempted from any toll, express lane charge, or parking provisions (i.e., fees, fines, etc.). The entity responsible for collection will often notify the department of the unpaid toll, fees, or fines and send collection notices to department administration. The department is in no way obligated to notify, forward, or otherwise intervene in this collection effort, and any financial consequences or liability are entirely the department member's responsibility.

706.7 ATTIRE AND APPEARANCE

Whenever in view of or in contact with the public within a department vehicle, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the department. Department members driving plain vehicles shall cover their uniforms.

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Cash Handling, Security and Management at Bureaus, Stations and Facilities

708.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

708.2 POLICY

It is the policy of the Riverside County Sheriff's Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

708.3 PETTY CASH FUNDS

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

708.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

708.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the department or designee.

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All cash overages and shortages shall be reported to a supervisor immediately. The supervisor shall ensure all necessary reports are made and report the overage or shortage as required by directives of the Department and the County Auditor/Controller

708.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property, evidence, or supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

708.7 OTHER CASH HANDLING

Members of the department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Long Range Acoustical Device (LRAD)

711.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures related to the proper use and deployment of a Long-Range Acoustical Device (LRAD).

711.2 POLICY

It is the policy of the Riverside County Sheriff's Department that a LRAD be used with live or recorded voice messages to communicate with the community during natural disasters, crowd management and control situations, or when other forms of communication are ineffective or inoperable to unequivocally communicate messages from the Sheriff's Department. LRAD is not designed to be used as a weapon. Members of the Riverside County Sheriff's Department shall not use the LRAD as a weapon.

711.3 DEFINITIONS

The Sheriff's Department has two LRAD systems:

1. The LRAD 1000Xi system, which is a portable device and can be mounted to a vehicle.
2. The LRAD 100X system, which is a portable device and can be carried by one person.

LRAD systems have the capability to provide highly effective long-range communication. The systems broadcast clear messages or voice commands. The systems can help to de-escalate situations and safely modify dangerous and criminal behavior through clear, unambiguous direction and communication.

LRAD systems can broadcast instructions and messages with greater clarity and distance than traditional loudspeakers or public address systems. The systems can effectively broadcast messages through wind, crowd, engine, and background noises. LRAD broadcasts can be clearly heard by people inside of buildings and vehicles. The LRAD's clear communication leads to a safer environment during critical incidents and enhances the safety of the community, criminal subjects, and public safety personnel.

711.4 USE OF LRAD

Riverside County Deputies may use the LRAD to:

- Communicate lifesaving information to the public during disasters
- Communicate to large crowds during parades, festivals, concerts, and sporting events
- Communicate and establish safety zones and perimeters
- Control traffic congestion
- Conduct Emergency Services Team (EST) operations
- Broadcast a dispersal order

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- Communicate during hostage and barricaded subject situations
- Serve high risk search warrants
- Communicate to protesters
- Communicate to persons threatening suicide who are in an inaccessible location
- Conduct search and rescue operations

711.5 APPROVAL

An LRAD may only be deployed with the approval of the Special Enforcement Bureau (SEB) Commander. However, if a rapidly evolving situation places the public or law enforcement in immediate danger or where serious property damage is probable, trained personnel are permitted to deploy the LRAD prior to approval. The scene supervisor shall ensure the SEB Commander is notified as soon as practical.

711.6 MAINTENANCE AND STORAGE

The Special Enforcement Bureau will store and maintain the LRAD systems.

711.7 TRAINING

LRAD systems may only be deployed by personnel who have been properly trained in its use and procedures. SEB Commander will ensure a list of personnel to deploy the LRAD systems is maintained.

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Military Equipment

712.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

712.1.1 DEFINITIONS

Definitions related to this policy include:

Governing body – The elected or appointed body that oversees the department.

Military equipment – means equipment that is "militaristic in nature" as identified in Government Code Section 7071 (c) (1 - 15)

712.2 POLICY

It is the policy of the Riverside County Sheriff's Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

712.3 MILITARY EQUIPMENT COORDINATOR

The Special Enforcement Bureau (SEB) Commander is designated as the military equipment coordinator. The responsibilities of the military equipment coordinator include, but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the department, or the equipment the department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Riverside County Sheriff's Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department’s funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the department will respond in a timely manner.

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712.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the department:

See attachment: AB481 Military Equipment LIst 01-12-22.pdf

712.5 APPROVAL

The Sheriff or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the prohibitions outlined in Government Code § 7071.

712.6 COORDINATION WITH OTHER JURISDICTIONS

The Riverside Sheriff's Department provides law enforcement services to the unincorporated portions of Riverside County as well as 16 contract cities and Sovereign Tribal Nation(s). The department also operates in various capacities in the remaining incorporated cities as well as providing mutual aid county wide.

As established through past practice and mutual aid agreements, any jurisdiction through contract, mutual aid agreement or request must accept the department's policies and procedures governing the deployment of equipment utilized by Riverside County Sheriff employees. This is reciprocal to other law enforcement agencies.

Through the Association of Riverside County Chiefs of Police and Sheriff's (ARCCOPS) mutual aid agreement, all cities within Riverside County have agreed to accept the use of each law enforcement agency's Military Equipment policy related to any enforcement action throughout Riverside County.

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

712.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Sheriff or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Sheriff or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available

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for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

712.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

712.9 RECORDS RETENTION

Relevant reports and records shall be maintained according to the appropriate retention schedule.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

The mission of the Crime Analysis Unit (CAU) is to gather, maintain and disseminate information related to criminal activity for the apprehension and conviction of criminals.

The function of the Crime Analysis Unit is to provide analytical support to patrol, investigations, administration and specialized units. This support is in the form of daily, weekly and monthly reports, as well as visual materials including link charts, time lines and spatial analysis. Crime analysts report to the chain of command within their respective assignment.

800.2 UNIT STRUCTURE

The Crime Analysis Unit is part of the Special Investigations Bureau (SIB). The Crime Analysis supervisor reports to the SIB commander. Positions within the Crime Analysis Unit include:

- Supervising Crime Analyst
- Senior Crime Analyst
- Crime Analyst

800.3 CRIME ANALYSIS FACTORS

Analysts are assigned as support personnel in a wide variety of field assignments including stations, the Central Homicide Unit, Human Trafficking, Major Crimes Unit (MCU), SIB Narcotics, Administrative Support, and other units as needed.

800.4 CRIME ANALYSIS DISSEMINATION

Crime Analysts provide information to aid personnel with their investigations. The following list provides some examples of the types of information / assistance provided by Crime Analysts:

- Hotsheets
- Patrol Information Sheets
- Spatial Analysis GIS / Maps
- Suspect Identification
- Victim Identification
- Field Interview Management
- Parolee Information
- Probation Information
- Crime Series / Patterns
- Photographic Line-Ups
- Video Capture and Enhancement

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- Subject Background Research
- Link Analysis
- Time Lines
- Telephone Toll Analysis

Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities. The following are some examples of assistance provided by the CAU:

- Presentations
- Intelligence Research
- Strategic Assessments / Reports
- Summary & Comments Reports
- Target Profile Analysis / Forecasting
- Pawn Slip Activity Reports
- Special Projects
- Statistical Analysis
- Case Management Support

800.5 ADDITIONAL SUPPORT SERVICES

The Central Crime Analysis Unit provides valuable on-scene support countywide via the Crime Analysis Response Team, or CART. CART consists of mobile units equipped with state-of-the-art computer technology giving the analyst the ability to provide the same level of support that is available at the station level. CART aids in organizing special operations, such as DUI check-points, parole, probation and gang sweeps by providing in-field access to records management systems, online resources, photographic capabilities, mapping and background research.

800.6 REQUESTING CAU SUPPORT

When requesting CAU personnel;

(a) Individual station requests for CAU support shall be routed to the station crime analyst.

(b) Gang Task Force requests for CAU support shall be routed to the Gang Task Force crime analyst.

(c) CHU requests for CAU support shall be routed to the crime analyst assigned to the CHU crime analyst.

(d) MCU requests for CAU support shall be routed to the crime analyst assigned to MCU.

(e) All other requests for CAU support shall be routed to the SIB Crime Analysis supervisor via chain of command.

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Crime Analysis

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Sheriff's Dispatch

802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Sheriff's Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

802.2 POLICY

It is the policy of the Riverside County Sheriff's Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Dispatch and Department members in the field.

802.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, Dispatch managers, command staff and Department members with a specific business-related purpose.

802.4 RESPONSIBILITIES

802.4.1 DISPATCH SUPERVISOR

The Sheriff shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Communications Manager. The Communications Manager is responsible to the Bureau Commander or the authorized designee.

The responsibilities of the Dispatch Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising and ensuring Dispatchers receive appropriate training,and performance evaluation..

(d) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Maintaining Dispatch database systems.

(f) Maintaining and updating Dispatch procedures manual.

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim

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of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.

(g) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with department policy.

(h) Maintaining a current contact list of Riverside County Sheriff's personnel to be notified in the event of a utility service emergency.

802.4.2 ADDITIONAL PROCEDURES

The Dispatch Supervisor should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(c) Availability of current information for dispatchers (e.g., contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(d) Assignment of field members and safety check intervals.

(e) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(f) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(g) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences/gates).

(h) Handling misdirected, silent and hang-up calls.

(i) Radio interoperability issues.

802.4.3 DISPATCHERS

Dispatchers report to the Communications Centers.The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.

2. Business telephone lines.

3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

4. Radio communications with departmental members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).

5. Other electronic sources of information (e.g., text messages, digital photographs, video).

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(b) Documenting the field activities of departmental members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Dispatch, RSOMS, and other law enforcement database systems (CLETS, DMV, NCIC).

(d) Monitoring departmental video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service

(f) Notifying the watch commander or field supervisor of emergency activity, including, but not limited to:

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

802.5 CALL HANDLING

Dispatch provides members of the public with access to the 9-1-1 system via a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller’s language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

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802.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding departmental members and affected individuals.

Emergency calls should be dispatched immediately. The watch commander shall be notified of pending emergency calls for service when departmental members are unavailable for dispatch.

802.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line.

802.6 RADIO COMMUNICATIONS

The radio system is for official use only, to be used by dispatchers to communicate with departmental members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

A Dispatch supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant’s supervisor and processed through the chain of command.

802.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Riverside County Sheriff's Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

802.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to departmental members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate departmental

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member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the station name or number.

802.7 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510(c)).

802.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with Department Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal Departmental files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

802.9 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident number
- Date and time of request
- Name and address of the reporting person, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of members assigned as primary and backup
- Time of dispatch
- Time of the responding member’s arrival
- Time of member’s return to service
- Disposition or status of reported incident

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Restoration of Firearm Serial Numbers

807.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

807.2 PROCEDURE

Any firearm coming into the possession of the Riverside County Sheriff's Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

807.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an UNLOADED condition. This includes removal of the ammunition source (i.e., the detachable magazine, contents of the tabular magazine, etc.) as well as the chamber contents. Riverside County Sheriff's Department Forensic Services will not process a weapon if it is loaded.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, TREAT THE FIREARM AS IF IT IS LOADED! Request HDT to respond to the scene to conduct an X-ray exam of the weapon to determine if it is loaded. If it is loaded, make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Photograph both profile sides of the firearm. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

807.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The department member booking the

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firearm shall indicate on the property form, or by other station-specific procedure, that serial numbers have been removed or obliterated.

807.2.3 PROPERTY OFFICER RESPONSIBILITY
The Community Service Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to Forensic Services for restoration and maintain the chain of custody.

807.2.4 DOCUMENTATION
Reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released from the Riverside County Sheriff's Department.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form, or property form depending on the type of evidence.

807.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by Forensic Services, the case agent will complete a Bureau of Alcohol, Tobacco, and Firearms "NTC Obliterated Serial Number Trace Request Form" (ATC 3312.1-OBL) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

807.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted either to the DRUGFIRE or IBIS National Integrated Ballistic Information Network (NIBIN) Program for search against evidence from previous crimes.

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Records Maintenance and Release

809.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records.

809.2 POLICY

The Riverside County Sheriff's Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

809.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department bureau responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 6253).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department’s website.

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809.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee within their station or bureau. Requests made pursuant to the California Public Records Act (CPRA) should be immediately forwarded to the CPRA Unit.

809.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver’s license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If the department determines that the request seeks disclosable public records, the department shall state the estimated date and time the records will be made available. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

    1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

    2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

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(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

809.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their

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representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local and state criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Codes § 13300 and 11105.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), juveniles (Welfare and Institutions Code § 827), and the detention of mentally disordered persons (Welfare and Institutions Code § 5328).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

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(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).

(o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

809.6 SUBPOENAS AND DISCOVERY REQUESTS

Any department member who receives a subpoena duces tecum or discovery request for records should promptly forward the request to the Information Services Bureau (ISB), Subpoena Unit. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the department so that a timely response can be prepared.

809.7 POLICY AVAILABILITY

A copy of this policy is to be maintained at each Station and available to the public upon request.

809.8 SEALED RECORD ORDERS

Sealed record orders received by the department shall be reviewed for appropriate action by the Custodian of Records or authorized designee. The Custodian of Records or authorized designee shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Manager or authorized designee shall ensure that the required notations on local summary criminal history information

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and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

809.8.1 SEALED JUVENILE ARREST RECORDS
Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Custodian of Records or authorized designee should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

809.9 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data
- Genetic data

809.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

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1. The date of the notice.
2. Name and contact information for the Riverside County Sheriff's Department.
3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the Riverside County Sheriff's Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
2. When the breach involves an email address that was furnished by the Riverside County Sheriff's Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

809.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

(a) Written notice.

(b) Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

(c) Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the department does not have sufficient contact information. Substitute notice shall consist of all of the following:

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(a) Email notice when the department has an email address for the subject person.

(b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.

(d) Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the department to notify more than 500 California residents, the department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

809.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or depicts an incident in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Sheriff or the Internal Affairs Bureau supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

809.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

809.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records or authorized designee shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

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(a) During the initial 45 days, the Custodian of Records or authorized designee shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When delay is continued after the initial 45 days, the Custodian of Records or authorized designee shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records or authorized designee should work with the Sheriff in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

809.10.3 REDACTION

If the Custodian of Records, in consultation with the Sheriff or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records or authorized designee shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

809.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records or authorized designee shall

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provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

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Protected Information

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Riverside County Sheriff's Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Riverside County Sheriff's Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

812.2 POLICY

Members of the Riverside County Sheriff's Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

812.3 RESPONSIBILITIES

The Sheriff shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Riverside County Sheriff's Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action and/or criminal prosecution.

Sections 11075 through 11078 of the Penal Code regulate the dissemination of criminal offender records information to specified agencies

Penal Code sections 11105 and 13300 identify who has access to state and local summary criminal history information and under which circumstances it may be released.

All persons, including non-criminal justice, volunteer personnel, private vendor technical or maintenance personnel with physical or logical access to the CLETS equipment, information from the CLETS or to criminal offender record information, are required to undergo a background security clearance to determine their suitability for logical or physical access to CLETS. This includes, at a minimum, a state and federal fingerprint-based criminal offender records information search pursuant to the California Code of Regulations, Title 11, Division 1, Chapter 7, Article 1, § 703(d) and § 707(b). (CLETS PPP 1.9.2)

812.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

Penal Code sections 11141 through 11143 and 13302 through 13304 prescribe penalties for misuse of state and local summary criminal history information. Government Code section 6200 prescribes the felony penalties for misuse of public records and information from the CLETS.

California Vehicle Code section 1808.45 prescribes the penalties relating to misuse of the Department of Motor Vehicle record information.

Penal Code Section 502 prescribes penalties relating to computer crimes, including misdemeanor and felony violations.

Misuse is defined as the CLETS information obtained or provided outside the course of official business; a “right to know” and the “need to know” must be established. Misuse shall be reported to a supervisor. The following are examples of prohibited/unauthorized us of the CLETS by federal, state or local law enforcement agencies that include, but are not limited to:

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(a) Querying yourself, a family member, friend, etc;

(b) Providing information from the CLETS to another officer, individual, agency or company for unauthorized purposes;

(c) Sharing user IDs or passwords;

(d) Logging into the CLETS and allowing others to utilize your authorized access;

(e) Querying the Automated Criminal History System for licensing, employment or certification purposes (e.g., Carry Concealed Weapon permits);

(f) Querying a firearm to determine if it is stolen prior to purchase;

(g) Querying the Department of Motor Vehicles to obtain unauthorized address, vehicle registration, or insurance information (e.g., querying a vehicle parked in front of your house for two days);

(h) Querying high profile individuals in the media;

(i) Using any non-criminal history information contained within these databases for immigration enforcement purposes. This restriction does not pertain to information that is regarding a person's immigration or citizenship status pursuant to 8 U.S.C. § 1373 and §1644.

812.4.2 RELEASE OF CORI

Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

Personnel shall not have access to CORI until a background investigation has been completed and approved.

Unless encrypted, CORI shall not be transmitted by radio broadcast or through computer terminals to field personnel or vehicles. The Riverside Sheriff's Department radio system and transmitted data are encrypted.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

812.4.3 AUTOMATED SYSTEMS INQUIRIES

Criminal history can be accessed through CLETS, and other law enforcement databases. Automated system inquiries may be made when the "right to know" and "need to know" arises, via any device designated to receive criminal history. The "right to know" is defined as "authorized access to such records by statute" and the "need to know" is defined as "the information is required for the performance of official duties or functions.

The following procedure will apply to all areas of the Department when making automated system inquiries into the criminal history systems maintained by both the DOJ and the FBI. This includes all data sharing systems. The mandatory route to field (RTE), must be completed for all criminal history inquiries and contain the requester's name, or ID number, and the specific reason for the

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request, i.e., case #, booking #, etc. The reason for the inquiry is to ensure that an agency has provided sufficient information to justify the “right to know” and “need to know” criteria. Generic terms, such as investigation, inquiry, patrol, drugs, or gangs are unacceptable for use as an inquiry reason. If a case number is unavailable, DOJ recommends listing supplemental information such as, an associate, confidential informant, gang card, registered owner, reporting party, victim, witness, officer safety, search warrant, jail visitor, ride-along, etc.

In addition, the California Department of Justice (DOJ) requires a message header to include a “Purpose Code” for every transaction submitted through CLETS. For the successful execution of CLETS transactions, messages must meet the header requirements outlined in the CLETS Technical Guide. For specific information on purpose codes, please refer to the CLETS Technical Guide available on the DOJ's California Law Enforcement Web website at https://clew.doj.ca/gov.

Unless specifically authorized by statute, agencies are prohibited from accessing state or national criminal history information from CLETS for employment, licensing, certification or permits, curiosity, family or friends, or your own record.

Federal, state or local law enforcement agencies shall not use any non-criminal history information contained within this database for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person’s immigration or citizenship status pursuant to 8 U.S.C. § § 1373 and 1644.

812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Information Services Bureau for assistance.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through station/bureau records supervision to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Penal Code sections 11120 through 11127 of the Penal Code afford methods for persons for whom a record is maintained an opportunity to obtain a copy of such record and to refute any erroneous or inaccurate information contained therein. Individuals requesting a copy of their state criminal history must complete DOJ BCIA Form 8016RR, submit Live Scan fingerprints, and pay a processing fee to the DOJ and the processing bureau. Application forms shall be made available to requesters. These forms can be obtained from the Attorney General’s website at oag.ca.gov/fingerprints/security

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Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

812.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. However, Riverside Sheriff's Department radio broadcasts and the data sent via mobile data computers (MDCs) are encrypted.

When circumstances reasonably indicate that the immediate safety of deputies, other department members, or the public is at risk, only summary information may be transmitted via unencrypted systems.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio system is infeasible, a department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

812.5.3 FACSIMILE TRANSMISSIONS

Information from the CLETS may be faxed from one secure location to another secure location. Both the agency faxing the information and the agency receiving the information are responsible for its security.

812.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

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812.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

812.6.2 AUDIT TRAIL
Title 11, section 707 (c) of the CCR requires an agency to maintain and make available for inspection, an audit trail for a period of three years from the inquiry. During an audit, DOJ and FBI requires supporting documentation to validate the inquiry made, such as a copy of the jail visitor log, a page of a police report, JIMS or RMS print screen, work release application, ride-along application, etc. If no supporting documentation exists, the requester will have to write a memorandum explaining the reason for the inquiry.

A separate log will be maintained by each bureau for all inquiries that do not have the subject's name included in the police report, or a booking file to support it. This log will contain the name of person accessed, the California Identification Index (CII) number, or Interstate Identification Index number (III), the name and agency of the person making the request, agency name and person receiving the information (if different), the purpose for the request, and the department investigative number (case or booking.) If the wrong CII/III number was searched, include the correct and incorrect CII/III number on your log. These logs will be maintained at each bureau or in REDS for a period of three years, and then destroyed following the Department's Records Retention Policy.

812.6.3 STORAGE
CLETS records shall be stored in a secure records environment. These records shall be stored for extended periods only when they are key elements for the integrity and/or utility of case files and/or criminal record files. When it is determined information from the CLETS is no longer needed, the data and/or systems records shall be securely disposed of to prevent access by unauthorized personnel.

812.7 TRAINING
All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

812.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated criminal offender record information is located at every facility in secure locations throughout the Department.

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CLETS records shall be stored in a secure records environment. These records shall be stored for extended periods only when they are key elements for the integrity and/or utility of case files and/or criminal record files.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

812.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

When it is determined information from the CLETS is no longer needed, the data and/or systems records shall be securely disposed of to prevent access by unauthorized personnel.

Each employee shall be responsible for destroying the CORI documents they receive.

812.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

All employees of this Department shall be trained in the proper use and control of criminal offender information.

Commanders will insure that training is administered by each bureau's training supervisor and/or station designee to all present employees during on-going CLETS/FBI Mandated Telecommunications training. New employees will be trained and certified by the Training and Education Bureau during Department Orientation training.

ISB's Records and Warrants Manager, serves as the Agency's CLETS Coordinator (ACC) and the Sheriff's Technical Services Bureau Lieutenant serves as the Security Point of Contact (SPOC) with the CA DOJ. Together they ensure compliance with the CLETS, NCIC, NLETS, and the CA DOJ criminal justice databases policies and regulations.

Any questions regarding confidentiality and release of CORI information can be directed to the Information Services Bureau Supervisors at (951) 955-2430 or the Records/Warrants Manager at (951) 955-2440.

812.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

California Administrative Code § 702, Chapter 1, Title 11 provides that authorized persons or agencies violating the "Regulations Regarding the Security of Criminal Offender Record

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Information in California" may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Department Policy Manual § 340.37 (a).

Employees of the Riverside County Sheriff's Department who obtain, or attempt to obtain, information from the Department files other than that to which they are entitled in accordance with their official duties are in violation of § 340.37(a) of the Riverside County Sheriff's Department Standards Manual.

812.10 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

812.11 LOCAL FILES

While most of the laws cited above specifically relate to state criminal offender record information, this Department maintains local criminal records in department databases, as well as investigative files which may contain certain information that is also reflected on the state criminal history file. Therefore, under 13300 of the Penal Code, local criminal history information is releasable only to those agencies listed in this section.

It should be noted, however, that “local summary criminal history information” does not refer to records and data compiled by criminal justice agencies other than that local agency. Since we maintain a countywide data base, we therefore are not to release information pertinent to any other county agency.

812.12 JUVENILE INFORMATION

Except as provided in Sections 389 and 781 of the Welfare and Institutions Code, or 1203.5 of the Penal Code, any information gathered by a law enforcement agency relating to the taking of a minor into custody may be disclosed to specific agencies outlined in 828 of the Welfare and Institutions Code.

All other information relating to juveniles is contained in the Riverside County Release of Juvenile Court Records Order, released by the presiding Juvenile Court Judge. (T.N.G. v. Superior court (1971) 4 Cal.3d 767.)

812.13 PREVIOUS DEPARTMENT DIRECTIVE RESCINDED

This policy was initially adopted in March of 2019 pursuant to Department Directive #19-042. With the adoption of DSM 812, the Department has rescinded DD #19-042, Criminal Offender Record Information (CORI).

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Procurement Policy & Process

820.1 PURPOSE

The County of Riverside Purchasing Department has acquired an eProcurement Contract Management System called RivcoPROCURE, also known as RivcoPRO. This new eProcurement system will streamline the procurement and contract management processes and provide more transparency and reporting options, expedite the procurement activities by eliminating manual forms, provide a shopping environment for placing orders, and provide an invoice management system. All Sheriff locations are now live and transitioning into this new system.

820.2 PURCHASE ORDERS

In RivcoPRO, all purchases, regardless of the dollar amount, require a purchase order (PO). This also applies to goods and services that are on contract and to low value purchase requests that are under $400. Since all purchases will be reviewed, approved and/or denied by the Sheriff Purchasing Unit, **a PO should be obtained prior to making any purchases**.

820.2.1 GOODS AND SERVICES $1 TO $5,000 (INCLUDING TAX AND SHIPPING)

The Department requires three competitive quotes for goods and services over $1,000. **Effective immediately three competitive quotes are required for single purchases in the amount of $5,000 or higher.** It is the responsibility of each location to verify that the $5,000 per fiscal year per vendor per division threshold has not been exceeded, to follow the competitive guidelines when requesting for a PO, and to ensure no splitting of orders. Splitting of orders is defined under County Purchasing's Manual as "deliberate attempts to split orders, where the purpose is keeping total cost of each order down below bid limits." It is always encouraged for best practice to obtain quotes to ensure that the Department is getting the best price and value for the dollars expensed. Sheriff's Purchasing will check expenditures and requests if additional quotes are needed. All other procurement guidelines and requirements remain in effect. Please see the table below for examples / explanations of when quotes are required for a vendor who has a small range of items and a vendor who has a high variety of items.

XYZ Vendor (one item)			XYZ Vendor (variety of different items)		
1st Order	$5,000	No quotes (if vendor yearly expenses have not exceeded $5K)	1st Order	$5,000	No quotes (if vendor cumulative amount has not exceeded $25K)
2nd Order (for the same item)	$800	Three quotes are needed	2nd Order (for different item)	$800	No quotes (if vendor cumulative amount has not exceeded $25K)

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3rd Order (for the same item)	$3,000	Three quotes are needed	3rd Order (for different item)	$3,000	No quotes (if vendor cumulative amount has not exceeded $25K)

820.3 INVOICES

820.3.1 RIVCOPRO PROCESS FOR INVOICES UNDER $400

- Submit your invoice in RivcoPRO by using the “Non-Catalog Purchase under $400 Form”
- Should not be processed for catalog suppliers
- Used to place purchases under $400 of non-contracted goods/services ONLY
- Must attach an official vendor-generated invoice

820.3.2 RIVCOPRO PURCHASES FROM $1 TO $4,999.99

- Enter a requisition in RivcoPRO
- Each location to verify Department expenses
- Choose the correct shopping method in RivcoPRO (Quick Reference Guide (QRG) attached for detailed information)
  - Hosted Catalog
  - PunchOut Catalog
  - Non-Catalog Item
  - Service Form
  - After the Fact Form (emergency purchase only and prior approval required)
  - $400 & Under Invoices

820.3.3 RIVCOPRO PURCHASES FROM $5,000 TO $50,000

- Enter a requisition in RivcoPRO
- Choose the correct shopping method in RivcoPRO (Quick Reference Guide (QRG) attached for detailed information)
- Three competitive quotes are required and must be attached to your requisition
- Quote Exemptions
  - Vendor has an awarded contract with the County from a formal bid process (contract in RivcoPRO)
  - Single/Sole Source Justification has been approved through County Purchasing

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- Approval from Board of Supervisor through Form 11

820.3.4 RIVCOPRO PURCHASES OVER $50,000

- A formal bid process is required through Request for Quotation or Request for Proposal
- Contact your designated Sheriff Purchasing Support and submit the “RFQ and RFP Request Form” (attached)
- Public bid information will be posted by Sheriff Buyers/Procurement Contract Specialists (PCS) in RivcoPRO through a Sourcing Event
- Formal Bidding Exemptions
  - Vendor has an awarded contract with the County from a formal bid process (contract in RivcoPRO)
  - Single/Sole Source Justification has been approved through County Purchasing
  - Approval from Board of Supervisor trough Form 11

820.4 BLANKET PURCHASE ORDERS IN RIVCOPRO

RivcoPRO does not support Blanket POs the same way as in PeopleSoft, and there are limitations with the number of attachments that can be linked to a PO. As result, a limited number of Blanket Purchase Orders (POs) can be created in RivcoPRO. For blanket PO requests please complete and submit the attached “RivcoPRO Blanket PO Request Form” to your designated Sheriff's Purchasing Support contact. Purchasing will review and determine if a blanket PO will be supported by RivcoPRO.

820.5 CALIFORNIA SALES TAX, FREIGHT, SHIPPING AND HANDLING

California Sales Tax is applied to all goods purchased regardless of whether or not the vendor applies the tax. The County pays the State of California directly for goods purchased out of state. Therefore, tax on goods must be included in quote comparisons.

Freight, shipping, and transportation of goods are **not taxable** and should not be included as a line in the requisition. The total should be listed in the Header and Approval Comments sections and will be applied directly to the purchase order.

Handling by itself, or in combination with shipping or freight, is **taxable**. A line for Handling must be entered in the requisition.

820.6 EXEMPTIONS TO THE PROCUREMENT PROCESS

The only exemptions to the procurement process are travel, postage, utilities, memberships, governmental publications, legal brief printing and transcription, court reporting, court interpreters, advertising, and subscriptions.

Sheriff Buyers and PCS’s primary responsibility is to expedite the purchasing process and assist with all Department needs. Please make use of your assigned designated support early in the

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purchasing process. For questions or clarification on the procurement process contact the Sheriff's Purchasing Unit at POgroup@riversidesheriff.org.

820.7 FORMS

Sheriff Purchasing Flow Chart.pdf

RivcoPRO Shopping Catalog and Forms Quick Reference Guide.pdf

RFQ and RFP Request Form (formal bids).pdf

RivcoPRO Blanket PO Request Form.pdf

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Estimate and Project Requests for a Station or Facility - Project Management Office

830.1 PURPOSE

The Project Management Office (PMO) has replaced the Planning Unit and is responsible for the oversight of the physical infrastructure of all Department facilities. This includes all planning, estimating, and design and construction services for projects (new construction, improvements, building remodels, etc.). The PMO is also responsible for the oversight of maintenance repairs and tasks associated with minor construction such as workspace design and furniture removal or replacement.

The PMO is the point of contact for all projects related to Department stations and facilities. All requests for project estimates, construction projects, or furniture procurements or reconfigurations occurring within Sheriff's facilities shall be directed to the PMO for processing. **No requests for these items may be made apart from the PMO.** If in doubt about what constitutes an area of the PMO's responsibilities, contact the PMO.

830.2 RESPONSIBILITIES

The PMO has the general responsibility of ensuring regulatory compliance from all Authorities Having Jurisdiction (AHJ) as well as ensuring that all laws and regulations pertaining to project management are followed (e.g., administration, architectural engineering, contract management, construction management, plans/document management, and master planning and studies). Examples of relevant laws, regulations, and regulatory organizations specific to this policy are listed below (always refer to the latest codes and standards in effect).

(a) California Building Code (CBC)

(b) California Electrical Code (CEC)

(c) California Mechanical Code (CMC)

(d) California Plumbing Code (CPC)

(e) California Energy Code (Title 24)

(f) California Fire Code (CFC)

(g) California Green Code (CGC)

(h) Riverside County Ordinances

(i) National Fire Protection Association (NFPA) 13 Standards for Fire Sprinkler Systems

(j) NFPA 72 National Fire Alarm Code

(k) Code regulations from the Americans with Disabilities Act (ADA) Standards for Accessible Design

(l) California Public Utilities Commission (CPUC)

(m) Occupational Safety and Health Administration (OSHA)

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830.2.1 STATION / BUREAU COMMANDERS
Station and bureau commanders shall designate one or more (if needed) employees as liaisons to the PMO to ensure requests for estimates or projects come only from authorized sources. Commanders shall review and act upon estimate and project requests after being prompted by the system (via email).

830.2.2 STATION / BUREAU LIAISONS
When submitting a request for an estimate or project, designated liaisons shall follow the procedures outlined in the PMO Request Procedure section of the Department's Intranet site. The necessary electronic forms and instructions for completion are located there. The site also provides information on the workflow following the project request, as well as the requestor's responsibilities at each state of the process. Station / bureau liaisons shall fulfill their duties pertaining to this process in a reasonable amount of time (i.e., in a manner that considers the impact of timing on all stakeholders in the process so deadlines for each stage of the process are not missed).

Once a project is approved, station / bureau liaisons will work with the PMO to facilitate its successful completion.

830.2.3 PROJECT MANAGEMENT OFFICE
The PMO will:

(a) Review all project requests and determine the appropriate action (e.g., formal or informal bid process, formal project request, RFP/RFQ, etc.)

(b) Submit appropriate documents to initiate and complete the project

(c) Coordinate the project with all involved parties (e.g., station/facility liaisons, vendors, contractors, other County staff, etc.)

(d) Archive all project-related documents for future reference

830.3 FORMS
Required forms can be found on the PMO tile on the Sheriff's Intranet site. These forms include:

(a) Work Request for Estimates on Design and/or Construction Projects

(b) Work Request for Design and Construction Projects

(c) Work Request for Furniture Procurements or Reconfigurations

(d) Department Customer Feedback Form for Design and Construction Services

The PMO section also includes:

(a) Process map that outlines the workflow of Estimate Requests

(b) Process map that outlines the workflow of Requests for Capital Improvement Projects

(c) Job aid to assist Department end users in understanding each step of the work request application

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Chapter 9 - Correctional Operations

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Corrections Division - General

900.1 FACILITY OPERATIONS

The Sheriff shall maintain and operate correctional facilities for the incarceration and detention of persons arrested, pending court trial and under sentence of confinement. The department shall operate all corrections facilities in accordance with all legal mandates governing the operation of jails and by directive of the Sheriff.

900.2 FACILITY TYPES

The department may maintain the following types of correctional facilities:
Type I - Local detention facility used for the detention of persons for not more than 96 hours excluding holidays after booking.
Type II - Detention of persons pending arraignment, during trial, or upon sentencing of up to one year.
Type III - Detention of sentenced persons including those eligible for work release, work furlough, and education or related programs.

900.3 COMMAND AND SUPERVISION

The operations of the correctional facilities of the department shall be vested in the corrections division. The corrections division is under the administration of an assistant sheriff.

Command and control of the corrections division is the responsibility of one or more chief deputies assigned to the "Support" or "Operations" wings of the corrections division. The operation and management responsibilities are at the facility level and under the authority of a commander. The commander's specific responsibilities shall include facility operations, programs, support services or other duties as designated.

A corrections facility shall at all times be under the control and supervision of a facility manager or supervisor designated by the commander. The manager or supervisor shall be responsible for specific tasks, operations, programs or services of the facility during that time so delegated by the commander.
Staff members of a facility shall be responsible and accountable for the accomplishment of specific tasks, operations or services.

900.3.1 POLICIES AND DIRECTIVES

The management and operation of a correctional facility shall follow those policies and directives as outlined in the department's "Corrections Operations Manual."

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Naloxone Protocols (Corrections Division)

908.1 PURPOSE AND SCOPE

This policy recognizes that department members encounter inmates in need of medical aid as a result of drug ingestion and that department members may come into unintentional contact with dangerous substances as a result of their duties. This policy pertains specifically to the Corrections Division and provides guidance related to the department's response to a suspected opioid overdose or exposure within those environments.

908.2 POLICY

It is the policy of the Riverside County Sheriff's Department that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response. Members shall also maintain certification in accordance with the California Commission on Peace Officer Standards and Training (P.O.S.T.) or Standards and Training for Corrections (S.T.C.) guidelines.

908.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members shall take appropriate steps in good faith to provide initial medical aid (e.g., first aid, CPR, Naloxone, and the use of an automated external defibrillator (AED)) in accordance with their training and within the scope of their employment. This should be done for those in need of immediate care and only when the member can safely do so. Prior to initiating medical aid, the member should contact dispatch/central control and request response by emergency medical services (EMS) and facility medical staff.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing and each correctional facility shall use the medical-aid equipment provided within the facility.

When requesting EMS, the member should provide central control/dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed

(b) The nature of the incident

(c) Any known scene hazards

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the department member
2. Changes in apparent condition
3. Number of patients, sex and age, if known
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol

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5. Whether the person is showing signs or symptoms of excited delirium or other agitated, chaotic behavior

Members shall stabilize the scene whenever practicable while awaiting the arrival of EMS and should assign other deputies to meet EMS at a general location to direct them to the exact location. Members should not direct EMS personnel whether to transport the person for treatment.

908.4 REFUSAL OF MEDICAL CARE

Refer to Corrections Division Policy and Procedure section 508.06.

908.5 NALOXONE PROGRAM

Recognizing the importance of providing rapid aid to individuals in an opioid-induced medical emergency, including department members inadvertently exposed to fentanyl, the Riverside County Sheriff's Department is equipping identified personnel with Naloxone.

Naloxone is a medication designed to rapidly reverse opioid overdose. It is an opioid antagonist, meaning that it binds to opioid receptors and can reverse and block the effects of other opioids. It can quickly restore normal respiration to a person whose breathing has slowed or stopped as a result of overdosing with heroin, fentanyl, or prescription opioid pain medications. The department selected the FDA-approved formulation of Naloxone manufactured by Adapt Pharma, known as Narcan®. Narcan® nasal spray is a prefilled, needle-free device that requires no assembly and is sprayed into one nostril.

The following are procedures on the training, acquisition, deployment, administration, documentation, storage, and disposal of Naloxone based on state law, recommendations from Riverside County Emergency Medical Services Agency (REMSA) and Riverside County Department of Public Health, current department policy, and best practices from other law enforcement agencies.

908.6 TRAINING

Pursuant to Health & Safety Code 1797.197, California Civil Code 1714.22, and California Code of Regulations Title 22, Division 9, Chapter 1.5, all training in the administration of Naloxone shall be in accordance with mandated training guidelines determined and established by the local Emergency Medical Services (EMS) agency. The local EMS agency for Riverside County is the Riverside County Emergency Medical Services Agency (REMSA).
The following personnel shall be trained in the use of Naloxone:

- All sworn personnel at the rank of sergeant and below, as well as Community Service Officers at patrol stations, courts, all divisions of the Special Investigations Bureau (SIB), and the Special Enforcement Bureau (SEB);
- All personnel at the rank of coroner sergeant and below at the Coroner's Bureau (except clerical staff), to include forensic pathologists, coroner technicians, and forensic technicians assigned to the Coroner's Bureau;

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- All correctional deputy personnel at the rank of correctional sergeant and below.

The initial training to all personnel will be conducted via the department's Doc Read Portal. Personnel will receive their initial issuance of Naloxone upon successful completion of the training. Thereafter, the one-hour recertification will occur every two years during First Aid/CPR recertification. The Ben Clark Training Center (BCTC) will maintain responsibility for the content of the Doc Read Training, and facilitate trainer recertification every two years, to include any updated materials from POST, the State of California, REMSA, and/or revisions to department policy and procedures.

908.7 ACQUISITION

The assigned Naloxone Program Coordinator at the Training and Education Bureau will be responsible for procuring and storing Naloxone to adequately address the supply and demand for all required users. The Naloxone Program Coordinator shall ensure accurate records are maintained of when the Naloxone units were received by the Sheriff’s Department, the Lot numbers, expiration date, the jail facility delivered to, and disposition (i.e. administered, expired, damaged, lost, etc.). Pursuant to Business and Professions Code 4119.9(b), these records will be retained for a minimum of three years.

908.8 DEPLOYMENT

Only personnel who are trained in accordance with mandated guidelines outlined above shall administer Naloxone within the facility. All jail facilities shall designate strategic and secured locations in which to store readily accessible Naloxone. The training lieutenant or their designee at each facility shall be responsible for the following:

(a) Ensuring all department members deploying Naloxone have received appropriate training

(b) Ensuring replacement of any Naloxone (whether assigned or in the reserve) that is damaged, unusable, expired, or administered

(c) Replacing the Naloxone and ensuring there is an adequate supply available for deployment

(d) Ensuring the Naloxone E-Worksheet is submitted prior to the department member’s end of shift

Each jail facility will be responsible for completing and submitting a monthly inspection memorandum for any changes of inventory to their facility commander or their designee (see "Storage" section).

To ensure Naloxone is stored safely and consistent with the manufacturer’s guidelines, it is recommended that on-duty department members carry their doses of Naloxone in one of the following manners:

(a) On their person

(b) In a readily accessible location within their assigned work area

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When off-duty, department members will store their Naloxone in their locked uniform locker or other secure area within their assigned station/bureau/facility.

908.9 ADMINISTRATION OF NALOXONE

Only department members who have completed Naloxone training are authorized to administer Naloxone when an opioid-related overdose is suspected. Indicators of an opioid-related overdose include, but are not limited to:

- Pinpoint pupils, even in a darkened environment
- Depressed or slow respirations
- Difficulty breathing such as labored breathing or shallow breaths
- Blue skin, lips, or fingernails
- Decreased pulse rate
- Low blood pressure
- Loss of alertness, drowsiness
- Unresponsiveness
- Evidence of ingestions, inhalation, and injection such as needles, spoons, tourniquets, needle tracks, bloody nose;
- Blood-shot eyes
- History of opioid use or abuse

There is no legal obligation to administer Naloxone. Trained personnel will have the discretion to administer or not administer Naloxone when indicated. Department members who administer Naloxone according to established training protocol are protected from civil and criminal liability if they act with reasonable care and in good faith.

When an opioid-related overdose is suspected, department members shall treat the incident as a medical emergency and perform the following steps:

(a) Confirm emergency personnel (CHS and EMS) are responding

(b) Maintain universal precautions and utilize personal protective equipment

(c) Perform patient assessment

(d) Determine unresponsiveness

(e) Update central control of potential overdose state

(f) Follow Naloxone use protocol as outlined in the Naloxone training

(g) Immediately notify responding emergency medical personnel that Naloxone has been administered and the number of doses used

(h) Notify a supervisor

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Naloxone may be administered to department canines who may have been exposed to opioids. The canine shall be transported to an authorized veterinary hospital for treatment. Department members should replace any used Naloxone device with another Naloxone device, prior to going back into service.

908.10 DOCUMENTATION

In all cases when Naloxone is administered, the incident shall be documented utilizing the Naloxone Usage Report E-Worksheet. The data from the E-Worksheet is electronically submitted and tracked by the Naloxone Program Coordinator at BCTC, the Advanced Officer Training Lieutenant, and the representative at REMSA.

If a report is written, it shall include details about the administration of Naloxone, how many doses were administered, the time(s) of the administration(s), and other pertinent information, otherwise this information shall be added to the call text by dispatch personnel. A Naloxone E-Worksheet shall be completed by the department member and submitted/forwarded prior to the end of shift.

If a department member administers Naloxone and the victim is pronounced deceased, an unattended death report shall be completed, as per existing department policy. The department member should include in their incident report the administration of Naloxone, how many doses were administered, the time(s) of the administration(s), and other pertinent information. A Naloxone E-Worksheet shall be completed by the department member and submitted/forwarded prior to the end of shift.

The Naloxone Program Coordinator shall send an annual report to REMSA documenting the total number of administrations in that calendar year.

908.11 STORAGE

Each correctional facility where Naloxone is distributed shall maintain an inventory of Naloxone; enough to replenish one dose of Naloxone to each authorized department member at that facility. Storage of Naloxone units shall be in a secure area consistent with proper storage guidelines as detailed by the manufacturer, Adapt Pharma, which states Narcan® needs to be stored between 59-77 degrees F and protected from sunlight. Prolonged exposure to freezing temperatures, extreme heat, or direct sunlight may deteriorate the medication and significantly reduce its effectiveness.

A monthly inspection memorandum of reserve/un-issued Naloxone is the responsibility of each facility commander or their designee. These memorandums shall be completed for any change of inventory, broken, or defective Naloxone units, and forwarded to the jail commander or their designee by the 10th day of each month. This will ensure each facility is accounting for its allotted supply of Naloxone units. An annual physical inspection of reserve/un-issued Naloxone units will be verified by the jail commander's designee.

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908.12 DISPOSAL

If Naloxone is administered, the empty device can be discarded in any trash receptacle because it is not considered medical or biohazard waste; however, Corrections Division personnel shall discard used Naloxone devices outside the facility to prevent inmate possession of the materials.

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Chapter 10 - Personnel

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DEPARTMENT ROSTER / NOTIFICATION OF CHANGE OF ADDRESS AND PERSONAL STATUS FORM (RSD #104)

1001.1 PURPOSE AND SCOPE

The need for immediate access to accurate employee information is critical for efficient Department operations. To eliminate duplicate data entry at all levels of the Department, AgencyWeb is designated as the central storage point for employee information.

1001.2 POLICY

Commanders shall designate a person within their commands to update employee information (phone numbers, addresses, chain of command, and emergency contacts) as changes occur. The single point of contact for Agency Web employee data input is intended to ensure information is consistently and accurately updated. In addition to personal employee changes, the designated person should also update station contact information such as micro and department cell numbers when employees are transferred to their station, bureau, or facility.

Employee address, phone number and name changes must be reported on RSD Form 104. These changes shall be entered at the station/facility level into AgencyWeb. The original signed RSD Form 104 shall then be routed to Sheriff Administration and Accounting & Finance for final processing. Employee name changes will still be processed by Sheriff Administration after all paperwork is received and verified. Commanders shall require that employees log into AgencyWeb at least quarterly to verify their information is correct in the system.

Change of Address and Personal Status Forms (RSD #104) are also used by Sheriff's Administration and Accounting and Finance to update employee information in the HRMS/ PeopleSoft database for payroll purposes and to ensure the most current employee information is entered into AgencyWeb.

Department members are required to report any change of address, updated phone number, or name change to their Bureau or Station Commander (via chain of command) on their next normally scheduled work day after the change occurs.

For instructions on how to access RSD Form #104, click the link below: http://intranet.riversidesheriff.org/pdf/agencyweb/Employee-Information-Sheet-All-Users.pdf

Upon completion of the RSD Form 104, the Department member shall:

- Print and sign the original document.
- Provide the original document to their immediate supervisor for inclusion into the member's I-File.

Upon receipt of a completed and signed RSD Form #104, the supervisor shall:

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- Scan the form and electronically forward it to the facility designated supervisor responsible for entering changes into AgencyWeb, who shall enter the updates as soon as possible.
- Electronically send the scanned file to: Changeofaddress@riversidesheriff.org

The Sheriff's Administration clerical shall, upon receipt of a scanned Form #104:

- Verify the data on the form has been correctly entered into AgencyWeb.
- Place a copy of the signed RSD Form #104 into the Department member's Personnel file.

1001.3 DEPARTMENT ROSTER AND REPORTS

Supervisors and above have access to the Reports menu within AgencyWeb. In this area they will find a listing of all Department and Station specific reports that currently exist in the system. The information displayed on these reports reflects what is stored in the system at the time the report was created. Reports can be saved to various formats for use or storage at the station level. Some examples of current reports are:

- Department Roster by Sheriff ID
- Employee ER Report
- Department Roster by Last Name
- Station/Facility Name / ID
- Station/Facility ID / Name
- Station/Facility Roster
- Overtime/Leave Summary
- Expired CDL Report
- PCN Report

Suggestions for new report-types should be made via the chain of command. Approved suggestions should be emailed (with examples if they exist) to AgencyWeb@riversidesheriff.org for review/development.

1001.4 DESIGNEE TRAINING

Personnel designated by commanders to enter data into AgencyWeb may need additional training on how this is done. Training should be requested via email to AgencyWeb@riversidesheriff.org and done either via a class or individually based on the number of requests received.

1001.5 PREVIOUS DEPARTMENT DIRECTIVE RESCINDED

With the adoption of DSM 1001, the Department has rescinded Department Directives 16-076, 13-051, 12-054, 92-002 and Department Memorandum #812 (dated 01-29-75).

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the department and the employee, giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to step increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review, and an opportunity to convert general impressions into a more objective history of work performance based on job standards. Performance Evaluation Reports will be completed in accordance with this policy and in the format approved by the Sheriff.

1002.2 GENERAL POLICY

Employee performance evaluations will be written based on job-related factors specific to the position occupied by the employee during the rating period. Each evaluation will cover a specified period and should be based on performance during only that period. The employee's immediate supervisor will complete each evaluation. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. Assessment of an employee’s job performance is an on-going process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise. When an employee's job performance falls below the established standards of the job, the supervisor should, as soon as practical, advise the employee in writing in order to provide an opportunity for the employee to improve performance. Failure to meet established performance standards is justification for a below-standard rating. Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

1002.3 EVALUATION MANUALS AND FORMS

All specific schedules, policies and procedures regarding the evaluation of all department members are outlined in the applicable manual posted on the intranet under "Docs and Forms/ Employee Review Forms." All three evaluation completion forms are also available there.

Sworn and Correctional department members of all ranks are evaluated using RSD Form 216A.

Civilian department members are evaluated using RSD Form 219.

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Civilian and classified managers are evaluated using RSD Form 220.

1002.4 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's Station I-File until the next evaluation, and in the personnel file in the office of the Sheriff for the tenure of the employee's employment. A copy shall also be given to the employee.

1002.5 PERFORMANCE IMPROVEMENT PLANS

The procedures, scope, and purpose of a Performance Improvement Plan (PIP) for sworn and correctional personnel are detailed in the Evaluation Procedure Manual for Supervisors, beginning on page 23. The same can be found for civilian staff in the Classified Performance Evaluation Manual for Supervisors beginning on page 20.

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Promotional Process

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions within the Riverside County Sheriff's Department.

1004.2 POLICY

The Riverside County Sheriff's Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Sheriff. The promotional process is a joint effort between the Riverside County Human Resources Department and the Riverside County Sheriff's Department. Promotions within the Department are made after appropriate testing and/ or evaluation of Department members.

1004.3 AUTHORITY TO PROMOTE

The Sheriff has the sole authority to promote personnel within the Department.

1004.4 GENERAL REQUIREMENTS

Due to the number and variety of job classes and MOU's within the Department, the specific requirements for each promotional process will be outlined in a Departmental Memorandum issued at the beginning of each promotional process. Additional information about the minimum qualifications and job description may be obtained via the Riverside County Department of Human Resources.

A Department member shall meet the requirements for the position prior to the final filing date for the position. Only qualified members will be allowed to take a promotional examination.

1004.5 EVALUATIONS

Supervisors should maintain current employee evaluations as outlined in DSM 1002. Department members shall submit a copy of their most recent evaluation as part of the promotional process. Any member of the Department with a current less than competent evaluation may not apply for nor be granted a promotion.

1004.6 INTEGRITY OF THE TESTING PROCESS

In order to maintain a fair/competitive process, candidates are responsible to adhere to and maintain the integrity of the testing process. Once a Departmental testing process begins, and through its conclusion, Department members shall not share, distribute, or discuss any information pertaining to written and oral examinations that would give another testing candidate an unfair advantage. Failure to follow this direct order can lead to discipline up to and including termination.

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Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All members of this department and all retired deputies with an identification card issued by the department shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the department shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in

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writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1010.5.1 NOTIFICATION REQUIREMENTS

The Administrative Services Chief Deputy, or their designee, shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administrative Services Chief Deputy, or their designee, shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

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Personnel Complaints

1011.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Riverside County Sheriff's Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1011.2 POLICY

The Riverside County Sheriff's Department takes seriously all complaints regarding the service provided by the department and the conduct of its members.

The department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1011.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Acceptance of a complaint does not automatically trigger a formal personnel investigation. Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the department.

1011.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the department is satisfied that appropriate action has been taken by a supervisor of rank greater (at least a sergeant in all matters) than the accused department member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Bureau, depending on the seriousness and complexity of the investigation. A complaining parties' desire or non-desire to make a formal complaint shall not be the sole factor in determining if further action is necessary. The department member receiving the complaint shall also consider the severity and the propensity of the allegation.

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Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Bureau, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1011.3.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors may initiate a complaint inquiry based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint so that facts surrounding an incident, and the actions of department personnel may be investigated and documented as soon as possible.

1011.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1011.4.1 COMPLAINT FORMS
Personnel complaint forms (RSD #217) will be maintained in every sheriff's facility and be accessible through the department website. Complaint forms shall be provided without delay and without need for the requestor to wait or take other action before receiving the form. If the requestor asks to speak to a supervisor, one shall be summoned if available.

1011.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving department member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

Upon request, a complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the department (Penal Code § 832.7).

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1011.4.3 AVAILABILITY OF WRITTEN PROCEDURES
The department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1011.5 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1011.5.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless that supervisor is unavailable to conduct a timely investigation. The Sheriff or the authorized designee may direct that another supervisor or investigator investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a department complaint form, or other memorandum-type documentation is completed. Complaints from the public or other source need not be on the official department complaint form.

    1. The original complaint form or other descriptive document will be directed to the lieutenant supervising the subject department member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

    2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor may orally report the matter to their lieutenant, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Follow-up contact with the complainant should be made within 24 hours of the department receiving the complaint.

(d) Properly resolving those personnel complaints that can be resolved immediately.

    1. If the matter is resolved and no further action is required, the supervisor may choose to complete a memorandum of discussion after speaking with the employee and identifying areas for training and/or performance improvement, if any.

    2. If the complaint was submitted in writing, the supervisor shall attach a description of how the complaint was resolved without a formal investigation. Both documents shall then be forwarded to the Professional Standards Bureau where it will be retained according to legislative mandates and the Department's Records Retention Schedule (DRRS).

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(e) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the involved Chief Deputy is notified via the chain of command as soon as practicable.

(f) Promptly contacting a lieutenant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(g) Forwarding unresolved personnel complaints to the supervising lieutenant who will determine whether to contact the complainant or assign the complaint for a formal investigation.

(h) Informing the complainant of the investigator's name and the assigned investigation number within three days after assignment.

1. To obtain an investigation number, the case agent shall log into BlueTeam, select "Add Incident." Under "Incident Type" select "Personnel Investigation," and complete the information as required. Upon completion of all required fields, submit the form. The case agent will then be assigned the investigation number via BlueTeam within two business days.

1011.5.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Bureau, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303): Those assigned to conduct an administrative investigation on any employee should consult the MOU applicable to the focus employee's classification to ensure compliance with all provisions unique to the focus employee's bargaining unit.

(a) Interviews of a focus employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.

(b) Interviews of a focus employee shall be at the Riverside County Sheriff's Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of a focus employee.

(d) Prior to any interview, a focus employee shall be informed of the nature of the investigation, the name, rank and command of the case agent in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) The assigned investigator should determine what material, if any, is required to be released before each interview. The Professional Standards Bureau should be consulted to resolve any questions regarding pre-interview disclosure.

(f) All interviews shall be for a reasonable period and the department member's personal needs should be accommodated.

(g) No department member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

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(h) Any department member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A department member should be given an order to answer questions in an administrative investigation that might incriminate the department member in a criminal matter only after the department member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the department member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a department member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor, except as required by law.

(i) The department should record all interviews of department members and witnesses. The department member may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided prior to any subsequent interview.

(j) All department members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved department members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(k) All department members shall provide complete and truthful responses to questions posed during interviews.

(l) No department member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any deputy solely because the deputy has been placed on a prosecutor's *Brady* list or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1011.5.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members.

Exonerated - When the investigation reveals that misconduct occurred but that the action was justified, lawful and/or proper when considered with the surrounding circumstances.

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Not sustained - When the investigation reveals that there is insufficient evidence to sustain the complaint or disprove the allegation.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a deputy were found to violate law or department policy (Penal Code § 832.8). Although used by the case agent upon completion of an investigation sustaining an allegation, this disposition is not permanently assigned to the report until all processes noted above have been completed or have lawfully expired.

1011.5.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall complete the assigned investigation within 60 days from assignment. The 60-day due date is not to be determined by the file number assigned to the investigation, but rather by the date the investigation was assigned. Any delay in submitting the investigation for initial review shall be promptly discussed with the assigned investigator's supervisor as soon as the delay is known to be likely.

The department must serve the investigation and any intended action upon the employee within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304). In the event that an investigation cannot be served upon the focus employee within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1. Any lawful justification for an extension shall be communicated to the assigned investigator's supervisor in writing as soon as it is known.

The proper recording of the dates related to when the violation was known to the department, when the investigation was assigned, and when any extensions were warranted, is critical to achieving compliance with Government Code § 3304(d). If an investigation discloses misconduct that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations and a new date of initial discovery will apply to the new allegations.

1011.5.5 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The department member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1011.5.6 NOTICE REQUIREMENTS

The disposition of any civilian’s complaint shall be released to the complaining party within 30 days of the final disposition. The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

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1011.6 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and similar storage spaces may only be administratively searched in the member's presence, with the department member's consent, with a valid search warrant or where the department member has been given reasonable notice that the search will take place (Government Code § 3309). Whether a search of such areas should be conducted under a criminal standard or an administrative standard should be determined before the search occurs.

1011.6.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1011.7 ADMINISTRATIVE LEAVE

Administrative Leave is categorized as:

- Administrative Leave - Non-Disciplinary: no loss or suspension of peace officer powers
- Administrative Leave - Potential Disciplinary Action: suspension of peace officer powers

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the department, a chief deputy or higher rank, may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment;

(b) May be prevented from possessing a concealed firearm;

(c) Shall be required to continue to comply with all policies and lawful orders of a supervisor;

(d) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

(e) May be placed on unpaid administrative leave in specific circumstances and as limited by procedures.

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1011.8 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a department member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

The department member should not be administratively ordered to provide any information in the criminal investigation.

The Riverside County Sheriff's Department may release information concerning the arrest or detention of any department member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

A department member accused of criminal conduct shall be advised of their constitutional rights prior to the administrative investigation interview (Government Code § 3303(h)).

1011.9 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of an assigned investigation, the report shall be forwarded to the Sheriff, or designee, through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Sheriff, or designee,may accept or modify any classification or recommendation for disciplinary action.

1011.9.1 COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the commander of the involved member shall review the entire investigative file, the department member's personnel file and any other relevant materials, to include interview recordings and BWC video.

The commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief Deputy, the commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief Deputy, the commander shall include all relevant materials supporting the recommendation. Actual copies of a department member's existing personnel file need not be provided and may be incorporated by reference.

1011.9.2 SHERIFF RESPONSIBILITIES

The Sheriff may review any investigation and may modify any recommendation and/or may return any investigation to the Chief Deputy for further investigation or action.

Once the Sheriff, or designee, is satisfied that no further investigation or action is required, the Sheriff, or designee, shall determine the amount of discipline, if any, that should be imposed. In

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the event disciplinary action is proposed, the department shall provide the department member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice ("First Skelly") shall be provided within one year from the date of discovery of the misconduct, unless an extension is applicable as prescribed by law (Government Code § 3304(d)). The department shall also provide the department member with:

(a) Access to all of the materials considered by the department in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the department within ten business days of receiving the notice.

  (a) Upon a showing of good cause by the department member, the department may grant a reasonable extension of time for the department member to respond.

  (b) If the department member elects to respond orally, the presentation may be recorded by the department. Upon request, the department member shall be provided with a copy of the recording.

1011.10 PRE-DISCIPLINE EMPLOYEE RESPONSE (AKA SKELLY)

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the department after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the hearing is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the department to consider.

(d) In the event that the department elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the department on the limited issues of information raised in any subsequent materials.

(f) Once the employee has completed their response or if the employee has elected to waive any such response, the Sheriff, or designee, shall consider all information received in regard to the recommended discipline. The department shall render a timely written decision to the employee ("Second Skelly") and specify the grounds and reasons for discipline and the effective date of the discipline. Once the department has issued this written decision, the discipline shall become effective.

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1011.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8(c)(1)). In the event that a department member tenders a written resignation or notice of immediate retirement prior to the imposition of discipline, it shall be noted in the file. The department shall proceed as follows for service to a former employee of a completed investigation:

(a) The department will make an attempt to notify the former employee of any sustained finding by either first-class mail, email, telephone, or in person;

(b) Subsequent to the notification or attempted notification, the department will wait 30 days before considering the finding(s) final and sustained within the meaning of Penal Code § 832.8(b);

(c) Throughout the 30 day delay period, the department will allow the former employee to review the relevant file at a reasonable time;

(d) Throughout the 30 day delay period, the department will accept and attach a response or addendum from the former employee and retain it in the file.

1011.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

Any employee who voluntarily separates from the department prior to the imposition of any disciplinary proceedings, waives any right to appeal the investigative findings.

During any administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1011.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy and without any right to appeal. However, any probationary deputy subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have

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acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the department shall be final.

1011.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in department policies.

1011.15 REQUIRED REPORTING TO POST

The Sheriff or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain deputy personnel events, including but not limited to (Penal Code § 13510.9):

(a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.

1. The Professional Standards Bureau is responsible for ensuring a POST affidavit-of-separation form is completed by and maintained by the Department and submitted to POST as required by Penal Code § 13510.9.

(b) Events that could affect a deputy's POST certification, such as:

1. Complaints, charges, or allegations of misconduct
2. Findings of civilian review boards
3. Final dispositions of any investigations
4. Civil judgments or court findings based on conduct, or settlement of a civil claim against a deputy or the Riverside County Sheriff's Department based on allegations of conduct by a deputy

The Sheriff or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

1011.16 PREVIOUS DEPARTMENT DIRECTIVE RESCINDED

With the publication of DSM 1011, Department Directive #16-071 and any supplemental directives are rescinded.

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Drug- and Alcohol-Free Workplace

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1013.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members. As employees of the County of Riverside, all Department members are subject to Riverside County Board of Supervisors policies C-10, C-24, and C-34.

C-10 https://www.rivcocob.org/boardpolicies/policy-c/POLICY-C10.pdf

C-24 https://www.rivcocob.org/boardpolicies/policy-c/POLICY-C24.pdf

C-34 https://www.rivcocob.org/boardpolicies/policy-c/POLICY-C34.pdf

1013.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1013.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1013.3.2 MARIJUANA AND PROPOSITION 64

Proposition 64 generally legalized the commercial, adult-use of marijuana in California. Even though in most respects Proposition 64 decriminalizes marijuana possession and usage in California, it does not affect its continued illegality under federal law, nor does it prevent employers from maintaining a drug and alcohol free workplace. Proposition 64 specifically adds section 11362.45 (e) and (f) to the Health & Safety Code, which states that employers can lawfully

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prohibit the use, possession, sale, or distribution of marijuana in the workplace or any building owned, leased, or occupied by a local government agency, as well as generally prohibit the use of marijuana by employees and prospective employees.

Even after the passage of Proposition 64, marijuana remains a Schedule I Controlled Substance under federal law. Riverside County and Sheriff's Department policies prohibit employees from possessing and/or using controlled substances to include medical marijuana or cannabis products which contain the psychoactive ingredient of THC (tetrahydrocannabinol) at any time. These policies also prohibit employees from using, possessing, or being under the influence of any controlled substance, including marijuana, while on duty and/or on County property, or violating federal law.

1013.3.3 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY
Department employees shall not purchase or possess alcohol or other controlled substances on County property, at work, or while on duty except in the performance of a special assignment as described in § 1012.4. The possession or use of controlled substances as learning/training aids (display board, K-9 training, etc.) are authorized with supervisor approval.

1013.3.4 USE OF ALCOHOL OR PRESCRIBED MEDICATIONS
Department employees who are taking medications during work hours shall not allow such medications to impair their ability to perform their work. No employee shall be permitted to work while taking medications that impair their ability to perform their duties.

(a) Department members shall not drink intoxicating liquor/alcohol to such an extent that they are not able to report to their next tour of duty.

(b) Department members shall not drink intoxication liquor/alcohol to such an extent that may result in the commission of an obnoxious or offensive act that may bring discredit or disgrace upon themselves or the Department.

(c) Department members shall not report to work when they are under the influence of any drug, narcotic or alcohol, prescribed or not prescribed, or when they have the odor of marijuana or an alcoholic beverage on their breath or upon their person.

(d) Department members while on duty shall not drink any alcoholic beverage except as authorized (section 1012.4). Drinking alcoholic beverages during lunch or other breaks is specifically prohibited.

1013.3 COMPLIANCE
Employees must, as a condition of employment, abide by the terms of this policy, and report any conviction as prescribed in Section 1011 of this manual.

1013.4 MEMBER RESPONSIBILITIES
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103).

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The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1013.6 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. The Department recognizes that the interaction between the employee and their Health Care Provider as well as the interaction between the employee and the employee assistance program is confidential and is not accessible to the Department. Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the employee assistance programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1013.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1013.7 SCREENING TESTS

A supervisor may request an employee to submit to a screening under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).

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(c) The employee discharges a firearm while off-duty, resulting in injury, death, or substantial property damage.

(d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1013.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1013.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1013.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1013.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

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Peer Support Program

1014.1 POLICY STATEMENT

The Riverside County Sheriff's Department's Peer Support Program is an employee assistance program offering confidential help and guidance by trained volunteer peer support personnel to all Department members experiencing a personal or professional problem or crisis.

Personnel experiencing problems are encouraged to seek assistance before the situation escalates into a severe personal problem, or becomes a violation of the law. Help can be found with licensed professional counselors from outside the Department, or from fellow employees associated with the Peer Support Program.

The Department recognizes the importance of physical and emotional well being upon personal performance. Supervisors' responsibilities include identifying personnel who are experiencing problems and helping these individuals effect a positive change whenever possible. The Peer Support Program provides a resource for supervisors to assist employees who have particular problems. Supervisors are advised that an employee's decision to participate in this program must be voluntary. Referrals will not be made under duress or with a promise of reward.

It must be noted that nothing in this program is intended to alter the Department's ability or responsibility to administer discipline, or a supervisor's responsibility to supervise.

1014.2 PROGRAM STATEMENT

It has long been recognized that people can benefit by being provided with a means of contacting and talking to someone who cares and understands their problems. Realizing that the ways in which employees choose to deal with crisis can be as diverse as the factors causing the problem, a successful approach has been to provide a program which offers non-professional (peer) support services, with the resources to advise personnel on the need for professional services, when applicable.

In the past, employees seeking assistance were referred to the Riverside County Employee Assistance Services (EAS) for further referral. Others, who felt the need to discuss the matter with someone they felt "had been there", turned to peers by chance or through indirect reference by other employees. The Riverside Sheriff's Peer Support Program will provide a more accurate means of identifying fellow employees who have expressed the desire to be available to their peers for these types of discussions. Given the diverse cross-section of current personnel, our Peer Support personnel should represent a wide variety of support personnel familiar with finances, disability, career choices, family relationships, divorce, bereavement, legal issues, etcetera.

The names and business telephone numbers of peer support personnel will be made available to all personnel through the Program Coordinator.

The Peer Support Program is a valuable resource for Department members and their families. The program is not intended to transform employees into psychologists. It is to provide a first level of contact with employees when confronting those crises which affect their personal lives

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and ultimately their job performance. The success of the program will depend upon the interest, dedication and confidentiality displayed by those who choose to become involved as volunteer support personnel.

1014.3 SELECTION

Periodically the Department will seek volunteers and recommendations for the Peer Support Program. Interested personnel should submit a memo of interest, together with a current resume, to their Bureau/Station Commander. Those personnel recommending others for counselors should submit their recommendations to the Peer Support Coordinator.

Those personnel who are submitting memos on their own behalf should include a brief statement of why they want to become a peer supporter and should detail any life experiences and special training they possess which may contribute to the program. Bureau/Station Commanders will review the memos, make any recommendations they deem appropriate, and forward them to their Division Chief for approval.

The Selection Committee will make appointments for interviews. The Selection Committee will be comprised of a representative from the Counseling Team, a representative from the County Employee Assistance Services, the PEER Support Program Coordinator, a representative from the Riverside Sheriff's Association, and four peer supporters. Peer support personnel will initially receive specialized training in Peer Support. Subsequent training and updates on support techniques will be provided at support meetings scheduled bi-monthly at the Ben Clark Training Center.

1014.4 SUPPORT PERSONNEL

Volunteer peer support personnel are selected from all ranks within the Department.

The primary function of peer support personnel includes providing short-term crisis intervention, lay assessment of the problems, and referral service to fellow employees when deemed necessary. Personnel experiencing problems which might require long-term or professional guidance shall be so advised by the peer support personnel and a list of possible referrals will be maintained by the Peer Support Program Coordinator.

1014.5 CONFIDENTIALITY

Communication between a peer support person and a Department member is confidential, EXCEPT for those matters which involve the following:

- Danger to self
- Danger to others
- Suspected child abuse
- Possession and/or use of illegal drugs or narcotics
- Serious/dangerous violation of the law (felonies)

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- Domestic violence
- Elder abuse
- Serious misconduct (violations of Department policy that could/would be grounds for termination
- Where divulgence is requested by the peer

The above categories only represent parameters and are not meant to be all inclusive. In such instances, peer support personnel shall advise the Program Coordinator of the circumstances concerning the incident and what has been done to rectify the problem. The Program Coordinator shall apprise the Department Administrator (Chief Deputy or Assistant Sheriff) responsible for the program, who will decide the direction the Department will take in the matter.

Peer support personnel shall not be interviewed, nor shall they discuss details of support sessions with Department personnel conducting an investigation, without the WRITTEN authorization of the Department Administrator (Chief Deputy or Assistant Sheriff) responsible for the program or the permission of the employee being counseled.

Authorized Department peer support personnel, while acting in a peer support role, are exempt from the requirements of Policy 340.5.5 (a) & (M), with the exception of the criteria as outlined above.

This in no way inhibits the Sheriff from ordering an employee to cooperate with a Department investigation or with an outside agency involved in a criminal investigation.

1014.6 SUPPORT SESSIONS

Support sessions shall be conducted on the employee’s and the support person’s own time, absent exigent circumstances. Should an emergency require that a support person be called on duty time, his/her response will be at the discretion of the concerned Bureau/Station Commander.

Support personnel shall not be reimbursed for mileage or the use of private telephones for support business. However, the use of County vehicles and telephones according to Department policy and with the approval of the concerned Bureau/Station commander is authorized.

The Peer Support Program is sanctioned by the Department; therefore, an injury sustained while conducting support sessions may be reviewed as an “on-duty” incident by the Department for purposes of Worker’s Compensation.

Peer support personnel shall notify the Program Coordinator when they respond to or return from a support session.

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Sick Leave

1016.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the applicable memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1016.2 POLICY

It is the policy of the Riverside County Sheriff's Department to provide eligible employees with a sick leave benefit for use when the employee or a qualifying family member is sick, or when other specified criteria is met.

1016.3 USE OF SICK LEAVE

Sick leave is intended to be used either when an employee or qualifying family member is sick or as permitted by law. It is not intended to be used like vacation which requires advanced approval Using sick leave when an employee does not qualify to use it is referred to as abuse of sick leave. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees using sick leave are required to act consistent with the use. For example, employees using sick for their own injury or illness should not act in a manner that may impede recovery from the injury or illness. If the employee is using sick leave to care for a qualifying family member, it is expected that the employee act consistent with that use.

1016.3.1 NOTIFICATION

FORESEEABLE SICK LEAVE

To maintain orderly operations, employees must give their immediate supervisor reasonable advanced notice to use or request sick leave. If the use of sick leave is foreseeable (i.e., the employees know the day before or earlier that they will be out of work on sick leave), the employees shall provide written notice in the form of an email, or verbal notice (which can be a telephone call)

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to their immediate supervisor of the need for the leave as soon as practical (Labor Code 246(m) but no later than the day before the sick leave will be used. If an email is sent, the employee should wait to receive a responsive email from that supervisor authorizing the request for sick leave. If no response is received within 24 hours, the employees should follow the process for NOTIFICATION OF UNFORESEEABLE SICK LEAVE or provide reasons why they could not do so. A request for the use of foreseeable sick leave will only be denied when there is a compelling departmental reason to do so, or when the use of sick leave is not allowable by policy or MOU based upon the circumstances outlined by the employee. Failure to advise of the use of sick leave (for unforeseeable leave) or request sick leave (if leave is foreseeable) as required by this policy without good reason, may result in the employee being treated as absent without leave and the loss of compensation for that day.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the department with reasonable advanced notice of the impending absence (Labor Code § 246).

Upon returning to work, members are responsible for ensuring their time off is appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

UNFORESEEABLE SICK LEAVE

If the use of sick leave is unforeseeable (i.e., the employee does not know the day before or earlier that he/she will be out of work on sick leave), the process to use sick leave is as follows:

The employees (unless their circumstance prevent calling themselves) shall first call their direct supervisor to inform them that they need to be absent from work on sick leave. If the employee is unable to make verbal contact and acknowledgement with their direct supervisor, then they shall immediately call the Watch Commander working at the same station, facility or bureau to inform them that they need to be absent from work on sick leave. If the employee cannot reach the Watch Commander, the employee shall call dispatch (or Central Control for Corrections personnel) to make notification.

All employees should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work but preferably no less than one hour before the start of their scheduled shift. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee member contact the supervisor (Labor Code § 246).

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If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed as to the date the employee expects to return to work and the type of leave being used. Failure to advise of the use of sick leave (for unforeseeable leave) or request sick leave (if leave is foreseeable) as required by this policy without good reason, may result in the employee being treated as absent without leave and losing compensation for that day.

1016.3.2 NOTIFICATION REQUIREMENTS

The following information shall be provided when making either type of sick leave notification:

a. The caller will tell the supervisor the following details:

1. Employee name
2. Type of sick leave needed (self, family, FMLA/CFRA)
3. If leave time is due to a sick family member then the relationship between the employee and family member (e.g., spouse, daughter, son).

b. Supervisors receiving employee sick leave notices shall, prior to the end of their shift, document the employee's use of sick leave in AgencyWeb as follows:

1. Submit a leave request for the shift hours reported by the employee
2. Select the applicable leave type from the list (e.g. Sick, Sick, CFRA, Sick Leave FMLA, Sick Military Caregiver, and Sick PDL).
3. Enter the required leave related information in the Leave Note area (e.g. self, spouse, daughter, son or other relation as permitted by the employee's MOU or the law).
4. Submit the leave request
5. Approve the leave request

1016.4 MISUSING SICK LEAVE – USE OF DOCUMENTS

Department personnel shall use sick leave for its permitted and intended purposes and not use any documents (either created by themselves or a third party) to support the use of sick leave that is not authorized.

1016.5 DOCUMENTATION

Employees who are absent from duty are required to document this absence on their Riverside County Sheriff's Department Payroll Activity Report (Form 344). The sick leave will be documented on the Form 344 as per the Form 344 guidelines.

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1016.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

1. Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy and if it is not, letting the employee know that use is not consistent with policy.

2. Addressing sick leave use (except for leave which is authorized by law) in the member's performance evaluation when excessive or misused as follows:

(a) If it has negatively affected the member's performance or ability to complete assigned duties.

(b) If it has negatively affected department operations, e.g., late reports, late payroll, poor attendance at team operations or department training.

(c) If sick leave appears to be abused (i.e., used for a purpose not authorized), it shall be referenced in the performance evaluation but could also form the basis for corrective action, including discipline.

3. Counseling or disciplining employees regarding excessive absences and/or unauthorized use of sick leave.

4. Referring eligible members to an available employee assistance program when appropriate.

1016.6.1 SICK LEAVE USE - NOTIFICATION LETTERS

A supervisor, after having identified a concerning pattern or rate of sick leave use, may issue a series of sick leave letters intended to bring the matter to the employee's attention, to prevent further abuse, and to improve department operations through improved employee attendance. The issuance of any sick leave letter shall be in accordance with the current MOU affecting the employee. Employees shall have 30 days to submit a written response to any sick leave letter placed into their Interim file (I-file).

In general, such letters are issued as follows:

1. First letter - A supervisor may issue the first letter to simply notify an employee of a concerning pattern of sick leave absences. These absences could be as described in section 1016.6 (paragraph 2: a - c). This letter simply advises the employee of the excessive use and encourages improvement.
2. Second Letter - If substantial improvement is not demonstrated within a reasonable time (usually within six months), a supervisor may issue a second letter that requires the employee to, upon their return to work, produce a medical certification note

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following any use of personal sick leave. An employee shall be removed from this requirement if the next use audit demonstrates a substantial improvement.

3. Third Letter - A supervisor shall issue an employee a third sick leave letter notifying them when improvement has been achieved, and relieving them of the requirement to provide a medical certification.

    a. If no substantial improvement has occurred, then this letter will notify the employee of their continued requirement to provide medical certification.

1016.6.2 OVERTIME EXCLUSION

Commanders or their designee shall be responsible for maintaining an overtime exclusion list. Any employee who has been issued a second sick leave letter shall be placed on the overtime exclusion list and be prohibited from working voluntary overtime in any capacity, whether in their current assignment, at special events, grant operations, or green sheet time. These employees may still be ordered to work extended-shift overtime or be called in during critical needs of the department.

Commanders or their designee shall reevaluate the status of those listed in six month intervals after their placement on the list. If, the listed employee's management of sick leave has improved to the satisfaction of their Commander or designee they shall be removed from the exclusion list and their ability to work voluntary overtime restored.

1016.7 MEMORANDUM OF UNDERSTANDING

If any provision of the Terms and Conditions of Employment between the County and any given bargaining unit, or a subsequently entered into Memorandum of Understanding (MOU) between the County and any given bargaining unit, conflicts with this policy, the applicable Memorandum of Understanding shall apply.

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FMLA and Kin Care Leave

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide all personnel including bureau commanders, station supervisors, accounting representatives, station/facility designees and general staff with the necessary information to comply with federal and state leave laws as governed by the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), California Pregnancy Disability Leave Law (PDL), and Kin Care Leave. This policy outlines basic procedures and resources to assist you in properly managing these leave types. This Department policy will supersede all previous versions including DD#10-053 and all its supplemental changes.

Commanders shall assign two non-supervisor/manager staff as a primary and a back-up designee. They are encouraged to assign payroll and administrative staff to this role. The designees will work directly with the employee, supervisor, accounting representatives, and the Human Resources Services Team. Designees and Department staff involved in the processing of an employee's FMLA/CFRA/PDL paperwork shall ensure that all medical information contained therein remains confidential.

Applicable leave forms and information sheets referenced in this policy are available on the County of Riverside's HR Website. Reviewing this website frequently is encouraged as periodic changes to leave laws may necessitate changes to the following procedures.

1018.2 BACKGROUND

Family and Medical Leave Act

FMLA requires employers to provide up to 12 weeks or 480 hours (within a 12-month period) of unpaid, job-protected leave to full-time eligible employees for certain qualifying family and medical reasons. Qualifying reasons include a serious health condition of the employee or qualifying family member, as well as bonding with a newborn child or a child placed in the family for foster care or adoption. FMLA time for part-time, temporary, seasonal and per-diem eligible employees would be prorated based on the number of hours worked. The County requires the use of leave accruals (e.g., sick or vacation) while on FMLA leave time. Please refer to the Use of Accruals for Paid Family and Medical Leave chart for exceptions or more details.

Provisions under FMLA also include Qualifying Exigency Leave whereby eligible employees may take up to 12 weeks of FMLA time for any "qualifying exigency" arising out of a qualifying family member (spouse, son, daughter, or parent) in the National Guard, Reserve, or regular component of the Armed Forces being called to covered active duty involving deployment to a foreign country.

Military Caregiver Leave provides eligible employees up to 26 weeks of unpaid, job-protected leave time during a single 12-month period to care for a covered service family member (spouse, son, daughter, parent, or next of kin) who has incurred a serious injury or illness. The serious illness or injury must have been sustained or aggravated in the course of duty while on active duty. Military Caregiver Leave provisions also include care for a veteran family member (spouse, son,

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daughter, parent, or next of kin) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness incurred or aggravated in the line of duty while on active military duty within the previous five (5) years.
It is important to note that it is the employer's prerogative to designate an absence as FMLA leave if there is reason to believe the absence qualifies, regardless of the employee's preference.

Kin Care Leave

Senate Bill 579 modified the existing Family-School Partnership Act and amended Labor Code sections 230.8 and 233 through 234 by adding Kin Care Leave as a protected leave status. This law expands the definition of family member from parent, child, spouse, or registered domestic partner to now include parent-in-law, grandparent, grandchild, and sibling. Employees do not have to be legally responsible for family members in order to be covered. Examples of persons covered include:

- Self
- Spouse
- Registered Domestic Partner
- Child: Biological, adopted, foster, step, legal ward or in loco parentis (in place of parent)
- Parent: Biological, adoptive, foster, step, legal guardian, parent-in-law, domestic parent- in-law, or in loco parentis when affected employee was a minor
- Grandparent
- Grandchild
- Sibling

Effective January 1, 2021, AB2017 amended California's Kin Care law requires employees the responsibility to designate their Kin Care Leave utilizing the newly created Sick Kin Care code SCKK (or SCKKF for those on FMLA/CFRA/PDL). Employees are allowed to use up to one-half of their annual sick leave accrual within a calendar year for covered events. For example, an employee who accrues 104 hours of accrued sick leave per year would be permitted to utilize 52 hours of leave within a calendar year.

Note: Some Memorandums of Understanding (MOUs) with the County of Riverside do not limit the amount of accrued sick leave usage for family members. Consequently, Sheriff's Department employees should review their respective bargaining unit's MOU for specific information related to their classification and the amount of annual sick leave that can be used.

The sick/annual leave must have already been accrued at the time of the employee's absence and may be used for the following purposes:

- Diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee, or the employee's family member
- For an employee who is the victim of domestic violence, sexual assault, or stalking

The Department may not deny employees their right to use sick leave under these regulations. The Department must also not discharge, threaten to discharge, discipline, or in any manner

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discriminate/retaliate against employees for using or attempting to use Kin Care Leave. Leave taken in accordance with this Labor Code section is considered “protected leave.” This law does not preclude the Department from managing an employee’s attendance where it is suspected that sick or annual leave is being abused. Commanders should contact the Department’s County HR Service Team prior to initiating any sick leave abuse letters related to Kin Care Leave.

Kin Care Leave may run concurrently with FMLA/CFRA and/or other legally protected leave. Employees requesting to use Kin Care Leave shall reference KIN CARE leave when making their requests in AgencyWeb and need to refer to this policy’s sick leave guidelines. Kin Care Leave usage will be tracked by the employee’s station. Employees are responsible providing a justification when requesting Kin Care Leave. Two examples are: Kin Care (type of family member) or Kin Care-Confidential (when sensitive).

Family School Partnership Act

Child-Related Activities Leave Law, Labor Code sections 230.8, currently requires the Department to allow an employee to take off up to 40 hours of leave per year for “child-related activities” if the employee is a parent with one or more children attending kindergarten through 12th grade, or is at a licensed child care provider. Child-related activities include:

- Respond to address a childcare provider or school emergency
- Participate in activities of the school or licensed childcare provider of his or her child

Beginning January 1, 2016, Labor Code section 230.8 was amended to include the following:

- Child-related activities now include finding, enrolling, or reenrolling a child in a school or with a licensed childcare provider
- Leave to address a childcare provider or school emergency, including a request that the child be picked up from school/childcare, behavioral/discipline problems, closure or unexpected unavailability of the school (excluding planned holidays), or a natural disaster
- A parent is now defined to include a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parentis to, a child

Employees shall give reasonable notice to the Department prior to the planned absence. If more than one parent of the child is employed by the Department and at the same Bureau, Station or Facility, the parent who first gives notice is considered eligible; however, supervisory consideration should be given to each and every parent.

Department employees are allowed to take up to 40 hours per year of leave of this type. Except for the need to address a childcare provider or school emergency, the use of such leave can be limited to 8 hours per month. The Department may require employees who use this leave to utilize any available vacation, comp time, or other personal leave for any such absences related to child-related activities. Use of sick leave is not permissible.

This leave will also be tracked by the Station/Bureau Accounting Unit. Employees are responsible for providing an acceptable justification for leave used in this manner such as: School related activity for child.

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California Family Rights Act (CFRA)

CFRA is a California state law that provides eligible employees up to 12 weeks of unpaid, job-protected leave time to care for their own serious health condition or that of certain family members (spouse, child, parent, domestic partner or child of a domestic partner). Leave time requested to care for and bond with a newborn or adopted child or to provide foster care placement of a child is also protected under CFRA. Bonding time must be taken within a year of the birth, adoption, or foster care placement.

CFRA time for part-time, temporary, seasonal and per-diem eligible employees would be prorated based on the number of hours worked. Depending on the employee's qualifying family or medical reason to be off work, CFRA and FMLA leave time can run concurrently, and the County's practice is to run leaves concurrently whenever possible. The County requires the use of leave accruals (e.g., sick or vacation) while on protected leave time. Please refer to the Use of Accruals for Paid Family and Medical Leave chart for exceptions or more details.

It is important to note that it is the employer's prerogative to designate an absence as CFRA leave if there is reason to believe the absence qualifies, regardless of the employee's preference.

California Pregnancy Disability Leave (PDL)

PDL provides eligible employees up to four (4) months of unpaid and job-protected leave due to pregnancy-related conditions (e.g., prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, or any related medical condition). PDL time for part-time, temporary, seasonal and per-diem eligible employees would be prorated based on the number of hours worked. If an employee is also eligible for FMLA, PDL and FMLA will run concurrently; however, CFRA cannot run concurrently with PDL.

Reasons for Leave Time

• Employee's own serious health condition, including disability due to pregnancy or childbirth, and prenatal care (review Important Information for Health Care Provider for definition of serious health condition)

• Birth or care of a newborn child; placement of adopted child or care of a child newly placed in foster care.

• Care of a family member (son, daughter, spouse, registered domestic partner, child of registered domestic partner, parent) with a serious health condition

Care of a family member (son, daughter, spouse, parent, or next of kin) who has incurred or exacerbated a serious injury or illness while on active military duty within the past five years

• Qualifying exigency arising out of the fact that an employee's family member (son, daughter, spouse, or parent) is being called to covered active duty in the Armed Forces that involves deployment to a foreign country

1018.3 PROCEDURES

The procedural responsibilities described below are also available via the County HR Website.

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Please note that slight modifications have been made to the roles and responsibilities so that they are specific to the Sheriff's Department.

1018.4 EMPLOYEE RESPONSIBILITIES

1018.4.1 GIVE SUPERVISOR ADVANCE NOTICE

Employees are required to give 30 days advance notice to their supervisor for foreseeable FMLA/CFRA/PDL family or medical reasons. If an absence or leave cannot be anticipated 30 days in advance, a notice must be given as soon as practicable.

1018.4.2 OBTAIN A LEAVE INFORMATION PACKET FROM THE STATION/FACILITY DESIGNEE

Forms are also available via the HR Website as previously noted.

1018.4.3 REVIEW EMPLOYEE RESPONSIBILITIES CHECKLIST AND COMPLETE ALL REQUIRED FORMS

Complete and return required forms to the Station/Facility designee within 15 calendar days of the effective date of the requested leave time. If additional time is required to complete the necessary paperwork, it is the employee's responsibility to request it from the Station/Facility designee. Failure to submit complete and sufficient information in a timely manner may cause the requested leave time to be delayed or denied.

1018.4.4 COMMUNICATE REGULARLY WITH YOUR SUPERVISOR

If you are taking intermittent leave you must notify your Department when you call in that the leave is being taken under FMLA, CFRA, and/or PDL. Additionally, you must contact your supervisor when there is a change in the circumstances of your leave and for other required information.

1018.5 STATION/FACILITY DESIGNEE (PAYROLL/TIMEKEEPER) RESPONSIBILITIES

1018.5.1 SEND OR PROVIDE A LEAVE INFORMATION PACKET TO THE EMPLOYEE

Supervisor or station designee must provide an information packet immediately to the employee requesting leave time. The employee has 15 calendar days of the effective date of the requested leave time to return the required forms for the leave provisions to apply. Upon request from the employee, an extension may be granted in situations when despite an employee's diligent good faith efforts, he/she is not able to attain the required information to complete leave forms within the 15-day time frame. Contact Sheriff's Payroll @ SHFPayroll@riversidesheriff.org as soon as possible to request an extension and ensure that a Notice of Eligibility and Rights & Responsibilities is provided to the employee within five (5) business days (absent extenuating circumstances) following the notification for leave. All leave forms are available via the HR Website as previously noted.

1018.5.2 PROVIDE THE EMPLOYEE WITH THE FOLLOWING FORMS:

- Request for Family/Medical Leave
- Employee Responsibilities Checklist

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• Notice of Leave Options and Responsibilities
• Applicable Certification Form (Employee's Own Serious Health Condition, Family Member's Serious Health Condition, Qualifying Exigency for Military Family Leave, or Serious Injury or Illness of Covered Service member)
• Important Information for Healthcare Provider – Definition of Serious Health Condition under FMLA (if applicable)
• Retention of Insurance Form
• Use of Accruals for Family and Medical Leave Chart

1018.5.3 ADVISE EMPLOYEE OF INFORMATION AVAILABLE VIA COUNTY HR WEBSITE
Additional FMLA, CFRA, and PDL information is available online via https://www.rc-hr.com/HR-Services/Employee-Services/FMLA-CFRA-PDL-and-Other-Leaves
Such information includes:
• Family and Medical Leave Fact Sheet
• FMLA/CFRA/PDL Frequently Asked Questions

1018.5.4 SEND COMPLETED PACKET TO SHERIFF ACCOUNTING AND FINANCE DEPARTMENT
Please date stamp the employee's Leave Information Packet and all required documentation (e.g., doctor's note or military orders). Scan and email the following to Sheriff's Payroll, SHFPayroll@riversidesheriff.org:
• Request for Family/Medical Leave
• Applicable Certification Form (Employee's Own Serious Health Condition, Family Member's Serious Health Condition, Qualifying Exigency for Military Family Leave, or Serious Injury or Illness of Covered Service member)
• All subsequent doctor's notes
• Modified duty approval letters
Please note: Stations are not authorized to approve FMLA/CFRA/PDL or Mod Duty letters.

Expiration of Protected Leave Time (FMLA/CFRA/PDL):
The employee must provide a doctor's release before returning to work either before or at the end of their designated FMLA/CFRA/PDL leave time. Please scan the doctor's release or a modified duty approval letter to Sheriff's Payroll SHFPayroll@riversidesheriff.org.

1018.6 SHERIFF PAYROLL DEPARTMENT REPRESENTATIVE RESPONSIBILITIES

1018.6.1 VERIFY ELIGIBILITY

Only Sheriff's Payroll is authorized to verify that eligibility requirements are met. Upon receipt of an employee's Leave Information Packet or notification of their need for protected leave Sheriff's Payroll will review the leave forms for completeness and ensure receipt of necessary certification forms. The Notice of Eligibility and Rights & Responsibilities must be provided to the employee within five (5) business days (absent extenuating circumstances) following an employee's request for leave that may be covered under FMLA/CFRA/PDL or from when the Department learns

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that the purpose of the leave taken qualifies as protected leave. When completing the Notice of Eligibility and Rights & Responsibilities, Sheriff's Payroll will state whether or not the employee is eligible for leave. If the employee is not eligible (e.g., For FMLA, employee has not worked 1250 hours in the previous 12 months, counting back from the date the leave is to begin), a reason for ineligibility will be provided.

1018.6.2 DESIGNATE THE TYPE OF LEAVE(S)
After completing the above, Sheriff's Payroll must provide a Designation Notice to the employee within five (5) business days (absent extenuating circumstances) after the Department has received enough information to determine if the leave qualifies. If additional time is required to determine if the leave qualifies, it may be designated at a later date, as long as the employee is not harmed. Additionally, FMLA may be designated if there is reason to believe the absence qualifies, regardless of the employee's preference. Contact Sheriff's Payroll if there are questions about an employee's leave designation and eligibility.

1018.6.3 INFORM STATION/FACILITY DESIGNEE AND SUPERVISOR
When an employee's leave time has been designated, inform the Station/Facility designee and Supervisor of the employee's designated leave timeframes for their timesheet reporting purposes.

1018.7 SUPERVISOR'S RESPONSIBILITIES

1018.7.1 MAINTAIN ACCURATE TIMEKEEPING
Supervisor's must ensure that the employee's leave time is accurately recorded on their time sheet based on the code(s) provided by Sheriff's Payroll. Check Time Reporting Codes (TRC) on their time sheet or refer to the Use of Accruals for Family and Medical Leave Chart, which can be accessed via the HR Website as previously noted.

Place the Employee on long-term leave in AgencyWeb at the beginning of the leave for the expected duration of their leave. Please use the following Agency Web templates:
• template # 24 for 80- hour employees
• template # 1705 for 84- hour employees

1018.7.2 COMPLY WITH THE LAW
Supervisors must comply with the law by allowing employees to take protected leave time and by refraining from discriminating or retaliating against employees for using FMLA, CFRA, and/or PDL.

1018.7.3 MAINTAIN EMPLOYEE'S POSITION
The Department is required to reinstate an employee to the same or equivalent position upon return from FMLA/CFRA/PDL/KinCare leave. If you have any questions about this process contact your HR Service Team.

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1018.7.4 MAINTAIN COMMUNICATION WITH THE STATION/FACILITY DESIGNEE
Keep the Station/Facility Designee and Sheriff Payroll representative informed of any changes to an employee's leave time. Communicating vital information is necessary to ensure compliance and accuracy of documentation provided to the employee.

1018.7.5 EXPIRATION OF PROTECTED LEAVE TIME (FMLA/CFRA/PDL)
Work with the employee to obtain a doctor's release to work when the employee is ready to return. If an employee is not able to return to work at the end of their FMLA/CFRA/PDL leave time, the employee will need to submit an Official Leave of Absence (LOA) Request. Leave of Absence requests must be submitted at least five (5) days prior to the expiration of an employee's protected leave time. It is important to note that Leave of Absence Requests are not automatically approved and are evaluated based on Departmental workload and operational demands. Contact the HR Services Team if there are questions or concerns about the Leave of Absence process.

1018.8 COUNTY RESOURCES

FMLA/CFRA/PDL training is required for all Department supervisors, managers, and designees; this training is available through the County of Riverside's Center for Government Excellence. Please view http://thecenter.rc-hr.com/ for training schedules and class availability. As previously indicated, additional information about FMLA, CFRA and PDL is accessible online via County of Riverside's HR Website. Sheriff's Payroll representatives are also available help answer any FMLA/CFRA/PDL questions or concerns.

1018.9 CONFIDENTIALITY

Department supervisors and designees may be privy to a variety of confidential information including personal medical information. It is the responsibility of every supervisor, manager, and designee to strictly protect the confidentiality of all employee medical information to which they may have access

Information outlined in this Department Directive is intended to be a guide with the sole purpose of providing general information about federal and state leave laws governed by the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), California Pregnancy Disability Leave Law (PDL) and Kin Care Leave Law. These policies and practices are subject to change as there may be periodic changes to federal and state laws and/or updates in County procedures.

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Smoking and Tobacco Use

1019.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Riverside County Sheriff's Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco whether or not they contain nicotine, as well as any electronic cigarette or personal vaporizer.

1019.2 POLICY

The Riverside County Sheriff's Department recognizes that tobacco use is a health risk and can be bothersome to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings, and vehicles, and as further outlined in this policy (Government Code § 7597; Labor Code § 6404.5; RC Board Policy A-23).

1019.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Riverside County Sheriff's Department.

Smoking and tobacco use by members is prohibited in and around county owned or operated buildings and structures, except in marked exterior smoking areas.

Smoking and tobacco use by members is prohibited in all county vehicles and vehicles owned or operated by a contract city.

It shall be the responsibility of each supervisor to ensure that no person under their supervision smokes or uses any tobacco product inside County facilities and vehicles.

1019.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University, and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

1019.4.1 NOTICE

The Sheriff or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

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Seat Belts

1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in county vehicles (Vehicle Code § 27315.5), and when on-duty in a privately owned vehicle.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including arrestees and civilians, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made when wearing a seat belt would endanger the member or the public. Members must be prepared to provide reasonable and plausible justification for any deviation from the requirements to wear a seat belt.

1022.3 POLICY

It is the policy of the department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1022.4 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California’s child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

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1022.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1022.6 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Soft Body Armor

1024.1 PURPOSE AND SCOPE

Practical safety measures shall be used to reduce the risks and hazards associated with law enforcement. The Riverside County Sheriff's Department provides soft body armor for uniformed personnel in an effort to improve safety. Issued soft body armor remains the property of the Riverside County Sheriff's Department and shall be returned upon separation of service.

1024.2 SOFT BODY ARMOR

Soft body armor vests are issued to all sworn personnel because they have been shown to be effective in reducing deaths and serious injuries.

1024.2.1 USE OF SOFT BODY ARMOR

All armed uniform and plain clothed personnel shall wear soft body armor while conducting enforcement activity.

Soft body armor shall be worn while conducting Department qualifications. Soft body armor shall be worn while conducting additional firearms training unless the training syllabus calls for the removal of body armor for specific skills training.

Members of the Department's Pistol Team are exempt from wearing soft body armor during practice or any other sanctioned event.

Soft body armor must be either Department issued or Department approved.

Department members, in accordance with manufacturer recommendations, are responsible for the care, cleanliness, and maintenance of issued soft body armor. Department members are also responsible for monitoring the expiration date of their soft body armor and shall request replacement before expiration.

In the interest of safety, all sworn and classified personnel assigned to the Field Operations Division, Corrections Division Transportation Bureau, and Court Services Division will be required to wear the soft body armor issued to them during their duty hours. In the event an employee is assigned to the Special Investigations Bureau or a station assignment in one of the above listed divisions, the mandatory wear policy will apply during all search warrants and arrest warrants involving suspects. Those persons assigned to special teams will be required to wear their issued soft body armor during any part of their tour of duty involving enforcement activities and during search/arrest warrants, unless working in an undercover capacity.

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Hard Body Armor (Rifle Plates)

1025.1 PURPOSE

The Department is authorizing personnel the option to utilize an additional level of protective gear during unusual tactical incidents, in the form of hard body armor. This policy outlines the use and deployment of hard body armor, commonly known as rifle plates, for Department use outside of SWAT operations. Carriers (vests) carrying rifle plates have been found to provide a higher level of protection against high-velocity rifle fire. In an effort to provide better protection against high-velocity rifle fire, the Department has approved specific rifle plates and carriers for both future issue and immediate individual employee purchase at their discretion. This authorization is effective immediately for use in the specific instances outlined herein.

1025.2 DEPLOYMENT

Department or employee owned rifle plate carriers may be deployed under the following circumstances:

(a) Rifle plate carriers are **only** to be donned during situations when the department member reasonably believes the current threat of high-velocity firearms or large caliber weapons exists. They add additional weight and detract from deputy mobility.

(b) Rifle plate carriers shall **not** be worn as a convenience, for ammunition supply and/or in place of soft body armor. They are an additional layer of protective equipment for use during certain unusual circumstances, like active-shooter incidents.

(c) Department members who utilize a load-bearing vest (LBV) during their duties are authorized to add the ability for the vest to accept hard body armor to the LBV in these same unusual circumstances as above. The LBV must have an interior pocket/pouch to accommodate the hard body armor providing the most protection during these same unusual circumstances.

At the conclusion of any incident, or if the situation has been stabilized and there are no threats to law enforcement or innocent civilians, the carriers should be removed. This is not applicable if personnel were involved in a critical incident (i.e. officer involved shooting) and personnel need to maintain their uniform for investigative purposes.

1025.3 RESEARCH AND RECOMMENDATION

Rifle plates/hard body armor come in a variety of sizes, shapes, weights, and materials. The National Institute of Justice (NIJ) develops standards, specifications and ratings for body armor. Current NIJ standards were last published in July of 2008, outlining the 2006 standard known as the NIJ 0101.06 standard. For further information, refer to the NIJ July 2008 report

https://www.ncjrs.gov/pdffiles1/nij/223054.pdf

Threat levels are rated by the NIJ and are based on the type and caliber of ammunition the rifle plate is rated to resist. The higher the rating, the higher threat level the rifle plate will resist.

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The Department has approved the use of rifle plates with a minimum Level III or greater, NIJ 0101.06 standards, “stand-alone” rating in approved rifle plate carriers. The term “stand-alone” rating means the plates themselves will resist up to .30 caliber armor piercing ammunition without or in conjunction with the use of soft body armor. Plate materials range from steel, ceramic, or ultra-light polyethylene.

1025.3.1 HARD ARMOR LABELING

Hard Armor Labeling – Pursuant to NIJ standards, all armor will be labeled with the following information:

(a) Company name

(b) Rated level of protection

1. (NIJ 0101.06 / Stand Alone – Department approved standard)

(c) Strike face (side that faces out)

(d) Size

(e) Date of manufacture

(f) Model designation

(g) Serial number

(h) Care information

1025.4 APPROVED EQUIPMENT AND CONFIGURATION STANDARDS

Rifle Plates/Hard Body Armor – Rifle plates shall meet Level III or greater, NIJ 0101.06 standards, stand-alone rating, with a minimum size of 8” x 10” through a maximum size of 10” x 12”, in either a “Full” or “Shooter’s” cut. All manufacturers which meet or exceed the above NIJ standard rating may be purchased for use and deployment in an authorized rifle plate carrier.

Rifle Plate Carrier – The carrier shall be from one of the following approved manufacturers; Paraclete (Point Blank), 5.11, First Spear, and Condor. Those personnel seeking to utilize an alternate carrier manufacturer shall submit a memorandum to the BCTC Firearms Unit Lieutenant seeking approval to purchase and deploy. The BCTC Firearms Unit Lieutenant will review and consider approval based on quality of product, function and overall appearance, while keeping a standard of continuity for the deployment of rifle plate carriers. Due to rapid changes in technology, the Department may revisit equipment manufacturers as it sees fit. The carrier shall be outfitted and shall meet the following mandatory standards:

(a) **Mandatory**

1. Carrier Platform

A. The carrier and all accessories must be OD (olive drab) green

B. Full Molle attachment

C. Fasteners - Quick-release side entry/exit, buckle or Velcro

D. Fully padded and adjustable shoulder straps

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E. Drag strap/handle attached to back of platform

F. Back Patch – “SHERIFF” only, minimum 2” not to exceed 3” lettering, Velcro attached

G. Front Patch – “SHERIFF” only, minimum 1” not to exceed 3” lettering, Velcro attached

H. Mount to affix a Body Worn Camera, proximity at the center / top of torso

(b) **Optional**

1. Carrier Platform

   A. Sling system either single, 2 or 3-point sling

   B. Name plate (last name) on rear of carrier

2. Magazine Pouches – Molle attached, not to exceed (3) rifle magazine pouches, which can accommodate shotgun ammunition if needed, and up to (3) pistol magazine pouches. Kangaroo Pouch recommended.

3. Medical Trauma Kit – Molle attached, small, containing a tourniquet, hemostatic agent/dressing, medical tape, gauze, etc.

4. Utility Pouch – Molle attached, small, limited in size to 10 linear inches.

No additional items, gear or novelty patches may be attached to the plate carrier beyond what is outlined above in the mandatory or optional categories.

Employee Owned Rifle Plates and Carriers

Employee-owned rifle plates shall meet the same standards as described throughout this policy. Employees are required to properly care for and maintain plates pursuant to manufacturer’s instructions and to monitor product expiration dates.

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Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1026.3 PERSONNEL FILE (P-FILE)

The Personnel file shall be maintained as a permanent record of a person’s employment/ appointment with this department. The Personnel file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

  (a) Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least two years (Government Code § 26202; Government Code § 34090).

  (b) Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1026.4 INTERIM FILE (I-FILE)

Interim files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Interim file may contain supervisor comments, commendations, notes, memorandums of discussion, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. This file may also contain basic information about the employee to include address, personal and family contact information, and a department member photograph.

All adverse materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

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1026.5 TRAINING FILE

An individual training file shall be maintained by the Ben Clark Training Center for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically.

(a) The involved member is responsible for providing the Chief Deputy or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Chief Deputy or supervisor shall ensure that copies of such training records are placed in the member's training file.

(c) Training records may be accessible either via the Ben Clark Training Center or via the AgencyWeb database.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or a Professional Standards Bureau supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12).

Investigation files arising out of civilian's complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. Investigations that resulted in other than a sustained finding may not be used by the department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least two years (Government Code § 26202; Government Code § 34090).

1026.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

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(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Executive, County Counsel or other attorneys or representatives of the County in connection with official business.

1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Professional Standards Bureau.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made, if legally required (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of legal counsel.

1026.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

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1026.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES

Personnel records and records related to certain incidents, complaints, and investigations of deputies shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The CPRA Unit should work as appropriate with their supervisor or the Professional Standards Bureau supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against a deputy in connection with an incident, or whether the deputy's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by a deputy.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Govt Code § 12525.2(d)) by a deputy.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department regarding:

1. A deputy engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of a deputy relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

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A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple deputies, the department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a deputy unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the deputy. However, factual information about the action of the deputy during an incident or the statements of a deputy shall be released if the statements are relevant to a sustained finding of the qualified allegation against another deputy that is subject to release (Penal Code § 832.7(b)(4)).

1026.9.1 REDACTION

The custodian of the requested records, in consultation with the Sheriff or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of deputies

(b) Information that would compromise the anonymity of complainants and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the deputy or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(6)).

1026.9.2 DELAY OF RELEASE

Unless otherwise directed by the Sheriff, the custodian of any requested records should consult with a supervisor familiar with the underlying investigation or circumstance to determine whether to delay disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a deputy or against someone other than a deputy who used the force.

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(b) Filed criminal charges

1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until whichever occurs later:

(a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the use of force or allegation of use of force

(b) Thirty days after the close of any criminal investigation related to the deputy's use of force

1026.9.3 NOTICE OF DELAY OF RECORDS

(a) When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(b) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(c) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than a deputy and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by deputies.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(7)).

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1026.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files, or investigations classified as Administrative Reviews, or where the requestor is not the focus of the investigation.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the department and the member that may be discovered in a judicial proceeding.

1026.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

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Transfer Requests

1028.1 PURPOSE AND SCOPE

The Department is interested in developing all personnel as broadly as possible. One way to accomplish this is through transfer of assignment. Transfers are effected for the benefit or need of the Department, career development of the employee, and/or the personal request of the employee.

The Riverside County Sheriff's Department has four major responsibilities: keep the peace through patrol operations; maintain the county jails, attend the courts; and perform coroner / public administrator functions. Each of these functions has equal importance and employees are needed at all ranks to fulfill these responsibilities.

1028.2 REQUEST FOR TRANSFER

Transfers may be requested at any time, but shall only be considered after competency in the employee's current assignment is demonstrated.

1028.2.1 ELEMENTS OF CONSIDERATION FOR TRANSFER

Transfers shall be made at the discretion of the Sheriff or designee. Considerations shall include, but are not limited to:

- Needs of the Department;
- Time in grade;
- Attrition;
- Time in assignment;
- Career advancement;
- Ability;
- Home address;
- Strengths and weaknesses;
- Personal preferences; and
- Gender (where mandated).

No precise "formula" can be applied to this guide. Transfers must be made to ensure reasonableness and Department capabilities.

1028.2.2 PROCESS FOR REQUESTING TRANSFER

A request for transfer shall be made electronically on Departmental Form 205, available on the sheriff's intranet site under "Docs and Forms/Personnel." The form is self explanatory but does require the one-time creation of a digital signature by each reviewer. The digital signature is created by following the prompts within the signature box. Once the electronic signature is affixed,

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the employee shall e-mail the form to their immediate supervisor for their signature. The request shall then be e-mailed to the employee's Chief Deputy who will sign the form and forward it to the Personnel Bureau for addition to the master list. A transfer request shall not be stopped or delayed for any reason without the approval of the member submitting the request.

1028.2.3 EXTRAORDINARY CIRCUMSTANCES
Employees who are experiencing a hardship or have an extraordinary reason for requesting transfer, may complete a separate memorandum addressed to their Chief Deputy via their chain of command, outlining the circumstances they wish to be considered.

1028.2.4 WITHDRAWAL OF TRANSFER REQUEST
A member may withdraw a transfer request at any time. A recall of a transfer request shall be made in writing and directed to the current Division Chief and shall follow the chain of command.

1028.2.5 EXPIRATION OF TRANSFER REQUEST
A request for transfer will be kept on file in Sheriff's Administration for one year after the date of submission. After expiration of the request, it shall be the member's responsibility to renew the request.

1028.3 PERFORMANCE EVALUATION REPORT REQUIREMENTS

Upon transfer to a new Station, an employee shall receive a Performance Evaluation Report by their prior supervisor within thirty (30) days after transfer. A copy of this report shall be sent to the new Commander. A transfer evaluation report is not required if the Department employee has received a competent Performance Evaluation Report within (120) days preceeding the transfers effective date.

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Travel Regulations

1029.1 POLICY

This policy will outline Sheriff's Department and Riverside County policy related to all foreseeable aspects of employee travel. All travel reimbursements are subject to final review and approval by the Auditor-Controller's Office and fall under the guidelines of Board Policy D-1 (approved February 26, 2013) and Auditor-Controller Standard Practice Manual (SPM) #206 "Accounts Payable Policies". **All out-of-state travel must be pre-approved by the respective Chief, via the chain of command.** Travel bookings and arrangements should be made by the Sheriff's Special Orders Unit to take advantage of discount pricing. Any reservations not made by Sheriff's Special Orders require a justification memo approved by the location Commander to be attached to the reimbursement Form 14.

1029.2 MEALS

Actual cost, not to exceed $51 per day, shall be allowed for meals related to attendance at conventions, scheduled meetings, conferences, seminars, and special assignments that **require an overnight stay.** Meals during attendance of any single day event will not be reimbursed.

1029.2.1 REIMBURSEMENT

The maximum reimbursement for meals (breakfast, lunch and dinner) is $51 per day, inclusive of taxes and tips paid. Tips in excess of 20% of the cost of a meal will not be reimbursed. Tips made at fast food restaurants and/or convenience stores will not be reimbursed even if the meal cost is less than the maximum reimbursement rate. There is no individual meal cost limit as long as the total meal reimbursement for the day does not exceed $51. The Auditor-Controller's policy identifies that a meal can include: one (1) non-alcoholic beverage, one (1) appetizer, one (1) entrée, and one (1) dessert. Additional justification may be required by the Auditor-Controller's Office for meals that do not fall under SPM 206.

The maximum meal reimbursement in high cost cities is $71 per day, inclusive of taxes and tip. Per the Auditor-Controller's Office, low and high cost cities will be identified by using GSA (U.S. General Services Administration): https://www.gsa.gov/. The City of Sacramento is an exception to the rates posted on the GSA, as this city has been specifically approved as a high cost city by the Riverside County Board of Supervisors.

Please be aware that only the employee's portion of the meal is allowable, we do not reimburse for multiple guests. If you have a receipt with multiple guests, please indicate which portion of the receipt pertains to you and only claim that amount.

(a) Reimbursement will only be authorized after submission of approved receipts. Receipts must include the date, restaurant name and location, the itemized meal purchased, meal amount, and the reasonable tip paid, not to exceed 20%. If not indicated on receipt, employees need to handwrite actual amount of tip paid. An un-itemized restaurant receipt will be accepted only if the restaurant does not provide

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an itemized receipt. A memo must be attached explaining the circumstance, via the chain of command.

(b) All receipts shall be placed in an envelope and attached to the reimbursement claim. Do not staple or tape receipts. Credit/debit card receipts and tear off receipts will not be accepted.

(c) No reimbursement shall be made for alcoholic beverages of any kind. Alcohol should be ordered separately from food or beverage items being submitted for reimbursement.

(d) Generally, no reimbursement for meals will be made for same day travel. Reimbursement will only be granted when it is not reasonable for employees to provide their own meal. Special situations may be considered on a case-by-case basis. A memo from the employee, via the chain of command, to their respective division Chief is required.

(e) If the cost of a meal is included as part of the registration charge or fee, no additional employee reimbursement may be claimed for that meal.

(f) Travel to a temporary worksite does not qualify an employee for meal or mileage reimbursement. Meals provided during a major tactical event may be reimbursed. The commander/designee must deem that the involved personnel remain on site for a specified period of time. Under these conditions, the commander/designee may authorize the purchase of meals to be delivered to the scene. In these situations, a single claim listing all personnel must be attached with the receipt(s).

(g) Employees attending training or conferences for an extended period of time, more than seven consecutive days, may elect to purchase groceries and prepare their meals during the training/conference. In this event, grocery receipts must be retained and submitted for reimbursement. Grocery charges exceeding the combined daily reimbursement rate for all qualifying days will not be reimbursed. An employee electing to purchase and prepare food during an extended stay may purchase only food that will be consumed during the designated period. Reimbursement will not be made for incidentals including kitchen utensils, cookware, kitchen supplies and sundries.

(h) The Sheriff’s Department is one of the few County Departments to issue meal advances when requested by the employee. No future advance checks will be issued until all outstanding Form 14s and balances due have been received by Sheriff’s Revolving Fund.

1029.3 LODGING

All lodging and travel accommodations shall be made through Sheriff’s Special Orders to abide by the countywide contract with the Travel Store. Any exceptions to this procedure require a memo and must be approved by the employee’s chain of command.

Reimbursement for actual lodging cost, not to exceed $159 per night inclusive of all occupancy, accommodation, and other room related taxes and fees, is allowed. For lodging in high cost cities, as defined by the Internal Revenue Service (e.g., San Francisco, New York, Washington D.C.) or by the Board of Supervisors (Sacramento), actual cost allowed not to exceed $239 per night, or the applicable conference rate at the hosting hotel. Lodging costs exceeding the established

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limit may be reimbursed at a higher rate if the employee submits a written memo explaining the reason for the expense. This must be approved, via the chain of command, to their respective division Chief and once approved by the Chief, must be forwarded for approval to the designated Executive Office analyst with the completed employee reimbursement form.

Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available at the time of the booking. Higher rates based upon late registration will be reimbursed at the $159 rate.

An employee reimbursement claim must provide an explanation of the business purpose of the stay, such as the Special Order number and must be supported by a receipt/facility folio.

The Sheriff may approve extended lodging if the cost is less than daily travel expenses without the extended stay. Approval of extended lodging for any location in Riverside, Orange, San Diego, Imperial, Los Angeles and San Bernardino County is required prior to the travel occurrence and must be less costly than a daily commute.

Only the single occupancy rate may be claimed for the reimbursement except when two or more county employees participating in the same function share a room; then a double occupancy rate may be claimed by dividing the cost between two claim forms and providing a memorandum explaining the shared room along with the reimbursement claim.

1029.4 TRANSPORTATION

Actual cost of common carrier services, including taxicabs, car rentals, and baggage fees, when necessary shall be allowed. The Sheriff's Special Orders Unit will utilize on-line travel services and secure the least expensive flights and car rental arrangements possible. Reservations for air transportation should be booked as early as is reasonable to take advantage of lower cost air fares.

Upon request from the Auditor/Controller, supporting documentation proving that the least expensive option was utilized may be requested.

1029.4.1 RENTAL CARS

The county maintains a contract with a vehicle rental company and every effort should be made to use the contract company. The Sheriff's Special Orders Unit can assist with all bookings of rental vehicles. **The Sheriff's Purchasing Card (P-Card) may be used for all travel requiring the use of a rental vehicle when the contract company cannot be used**. Please contact Sheriff's Purchasing in case of this event.

Government and group rates must be used when available. Actual costs evidenced by an original, dated receipt and inclusive of all related taxes and other rental fees should be submitted with the claim form along with actual gas receipts (dated, vendor name printed on the receipt) obtained for the purchase of gas for the rental vehicle.

The rental may include a global positioning system if said equipment is standard; only standard equipment is allowed. No rental car reimbursement will be made for cars above the mid-range

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size unless four or more employees are traveling in the same vehicle. This information must be documented in the reimbursement information.

The purchase of Loss Damage Waiver (LDW) is mandatory so the employee is not held responsible for damage (under normal circumstances) to the rental vehicle and such cost will be reimbursed. However, we will not reimburse employees for the cost of other optional insurance (e.g. liability, uninsured/underinsured motorist, personal accident & other personal effects), as the county is self-insured for vehicle liability & third-party physical damage and provides worker's compensation coverage.

Employees are required to notify Human Resources, Risk Management Division at (951) 955-3540 and the employee's supervisor as soon as possible (within 24 hours) of any event, incident or accident related to the rental car. The employee must complete "County Vehicle Accident/Incident Report," Form 942-6 (Safety Division form).

1029.4.2 PRIVATE AUTOMOBILE

Reimbursement for the use of a private vehicle shall be allowed upon authorization of the Sheriff. It is preferred that county vehicles are driven to all meetings, conferences and special assignments whenever available. The county's private vehicle mileage reimbursement rate is the same rate as the Internal Revenue Service (IRS) standard mileage rate for a private vehicle. Changes to the rate will be concurrent with the effective date provided by the Internal Revenue Service. Private mileage claim reimbursements are to be submitted on a separate Form 14, apart from other travel expenses and will be reimbursed through Sheriff's Payroll and appear on the employee's paycheck.

Private mileage is calculated from the actual location of departure (work or home) to the event location. If the actual location of departure is the employee's home, the Sheriff's Revolving Fund unit will make an adjustment to deduct the mileage of the employee's standard commute (home to work) from the Form 14. The return mileage will be calculated in the same manner; from the event to actual return destination (work or home), less the standard commuting mileage. A map printout of the route taken to the event should be attached to the employee's Form 14.

The Sheriff may authorize use of a private vehicle for the convenience of the driver, instead of more economical travel by air. Reimbursement shall not exceed the cost of the usual airfare plus related subsistence and surface common carrier expenses. Employee must justify the mileage with a map printout (route taken must use the least mileage).

Pursuant to Board of Supervisors Policy D-1, employees must complete or have filed the "Authorization to Drive Riverside County Vehicle or Private Vehicle for County Business" Form 30. The Form 30 must be approved prior to use of a private vehicle for county business.

The private vehicle must be insured to at least the minimum limits required by the State of California, or if registered/licensed out of state, the insurance must be equal to or greater than the minimum limits required by the State of California. Although not required, it is recommended

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that employees who use their personal vehicle while in the course of and scope of employment place a business use endorsement on their personal automobile policy. The expense of adding a business use endorsement is the sole responsibility of the employee.

The use of motorcycles, mopeds and similar types of vehicles for the conduct of county business are prohibited, with the exception of sworn personnel on duty in a specific assignment.

Employees are required to notify Human Resources, Risk Management Division at (951) 955-3540 and the employee's supervisor as soon as possible (within 24 hours) of any event, incident or accident. Employees must complete "County Vehicle Accident/Incident Report," Form 942-6 (County Human Resources Safety Division form).

1029.5 MISCELLANEOUS EXPENSES

Miscellaneous expenses, including charges for business telephone calls, fax service, internet service, e-mail services, the cost of unusual or necessary services and supplies, including emergency repairs, parts or towing for county vehicles, conference registration fees, vehicle parking, bridge tolls and any other justifiable business expense shall be permitted.

A satisfactory explanation of the circumstances may be required for expenditures that are large or unusual. Unusual or emergency expenses of any kind must be explained on the Form 14 or in an attached memo. Reimbursement for miscellaneous expenses shall be accompanied by an original receipt or voucher. Personal telephone calls and personal internet usage shall not be reimbursed.

1029.6 CLAIM FORMS

Claims must include the date, business destination, amount, and business purpose. Claims shall be filed promptly, no later than the end of the month following the month in which the travel and/ or other necessary expenses occurred. Claims filed after this time will not be considered for payment. **If an advance was issued from the Sheriff's Revolving Fund, claims shall be submitted within five days following travel completion. <u>No future advance checks will be issued until all outstanding Form 14s have been received and all past due advances have been paid and cleared</u>** . If advance funds were issued, employees are required to remit funds for all non-substantiated expenses and/or unused advances within one week of receiving a notice of balance due from the Sheriff's Revolving Fund Unit. Checks or exact change are accepted. If remittance is made by check, it should be made payable to the "Sheriff's Revolving Fund." No reimbursement will be made for expenses without an accompanying receipt. Explanations for unusual items should be explained on the face of the claim or in an attached memo.

1029.7 RECEIPTS

Reimbursement will only be authorized after submission of approved receipts. **<u>Original receipts are required for reimbursement.</u>** Original receipts must include the name of the establishment where service was provided and the date on which the service was rendered. Restaurant receipts must include the items ordered, as well as the total payment made. **<u>However, there may be rare occasions when providing an itemized receipt may not be possible due to the type and</u>**

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location of the restaurant. In this event, an original un-itemized receipt from the restaurant can be submitted. A memo must be attached explaining the circumstance, via the chain of command.

All claim forms and associated documents related to reimbursable county expenditures are considered public records and are subject to disclosure under the California Public Records Act {Chapter 3.5(Commencing with Section 6250) of Division 7 Title 1}. Employees are to keep copies of receipts until the reimbursement claim has been finalized.

Any question regarding this policy or its interpretation should be directed to Accounting and Finance's Revolving Fund email address revolvingfund@riversidesheriff.org or the Accounts Payable Supervisor at (951) 955-9848.

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Employee Speech, Expression and Social Networking

1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1030.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1030.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Riverside County Sheriff's Department will carefully balance the individual employee’s rights against the Department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1030.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Riverside County Sheriff's Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or

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associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1030.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Riverside County Sheriff's Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Riverside County Sheriff's Department and tends to compromise or damage the mission, function, reputation or professionalism of the Riverside County Sheriff's Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, the use of force or excessive force, or other illegal behaviors.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Riverside County Sheriff's Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or

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department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Riverside County Sheriff's Department or identify themselves in any way that could be reasonably perceived as representing the Riverside County Sheriff's Department in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or deputy associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Riverside County Sheriff's Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

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1030.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1030.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1030.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify their immediate supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1035.5.1 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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Payroll Records and Duty Time

1036.1 PURPOSE AND SCOPE

Time cards (RSD Form 344) shall be submitted to the Riverside County Sheriff's Department Accounting and Finance Bureau on a bi-weekly basis for the payment of wages on a bi-weekly basis. Minimizing errors and corrections during this process is essential to achieving efficiency and transparency.

1036.2 POLICY

The Riverside County Sheriff's Department maintains timely and accurate payroll records in an effort to accurately track and record staffing efficiency, staffing levels, presence and absences, and to distribute accurate compensation to each and every department member.

1036.3 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the County payroll procedures.

1036.4 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for reviewing, verifying, and approving the payroll records for those under their commands.

1036.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors within all classifications are responsible for maintaining and referring to records of all employee leave used throughout each pay period, such that the Form 344 can be effectively reviewed for accuracy before submission. For example, supervisors shall maintain or have access to records that allow them to confirm that the regular hours worked are accurate, submitted overtime was worked, worked overtime was submitted for compensation, and sick and all other leave use was accurately documented on the Form 344. All supervisors and managers shall be knowledgeable regarding the various Memorandums of Understanding specific to the work schedule, leave, and payroll provisions among their subordinate staff, to include the Family Medical Leave Act (FMLA).

1036.4.2 DUTY TIME AND ABSENCES

Duty time is defined as those hours in which a department member is involved in the performance of required duties of the Sheriff. Duty time and absences are governed by the Department and/or County Ordinance 440 and Memorandums of Understanding (MOU). County Ordinance 440,

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MOU agreements, and sheriff's department policy outline compensation, accrual, and use related to the following:

(a) Working hours

(b) Overtime

(c) Vacation time

(d) Holiday time

(e) Sick leave

(f) Pregnancy

(g) Military leave

(h) Leave of absence

(i) Worker's Compensation law

(j) Bereavement leave

(k) Shift trading

All employees are responsible for ensuring the accuracy of information documented on their RSD Form 344. Although there are some circumstances in which a supervisor will input information in AgencyWeb for an employee, the employee is responsible to ensure the information is accurate and/or corrected as needed.

Sick leave is to be documented no later than one working day after the employee's return to duty from sick time use. A RSD Form 344 documenting overtime worked, vacation used, holiday time used/worked, compensation time used/worked, and military leave time will be filed with the employee's immediate supervisor so that the activity appears on the Form 344 covering the date(s) of the activity. Correction documents may be submitted when circumstances prevent the timely submission of all activity during a pay period.

1036.4.3 SHIFT TRADING

Shift trading is authorized for employees assigned to Patrol, Corrections, Coroner's Bureau, Information Services Bureau, and Dispatch. The trade between employees must be completely voluntary and completed, meaning all regularly scheduled and traded shifts involved have been worked, within a single, 14-day pay period.

All involved employees must complete and submit RSD Form #135 (Intranet under 'Personnel') requesting and outlining the shift trade to their respective supervisors. If approved, the change to each employee's schedule must be recorded in the master schedule and then becomes the official schedule of both employees. If a trade is agreed upon and approved before a 5-day notice of shift change could be given, both employees will acknowledge their waiving of such requirement in their request. The form shall be placed in each employees' station file.

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If an employee involved in a shift trade calls in sick or is otherwise unable to report for work, the applicable leave bank is deducted as it normally would be. Negligently failing to properly absent one's self for a shift relevant to the trade will be considered a violation of department policy.

The allowance of shift trades does not alter polices related to when employees are due overtime pay, holiday pay, or other provisions of payroll accounting, compensation, or any applicable MOU. Approving supervisors shall ensure that the traded shifts become each involved employees' official pay period schedule and that the new schedules remain in compliance with all existing rules.

1036.4.4 BREAKS

Members on duty may suspend their activity for a rest break or lunch period for a time not to exceed that authorized by their Commander or as established by law or Memorandum of Understanding (MOU).

Deputies assigned to the patrol watches are not scheduled a lunch period. However, when not on assignment, they may take a lunch period, but will remain available for and subject to assignment. When on a break or when out and away from their unit, the Deputy will advise the dispatcher of their location and activity by radio or MDC entry. No more than two units are allowed to be on a break (10-10) at the same location and time, exept if the third unit is a supervisor.

1036.5 MILITARY LEAVE

Military leave is governed by provisions of the Military and Veterans Code. When an employee is required to be absent from departmental duty because of military duty, they shall notify their Commander, in writing, as soon as possible after the employee learns that they must serve their military obligation.

1036.5.1 VERIFICATION REQUIREMENT

A Commander or supervisor shall require the employee to provide written verification of military duty. An employee's military Commander may be contacted regarding any aspect arising out of the use of military leave.

1036.6 LIGHT DUTY

There is no permanent light duty. Temporary light duty is defined as a temporary assignment due to an injury, health condition or other reason that has so impacted the member that they are temporarily unable to perform their normal duties. Assignment to a temporary light duty status, shall be limited to a 90 day period. A 90-day extension may be granted providing the employee will be able to return to the usual and customary duties of their job classification at the end of the extension. Temporary light duty granted due to pregnancy is not limited to one 90 day extension. A temporary light duty assignment is determined on a case-by-case evaluation of the circumstances and other factors. The decision to assign an employee to a temporary light duty status is at the sole discretion of the Sheriff, Undersheriff or Assistant Sheriff.

1036.6.1 INJURY REPORTING

Members receiving any type of injury while on duty shall immediately notify their supervisor.

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1036.7 RECORDS

The Director of Finance shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 and for a minimum of the current year plus seven years per Riverside County's Departmental Records Retention Schedule.

1036.8 PAYROLL SUBMISSION PROTOCOLS

The department submits all initial payroll document (Form 344) electronically and it does not require employee or supervisor signatures. Any "correction" RSD Form 344s shall be submitted only once per station or bureau and in the pay period following the pay period needing correction.

1036.8.1 INITIAL FORM 344

Supervisors shall ensure that all Form 344s are complete and accurate within AgencyWeb by the date and time specified within each command. Work hours data will usually be transferred from AgencyWeb into the Human Resource Management System (HRMS) on the Thursday afternoon beginning the new pay period. This day can change due to holidays and other circumstances. Payroll staff shall accomplish the following before the data transfer occurs:

(a) Run the pending leave and overtime request report before the data is transferred from AgencyWeb into the HRMS;

(b) Before the AgencyWeb upload, run the Leave Usage vs. HRMS Balances report. This report is found under Section D - "Leave Reports";

(c) After the data transfer, AgencyWeb will produce a PDF file contaning all Form 344s. This file shall be sent unaltered to Sheriff's Payroll;

(d) The exported Form 344s can be run under section E - "RSO Payroll Exported 344s"; These are the official timesheets.

(e) Following the completed transfer, AgencyWeb will be locked until the following Thursday (close of Auditor/Controller's Office payroll), and no updates are allowed;

1. Any changes to an employee's payroll, must be processed as a "correction" in the following pay period.

1036.8.2 CORRECTION FORM 344

(a) Sheriff's Payroll will only accept (1) correction file from each station or bureau per pay period;

(b) When submitting payroll corrections, the file must be emailed to SHFPayroll@riversidesheriff.org and the subject line must include your location and the applicable pay period (example SCF PP08/20 Corrections);

(c) All correction Form 344s require the submitting department member and supervisor signatures.

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On-Call Assignments

1037.1 PURPOSE AND SCOPE

The On-Call Assignments Policy outlines department guidelines and practices regarding what positions are eligible and assignable to on-call status, and provides policy regarding the proper number of on-call department members based generally upon workload, call-out frequency, and best practices involving responses to criminal events and other circumstances. The ranks of lieutenant and higher are not included in the personnel limitations set forth here and these ranks may be placed into an on-call status at the discretion of their supervisors.

1037.2 POLICY

It is the policy of the department to operate a standardized system of on-call assignment and accountability to ensure the fiscally efficient management of on-call assignments while designating sufficient resources for rapid incident response. Nothing in this policy supersedes the provisions of any current Memorandum of Understanding with regard to on-call or standby status.

1037.3 ON-CALL DEFINITION

A department member has been placed into an on-call status when all of the following apply:

1. They are off-duty;
2. They have been assigned to an on-call period either by request or order of a supervisor, by agreeing to replace another department member, or by placement on a schedule of on-call assignments;
3. They are being compensated according to their MOU;
4. They are capable of fulfilling all of the requirements and expectations of being in an on-call status.

The assignment or use, however temporary, of a take home vehicle does not by itself place a department member into an on-call status. See Vehicle Use Policy and Riverside County Board Policy D-10.

A department member making him or herself available to a supervisor for call-outs if needed, does not place that department member into an on-call status, nor does it bound them to the requirements and expectations of on-call or standby status.

1037.4 ON-CALL EXPECTATIONS

Department members placed into an on-call status are presumed to be available for immediate response to the station, to a field scene, jail facility, or other location as assigned by their supervisor. Additionally, on-call personnel shall ensure they are available by phone, that all of their equipment is duty-ready, and that they are able to be en-route to the designated location **within thirty (30) minutes** of being requested.

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All department members in an on-call status, however briefly, shall ensure their compliance with the Riverside County Drug and Alcohol Policy and shall immediately notify a supervisor if they are unable to perform their duty or have become unable to respond while in an on-call status.

1037.5 CAL-ID

CAL-ID may place one System Administrator, one Supervising Fingerprint Examiner, and one Fingerprint Examiner into an on-call status at any given time. The Cal-ID Bureau Manager must receive Division Chief approval to place additional sheriff's-funded personnel into an on-call status during unusual circumstances.

1037.6 CORONER / PUBLIC ADMINISTRATOR BUREAU

The Coroner / Public Administrator shall have no more than one sworn or coroner sergeant in an on-call status at any given time. The Coroner/PA Commander must receive Division Chief approval to place additional personnel into an on-call status during unusual circumstances or complex and rapidly developing investigations.

1037.7 CORRECTIONAL FACILITIES

No jail within the Corrections Division shall place more than one investigator and one sworn or correctional sergeant in an on-call status at any given time. Commanders must receive Division Chief approval to place a greater number of personnel into an on-call status during unusual circumstances or complex and rapidly developing investigations. The on-call lieutenant at a facility needing an investigative response will be responsible for making the request from those personnel within the Corrections Intelligence Bureau and in accordance with Corrections Division procedure.

1037.8 COURT SERVICES

No Court Services location shall place any department personnel into an on-call status. Commanders must receive Division Chief approval to place personnel into an on-call status during unusual circumstances or complex and rapidly developing investigations.

1037.9 JOINT OPERATIONS BUREAU (JOB) AND TRAINING AND EDUCATION BUREAU (TEB)

The JOB and the TEB shall not place any department personnel into an on-call status. The commanders must receive Division Chief approval to place personnel into an on-call status during unusual circumstances or complex and rapidly developing investigations.

1037.10 MEDIA INFORMATION BUREAU (MIB)

The MIB shall have no more than one deputy and one sergeant in an on-call status at any given time for the west end of the county, and one deputy and one sergeant for the east end of the county. The MIB Lieutenant must receive Division Chief approval to place a greater number of personnel into an on-call status during unusual circumstances or complex and rapidly developing circumstances.

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1037.11 PATROL STATIONS

No station, regardless of contracted or county, shall have more than two sworn deputies or investigators (regardless of an investigator's sub-rank) and one sworn sergeant in an on-call status at any given time. Patrol Stations with smaller call-out frequencies should consider having only one investigator and one sergeant on-call at any given time.

Commanders must receive Division Chief approval to place a greater number of personnel on-call during unusual circumstances or complex and rapidly developing investigations.

1037.12 PROFESSIONAL STANDARDS BUREAU

The PSB shall have no more than two investigators (regardless of an investigator's sub-rank) and one sergeant in an on-call status at any given time. A correctional sergeant may be substituted for one of the on-call investigators. The Commander must receive Assistant Sheriff approval to place a greater number of personnel into an on-call status during unusual circumstances or complex and rapidly developing investigations.

1037.13 SPECIAL ENFORCEMENT BUREAU (SEB)

The entire SEB functions under ever-changing priorities, work assignments, personnel specialties and other variables that require the assigned commander to constantly adjust on-call assignments and provide differing levels of after-hours resources to each unit within the SEB. The commander shall work closely with the Field Operations Support Chief Deputy who will ensure responsible and efficient assigning of these on-call resources as tasks demand. The SEB commander shall periodically brief the Chief Deputy regarding the bureau's use of on-call resources.

1037.14 SPECIAL INVESTIGATIONS BUREAU (SIB)

The entire SIB functions under ever-changing priorities, work assignments, personnel specialties and other variables that require the assigned commander to constantly adjust on-call assignments and provide differing levels of after-hours resources to each unit within the SIB. The commander shall work closely with the Field Operations Support Chief Deputy who will ensure responsible and efficient assigning of these on-call resources as tasks demand. The SIB commander shall periodically brief the Chief Deputy regarding the bureau's use of on-call resources.

1037.16 MAJOR CRIMES BUREAU (MCB)

The entire MCB functions under ever-changing priorities, work assignments, personnel specialties and other variables that require the assigned commander to constantly adjust on-call assignments and provide differing levels of after-hours resources to each unit within the MCB. The commander shall work closely with the Field Operations Support Chief Deputy who will ensure responsible and efficient assigning of these on-call resources as tasks demand. The MCB commander shall periodically brief the Chief Deputy regarding the bureau's use of on-call resources.

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1037.17 TECHNICAL SERVICES BUREAU (TSB)

The TSB may place one staff member into an on-call status for each area of their operation to include JIMS, Dispatch, RMS, and the Help Desk. The TSB Commander or Manager must receive Division Chief approval to place additional personnel into an on-call status during unusual circumstances.

1037.18 PAY PROVISIONS

Compensation and other requirements pertaining to being on-call, are outlined in the "Standby Duty" section of the current MOU pertaining to the RSA and the LEMU. Nothing in this policy is intended to grant additional benefits or accommodations related to on-call or standby status nor does it allow supervisors to place department members into a formal on-call status without compensation.

1037.19 COMMANDER RESPONSIBILITIES

Commanders shall be responsible for diligently monitoring the use of on-call status within their commands. Commanders shall ensure both proper coverage consistent with best investigative practices and the efficient and ethical management of on-call budgets under their control. Commanders shall monitor vehicle use in relation to those under their command who are placed into an on-call status and adhere to all county and department policies related to the assignment of take-home vehicles.

Commanders under whom multi-agency teams operate, shall monitor the use of on-call status to ensure fiscal responsibility and burden-sharing across involved agencies.

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Overtime

1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through each Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime in Agency Web as soon as practical after overtime is worked. This policy outlines the requirements to schedule and work overtime assignments throughout the Department.

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

The Department can restrict employees from working overtime if the Department believes excess overtime is affecting the employee's performance.

1038.1.1 DEPARTMENT POLICY

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

1038.1.2 OBLIGATION TO FULFILL THE PURPOSE OF OVERTIME ASSIGNMENTS

Employees shall not engage in work unrelated to the purpose of the overtime. For example, a deputy assigned to seatbelt enforcement overtime shall not spend time writing reports unassociated with that assignment.

1038.1.3 DISCIPLINE

A disciplinary Reduction in Pay (RIP), in and of itself, shall not be considered as a basis to deny overtime work. An employee who is otherwise authorized to work overtime may do so while on such discipline with the understanding that overtime pay is based on any temporary RIP (i.e., "base pay") as outlined in the MOUs.

1038.2 COMMANDERS' DISCRETION

Station and bureau commanders are given the discretion to develop Standard Operating Procedures (SOPs) for overtime scheduling within their purview. This discretion is based upon their knowledge of specific overtime needs, as well as the resources available to fulfill those obligations. Discretionary subjects include:

(a) Timeframes for overtime posting

(b) The number of overtime slots that can be signed up for at a given time (and subsequent times)

(c) Classifications that have priority for particular overtime assignments

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(d) Establishing sign-up priority for assigned station personnel vs. personnel from other stations/bureaus

(e) Procedures for dealing with changes to overtime commitments (e.g., unable to work the overtime, desire to withdraw, etc.)

(f) Criteria for allowing sergeants to work non-supervisory, minimum staffing, contract-hour deputy overtime positions (actual use of sergeants for this purpose requires Chief Deputy approval)

Commander discretion in these areas cannot conflict with established MOUs, or related Department or County policies.

1038.3 OVERTIME WORKED AT OTHER THAN ASSIGNED STATION

Stations / bureaus may have overtime demands that cannot be filled by their own personnel. Therefore, commanders can authorize qualified personnel from outside stations, bureaus, or facilities to meet overtime staffing needs.

1038.3.1 TRAINING AND OFFICER SAFETY CONSIDERATIONS

When personnel work assignments at other than their assigned station, bureau, or facility, consideration must be given to ensure that training and officer safety issues are addressed. The following are some examples:

(a) Deputies working a patrol, courts, or corrections assignment must have completed the training program corresponding to that assignment

(b) With commander approval, deputies working courts or correctional assignments who have not completed their field training program can still work event overtime, but must be paired with a fully trained patrol deputy

(c) Deputies working a DUI, traffic, school resource, or other special assignment must have training and expertise required for the specific assignment

(d) Deputies must be familiar with the station, bureau, or facility where they wish to work, including applicable policies and procedures

1038.3.2 PROCEDURES

Employees desiring to work overtime at other than their assigned station, bureau, or facility shall submit a request through Agency Web to their current commander. Approval must be received prior to working the overtime assignment. The employee shall include the station, bureau, or facility they desire to work, the nature of the assignment (e.g., patrol, DUI special assignment, court deputy, corrections, etc.), and certify they have met the requisite training. The commander shall ensure the requesting employee has a "meets standard" evaluation. The employee's commander shall contact the commander of the overtime venue to confirm these standards are met prior to authorization.

Once authorization is received, a copy of the approval shall be maintained in the employee's Interim file (I-file) at their assigned station, bureau, or facility. Authorization will expire six (6) months from the date of approval or immediately when the criteria is no longer satisfied (e.g.,

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"below standard" evaluation, etc.). Authorizations may be renewed as often as necessary provided all the criteria are met.

1038.3.3 RESTRICTIONS
Employees:

(a) shall not work more than six (6) consecutive days without a day off

(b) must have at least eight (8) hours off between each tour of duty

(c) may not work more than sixteen (16) consecutive hours

(d) may not work overtime while on vacation, compensation time, sick, or holiday leave (except for Extra Duty)

A tour of duty is a maximum of sixteen (16) consecutive hours of work within a 24-hour period (excluding time between shifts as outlined in 1038.3.4). The following would be considered 16 consecutive hours for the purpose of this policy: A deputy works 12 hours at one station, has a subsequent one-hour commute to another station, and works four hours of overtime at the other station.

1038.3.4 TIME BETWEEN SHIFTS
It is crucial to properly assign time worked to the appropriate source. The fundamental goal is to ensure off-duty time is not captured in overtime payment. This includes off-duty travel time, donning time, etcetera. A one-hour period between shifts has generally been used to accomplish this. However, actual time can be used to establish the gap between shifts. Anything under the one-hour guideline must be added to the justification section on the 344. Examples include:

(a) A Jurupa Valley deputy signed up for overtime at the Perris Station. The commute took 20 minutes and the deputy was not in uniform. The justification would read, "20-minute travel / 10-minute donning" for a 30-minute window between shifts

(b) A patrol-trained deputy assigned to the Southwest court works subsequent overtime at the Southwest Station. The travel time is zero. The justification would read, "No commute / in uniform."

(c) A patrol-trained deputy assigned to Professional Standards Bureau ends their regular shift at Palm Desert Station and then starts an overtime shift there. Justification: "Reg shift end at PDS/ no commute / 10-minute donning"

Sergeants are responsible for evaluating the justifications and ensuring their accuracy.

The one-hour guideline should not be used when longer commute times occur. In these cases, the actual time must be used, but do not need to be justified on the 344.

1038.4 UNPLANNED ASSIGNED OVERTIME

It is often necessary to assign personnel to overtime positions to meet minimum staffing needs without advanced notice. While volunteering is appreciated, commanders should remain apprised of the hours their staff work in a given timeframe in order to minimize fatigue. To that end, commanders are encouraged to base unplanned assigned overtime on the total number of hours

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worked (including overtime) in a set period (e.g., three months) rather than on mere seniority. For example, one employee has worked 800 hours in three months (540 regular hours and 260 overtime hours). Another has worked 600 hours in the same period (560 regular hours and 40 overtime hours). If other pertinent factors do not overrule the time consideration, the employee with lower overall hours may be the best person to assign the overtime.

1038.5 COURT OVERTIME

Memoranda of Understanding define the compensation criteria and minimum time for hearing appearances, which include:

(a) Court appearance due to a subpoena

(b) DMV hearings

(c) Parole hearings

(d) Depositions with attorneys

(e) Grievance appearances as a witness

Employees are to refer to their current MOU for specific provisions to ensure overtime requests match the entitlements. Court subpoenas (or serviced via Agency Web) must accompany overtime requests. Supervisors are responsible for ensuring accuracy.

Unless modified by future MOUs, the following applies:

(a) Only base pay is eligible for overtime compensation (with the exception of K9 pay for actual time in court)

(b) Travel time is not compensable. Exceptions include:

1. Hearings which occur outside of Riverside County (e.g., federal court hearings in Los Angeles, parole hearings in Chino, etc.)
2. Hearings that require cross-county travel (e.g., working in Moreno Valley and traveling to a hearing in Indio)
3. The employee is assigned to attend a hearing during normal duty hours and extends to the end or beyond their scheduled end of duty (compensable time covers travel directly from the hearing location to their assigned station)

(c) When off duty, employees are prohibited from responding to their duty station to retrieve a department-owned vehicle to travel to a hearing (exceptions serving a legitimate business interest can be approved by a supervisor)

(d) Employees required to testify via phone shall only be paid for the actual time spent on the call (unless a current MOU provides a greater minimum time)

1038.6 REQUEST FOR OVERTIME COMPENSATION

Employees shall complete overtime compensation requests as outlined in this section. Employees cannot approve their own overtime. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

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1038.6.1 EMPLOYEE'S RESPONSIBILITY
Employees shall complete the requests for actual hours worked immediately after working the overtime and turn them in to the supervisor responsible for the overtime via Agency Web.

1038.6.2 SUPERVISOR'S RESPONSIBILITY
The supervisor who reviews the overtime shall verify that the overtime was worked before approving the request. Overtime shall be approved prior to the close of payroll.

1038.7 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the MOU provides that a minimum number of hours will be paid, (e.g., one hour for court callback, etc.). Supervisors will ensure submitted times are accurate.

1038.7.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, overtime is paid for actual time worked or as negotiated per the current MOU.

1038.7.2 TIMESHEET CODING
Project IDs have been established to ensure accurate recording and billing for overtime. Project IDs consist of two elements: Funding and Activity. The former identifies the funding source. The latter represents the activity that is driving the overtime (i.e., why the overtime is being worked). Overtime will not be processed without a Project ID and Activity code. Project and activity codes will not eliminate overtime justifications required at the bottom of the timesheet. Employees are to use the correct Project IDs as established by Accounting and Finance.

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Extra Duty

1039.1 PURPOSE AND SCOPE

Extra Duty services are intended for single, short-term, special public events such as fairs, festivals, golf tournaments, parades, rodeos, sporting events, etc. Extra Duty rates are NOT to be used for grants, enhanced contract patrol services, or in lieu of contract overtime. Customers shall be informed in advance if the requested number of Deputies are not available, then Corporals, Investigators or Sergeants may have to be assigned and will be billed according to their higher rate.

1039.2 POLICY

The Riverside County Sheriff's Department has established this policy to provide department personnel for special events, run by an outside entity, and not otherwise covered by contract or regular overtime. The following rates do not include any costs for vehicle use, mileage or special equipment. Black and white vehicles should be charged at the IRS approved rate in effect at the time of service.

1039.3 HOURS WORKED

For clarification, employees who work extra duty are paid only for the hours they actually work. If it is necessary to set a minimum number of hours for operational purposes, the employee is expected to work those hours and the entity should be billed for the hours actually worked. The employee shall be paid, and the customer shall be charged, from the time the employee leaves the station that scheduled the Extra Duty assignment until the employee returns to that station from the worksite. If a county vehicle is used, the mileage will be billed in the same manner.

1039.4 SIGN UP PROCESS

All sign up sheets for extra duty shall contain the following statement in bold print: “Any minimum number of hours listed herein is for scheduling and planning purposes only and is not a guarantee in any way that this minimum number of hours will be actually worked. You will be paid for only the actual number of hours worked.” Any postings for Extra Duty must include the number and classification of positions needed (Deputy, Corporal, Investigator, Sergeant, Lieutenant) and notification that the assignment will first be offered to the classification of employee requested. Any unfilled positions will then be available to employees in a rank above the classification requested. How employees are paid and how the hours are billed is based on the provisions listed below.

1039.5 PAYMENT AND HOURS BILLED

1. A Deputy working extra duty will be paid at 1 ½ times their current hourly rate and billed at the Deputy Extra Duty Rate.
2. A Corporal who signs up to work extra duty as a Deputy will be paid at 1 ½ times the rate of a top step Deputy and billed at the Deputy Extra Duty Rate.

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3. A Corporal who is assigned (did not volunteer) to work extra duty as a Deputy will be paid at 1 ½ times their current hourly rate and billed at the Corporal Extra Duty Rate.
4. A Corporal who signs up to work extra duty as a Corporal will be paid at 1 ½ times their current hourly rate and billed at the Corporal Extra Duty Rate.
5. An Investigator who signs up to work extra duty as a Deputy will be paid at 1 ½ times the rate of a top step Deputy B and billed at the Deputy Extra Duty Rate.
6. An Investigator who is assigned (did not volunteer) to work extra duty as a Deputy will be paid at 1 ½ times their current hourly rate and billed at the Investigator Extra Duty Rate.
7. An Investigator who signs up to work extra duty as an Investigator will be paid at 1 ½ times their current hourly rate and billed at the Investigator Extra Duty Rate.
8. A Sergeant who signs up to work extra duty as a Deputy will be paid at 1 ½ times the hourly rate for a top step Investigator I/II B and billed at the Investigator Extra Duty Rate.
9. A Sergeant working extra duty as a Sergeant (Supervisor) will be paid at 1 ½ times their current hourly rate and billed at the Sergeant Extra Duty Rate.
10. A Lieutenant working extra duty as a Sergeant will be paid at 1 ½ times the hourly rate of a Sergeant B, Step 9, and billed at the Sergeant Extra Duty Rate.
11. A Lieutenant working extra duty as a Deputy will be paid at 1 ½ times the hourly rate of a top step Investigator I/II B and billed at the Investigator Extra Duty Rate.

1039.6 AGENCYWEB

Extra Duty overtime will be submitted and approved within AgencyWeb in the same manner as other overtime requests and appear on the employee's timesheet (Form 344) along with their regular hours, leave hours, and other overtime. Biweekly, AgencyWeb will transfer all payroll data, including Extra Duty overtime, to the county payroll system and post it to the station where the Extra Duty overtime was worked.

1039.7 AUTHORIZATION TO WORK

If the Extra Duty overtime is not at the Employee's assigned station, authorization to work overtime at the other station must be obtained prior to working any Extra Duty overtime. All employees must meet the criteria for eligibility to work overtime as outlined in DSM1038, before working any overtime. This is done via the existing Overtime Sign Up process in AgencyWeb and any active approvals for locations will also include Extra Duty positions.

As a reminder, per the Extra Duty Resolution 440-5424, "…the Sheriff is authorized to use the services of as many regular employees of his Department as may be necessary for law enforcement purposes, by way of additional employment during hours in which they would otherwise be off duty …". Therefore, the employee must be working the Extra Duty assignment outside of his/her regular shift, or must be using vacation, holiday, comp time or other benefit hours (not sick leave), if the hours fall during his/her regular shift. As an officer safety issue, the

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Commander/designee shall ensure that the combined time of the employee's regular shift and the Extra Duty assignment are in compliance with their division's current policies and procedures regarding the maximum hours that an employee can work without time off.

1039.8 PREVIOUS DEPARTMENT DIRECTIVE RESCINDED

With the adoption of DSM 1039, the department has rescinded Department Directive #20-058.

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Outside Employment

1041.1 POLICY

Employees desiring to engage in outside employment, or self-employment for compensation, must receive prior approval of the Sheriff.

1041.2 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest, all employees desiring to engage in outside employment, or self employment for compensation, must receive prior, written approval of the Sheriff by submitting an application through their chain of command to their division chief deputy, Approval of outside employment shall be at the discretion of the Sheriff in accordance with this policy.

1041.2.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. This does not apply to union activities or elected officials. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered. Additionally, outside employment includes volunteer activities with a nexus to law enforcement activities. Classified employees who have become or are applying to become a reserve police officer or reserve deputy sheriff with another law enforcement agency would be determined to have outside employment, and are subject to this policy.

1041.3 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application Form 210 which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the chain of command to the division chief for consideration.

Employees must obtain annual approval for continuing outside employment. The yearly approval date will be determined as one year from the date of approval for the previous year's Form #210 request. The employee shall resubmit an Outside Employment Application at any time the conditions of the outside employment activities change from that described in the initial request.

Employees seeking approval for outside employment requiring licensing pursuant to California Business and Professions Code Section 7500 et. seq., shall attach copies of any required license(s) to the application. Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

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1041.3.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's outside employment application is denied or withdrawn by the department, the employee may file a written notice of appeal to the Sheriff within fourteen (14) days of the date of denial.

1041.3.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

1041.4 PROHIBITED OUTSIDE EMPLOYMENT

Employees are forbidden from accepting outside employment that would constitute a threat to the status or dignity of law enforcement as a professional occupation. Additionally, no employee of this department shall engage in any employment activity which is inconsistent, incompatible, in conflict with, or contrary to their assigned duties, or with the duties, functions or responsibilities of the Riverside Sheriff's Department.

Consistent with the provisions of Government Code § 1126, the department expressly reserves the right to deny any outside employment application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of department time, facilities, equipment or supplies, the use of the department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

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(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department less efficient.

(e) The outside employment requires the employee to work in excess of six (6) hours on a day on which they are scheduled to work eight (8) hours or four (4) hours on a day on which they are scheduled to work ten (10) hours for the Sheriff's Department. Employees working twelve (12) hour shifts are not permitted outside employment on those days they are scheduled to work for the Sheriff's Department. A maximum of twenty-four (24) hours of outside employment per week is allowed.

(f) The outside employment is in violation of California Government Code Sections 24004 and 24004.5.

(g) Employees may not engage in outside employment that is operated and/or supervised by persons who have been convicted of a felony.

1041.4.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Sheriff in advance of the desired service.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The deputy(s) shall wear the department uniform/identification.
2. The deputy(s) shall be subject to the rules and regulations of this department.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.

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1041.4.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE
Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1041.5 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department. An exception may include a department member employed as an adjunct professor for an educational institution instructing in a course which is coordinated, controlled, and managed by the department. (Also see Department Directive #09-017)

1041.5.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308).

1041.6 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1041.7 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR SICK LEAVE

Department members shall not engage in outside employment while using routine sick leave time.

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five (5) days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

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1041.8 REVOCATION/RESCIND PRIOR DEPARTMENT DIRECTIVE

With the publication of DSM 1041, Department Directive #94-024 is rescinded.

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Retirement and Separation from Service

1042.1 RETIREMENT INFORMATION

Retirement and related matters are provided to department employees by contract with the Board of Administration of the Public Employee's Retirement System of the State of California and the County of Riverside.

A department employee requesting information on the retirement plan or system may directly contact Sheriff's Administration or the Riverside County Personnel Department.

1042.2 REQUEST FOR RETIREMENT

A request for retirement shall be in writing to the Sheriff. When possible, notification of retirement should be made at least twelve months in advance of the effective date.

1042.3 SEPARATION FROM SERVICE

A resignation letter must clearly state the final date of employment and a request for a leave of absence should describe the reason(s) for the request. A resignation or request for leave of absence shall be in writing, and once accepted by the Sheriff, or the Sheriff's designee, cannot be rescinded without the concurrence of the Sheriff.

1042.3.1 RETURN OF DEPARTMENT PROPERTY

The completion of RSD Form #103 is mandatory upon separation or retirement. Upon completion, the department and County Human Resources (HR) are able to finalize necessary updates to employment, payroll and other benefits. Outside entities, such as CalPERS, rely upon County HR to process a member’s employment status with exact dates and times. Untimely form submissions delay this process, impacting the retiring employee.

Confirmation signatures on the form document the return of all department equipment and must be completed in numerical order. Such items include issued firearms, badges, uniforms, credit cards and anything issued from the employee’s station, bureau or facility. These items are property of the department and require strict inventory accountability. RSD Form #103, available on the intranet under 'Personnel,' shall be submitted to Accounting and Finance.

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Occupational Disease and Work-Related Injury Reporting

1043.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1043.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1043.2 POLICY

The Riverside County Sheriff's Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1043.3 RESPONSIBILITIES

1043.3.1 INJURED DEPARTMENT MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1043.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether a Notice of Incident (NOI) is required and if the Illness and Injury Prevention policies apply and take additional action as required.

1043.3.3 SHERIFF RESPONSIBILITIES

The Sheriff shall ensure that injury reports are reviewed and forwarded to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1043.3.4 COMMANDER RESPONSIBILITIES

The commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report

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shall then be forwarded to Sheriff's Administration. Sheriff's Administration personnel will ensure the report is approved by the designated chief deputy and copies are forwarded to the Department of Human Resources and the Worker's Compensation Division..

1043.3.5 CAL OSHA REPORTING

Beginning on January 1, 2020, *immediate* reporting to Cal/OSHA by phone or email is required of serious workplace injuries as defined below:

Labor Code 6302 (h) - “Serious injury or illness” means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization, for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.

Labor Code 6302 (i) - “Serious exposure” means any exposure of an employee to a hazardous substance when the exposure occurs as a result of an incident, accident, emergency, or exposure over time and is in a degree or amount sufficient to create a realistic possibility that death or serious physical harm in the future could result from the actual hazard created by the exposure.

The supervisor should have the following information ready at the time of reporting:

1043.4 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1043.4.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1045.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1045.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

All personnel are subject to inspection. Supervisors will ensure all personnel are maintaining a professional appearance. Personnel assigned to special assignments, with commander's approval, do not have to adhere to the grooming standards within this specific policy.

1045.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male department members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female department members, loose hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is assuming a normal stance, or, hair may be worn up, or in a tightly wrapped braid or ponytail.

1045.2.2 MUSTACHES

Department members may have a mustache, absent other facial hair (beard or goatee), provided the mustache is well groomed, professional in appearance and does not extend lower than ½ inch below the corners of the mouth. Mustaches that are curled, twisted or heavily waxed are not allowed.

1045.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1045.2.4 FACIAL HAIR

Facial hair in the form of a groomed and maintained goatee, or beard is authorized. Facial hair must not be longer than one-half (1/2) inch in length. Distinct cheek and neck lines are mandatory. All facial hair will be worn in a manner that reflects a professional image on the department while in civilian attire and uniform.

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1045.2.5 FINGERNAILS

Department members shall not wear fingernails that extend more than one-fourth (1/4) inch from the tip of the finger. Fingernails shall not be so long as to interfere with the duties assigned or to pose a safety hazard to the employee or public.

Only female employees may wear fingernail polish. Nail polish may be worn only if it is kept well manicured; chipped polish must be removed. Only conservative colors may be worn that do not detract from a professional appearance. No fluorescent or iridescent colors are permitted.

Fingernail jewelry, whether glued or pierced through the nail, will not be allowed.

1045.2.6 JEWELRY AND ACCESSORIES

Visible jewelry, other than those items listed below, shall not be worn unless specifically authorized by the Sheriff or designee.

(a) Wrist watch with a band of black or brown material, yellow or white metal no wider than one inch.

(b) Wedding ring(s), class rings, or other rings worn must be of a design and size that does not present a safety concern. A maximum of one ring/set may be worn on each hand.

(c) Medical alert bracelet.

(d) Female employees may wear one stud earring, no larger than 5mm or 3/16 inches in diameter, in the lower lobe of each ear. See DSM 1046.4.4 for other policies related to piercings.

(e) Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Employees should evaluate the wearing of any ornamentation against the possible safety hazard and the possibility of such items being lost or damaged during the course of duty. Commanders may reasonably alter the standards within DSM 1045.2.6 related to their employees who are both non-sworn and non-uniformed after considering their duties and their level of public contact.

1045.3 TATTOOS

See DSM 1046 for department policies related to tattoos, brandings, and scarifications.

1045.4 CIVILIAN ATTIRE

There are assignments within the Sheriff's Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar or polo shirts, slacks or suits that are moderate in style.

(c) All female personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style. Acceptable hemline lengths range from 2" above the knee to ankle length.

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(d) All department members, when not required to wear the departmental uniform, shall be attired in neat, clean and professional dress. The following are unacceptable items of dress:

1. Any clothing item that shows excessive wear and/or that detracts from a professional business appearance;
2. All T-shirts;
3. Swimsuit, tube or tank tops, or halter tops;
4. Shorts and/or running suits;
5. Sandals and/or any footwear that constitutes a safety hazard;
6. Spandex type pants or see-through clothing;
7. Bare midriffs;
8. Bare shoulders and spaghetti straps;
9. Low necklines;
10. Hemline lengths more than 2" above the knee;
11. Distasteful or unprofessional slogans, pictures, product advertisements, drawings, buttons or pins.

(e) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Riverside County Sheriff's Department or the morale of the employees.

(f) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the restrictions in 1045.4.

1045.5 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for male employees would consist of a coat, tie, collared dress shirt, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks. Duty related court appearances by any department member requires adherence with 1045.2.6 (a-e).

1045.6 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. A Chief Deputy should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

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Tattoos, Brandings, and Scarifications

1046.1 POLICY

It is the policy of this agency that tattoos or brands that are detrimental to good order are prohibited. Additionally, while on or off-duty in uniform or on-duty civilian attire, employees are prohibited from exhibiting tattoos, body art, or brands that are offensive or demeaning to persons of ordinary sensibilities. This policy may be rescinded or modified at any time by the Sheriff.

1046.2 PURPOSE

Professionalism is the cornerstone of the Riverside County Sheriff's Department, and is a major contributor to our reputation for excellence. The Department has a responsibility to ensure all on-duty employees adhere to appropriate personal appearance standards to support this foundational value. A professional image encourages community confidence and promotes esprit de corps among the organization.

This policy establishes specific guidelines for the display of tattoos, brandings, and/or scarifications by members of this Department. It places accountability for compliance not only upon each employee, but also upon their supervisors and commanding officers.

1046.3 DEFINITIONS

Body modification: a deliberate altering of the human anatomy or human physical appearance.

Brand: a picture, design, or other marking that is burned into the skin or other areas of the body. Body markings are pictures, designs or other markings as a result of using means other than burning to permanently scar or mark the skin.

Extremist: extremist tattoos or brands are those affiliated with, depicting, or symbolizing extremist philosophies, organizations, or activities. Extremist philosophies, organizations, and activities are those which advocate hatred or intolerance based on race, ethnicity, national origin, gender, gender identity, sexual orientation, religion, economic status, age, or disability; advocate, create, or engage in illegal discrimination based on race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, economic status, age or disability; or advocate violence or other unlawful means of depriving individuals rights infer the U.S. Constitution, and Federal or State law.

Indecent: indecent tattoos or brands are those that depict nudity or are offensive to modesty, decency, propriety, or professionalism.

Political: relating to the symbols, causes, ideas or strategies of a particular party or group in politics, including special interest groups.

Racist: racist tattoos or brands are those that advocate a philosophy that degrades or demeans a person or group of people based on race, ethnicity, or national origin.

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Sexist: sexist tattoos or brands are those that advocate a philosophy that degrades or demeans a person or group of people based on gender.

Tattoo/body art: a picture, design, or making made on the skin or other areas of the body by staining it with an indelible dye, or by any other methods including pictures, designs, or markings only detectable or visible under certain conditions (as in an ultraviolet light or invisible ink tattoo). The term tattoo and body art are interchangeable.

1046.4 APPLICATION

1046.4.1 PROHIBITED MARKINGS

The following tattoos, brands, or scarifications are prohibited, regardless of visibility:

(a) Extremist

(b) Indecent

(c) Sexist

(d) Racist

Any tattoo/body art or brand that implies a negative bias toward any group will cause the employee to be subject to disciplinary action, up to and including termination.

No group, station, shift, assignment, team, or other collection of employees, may display the same tattoo or marking if the theme message, content, or mere existence as a group tattoo or marking, is viewed by the Sheriff or his designee to be in conflict with our mission, professional image, or otherwise in violation with any other part of this policy. Employees are encouraged to consider the impact that such group tattoos may have upon their image, testimony in official proceedings, and upon our role as an unbiased law enforcement organization.

1046.4.2 PROHIBITED LOCATIONS

All employees are prohibited from having tattoos on any part of the hands, neck, face, head, eyelids, mouth, and ears with the following exceptions:

(a) Tattoo of a wedding band on the ring finger

(b) Permanent facial make-up on the eyebrows, eyeliner, and lips that is conservative

1046.4.3 CONCEALMENT

The Department reserves the right to require employees to conceal their tattoos/body art or brands if deemed necessary to comport with evolving standards. This policy and its exceptions do not grant permanent approval to display any tattoos/body art or brand subsequently deemed unacceptable for display, and employees may be required to cover them at any time.

The following tattoos/body art and brands must be concealed in accordance with this policy while in uniform or on duty in civilian attire:

(a) Symbols or markings likely to elicit a strong negative reaction in the workplace or public or that are inconsistent with the Department’s values or community relations objectives

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including, but not limited to, symbols or markings that promote or are associated with violence or weaponry

(b) Anything contrary to the purpose of law enforcement including, but not limited to, depictions symbolizing or indicative of alcohol or narcotics, illegal or gang related activity, or symbols suggestive of activity that undermines the purpose of law enforcement

(c) Illustrations, references, symbols, acronyms or the like that denigrate the United States, State of California, or the Department

(d) Symbols or markings that represent political beliefs, political parties, political slogans, or that cast any political group in a negative light

Concealment for areas not naturally covered by the uniform or plainclothes attire shall be accomplished with flesh-color matched bandages or wraps.

1046.4.4 PIERCINGS AND MODIFICATIONS

Female sworn and uniformed civilian employees may wear one stud earring no larger than 5mm or 3/16 of an inch in diameter in the lower lobe of each ear; however regardless of gender, body piercing of the face, head, neck, nose, mouth, and hands is prohibited. For all employees, any visible piercing or alteration to any areas of the body that is distracting, inconsistent with a professional appearance, or which noticeably distorts normal anatomical features (i.e., that is not a reasonable elective cosmetic surgery performed by a licensed physician or medically required) is prohibited. Such prohibited body alterations include, but are not limited to:

(a) Tongue splitting or bifurcation

(b) Complete or transdermal implantation of any objects other than hair replacement or other reasonable elective cosmetic surgery performed by a licensed physician

(c) Abnormal shaping of the ears, eyes, or nose

(d) Outlandish or unnatural contact lens colors or color variations that detract from a professional appearance

(e) Gauging or gradually increasing the radius of a surgically induced opening in the flesh in areas such as the earlobes or lips

(f) Abnormal filling of the teeth

(g) Dental jewelry or unnatural appearing covers such as “grills”

(h) Extraocular implants

Procedures medically necessary because of illness, deformity, or injury (and performed by a licensed physician) shall not be considered body modifications for the purpose of this policy.

1046.5 AUTHORIZATION FOR VISIBLE TATTOOS / BODY ART

(a) Current employees are encouraged to submit designs for new tattoos to their Chief Deputy when there is doubt about compliance with this policy

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(b) Prospective employees shall include information on all tattoos/body art in their application packet to ensure none are prohibited by this policy.

1. The Support Services Commander or Chief Deputy will make the final determination as to whether an applicant's tattoos/body art comply with this policy.

(c) The Sheriff or his designee shall make the final determination as to whether tattoo/ body art conforms to this policy.

1046.6 SPECIALIZED ASSIGNMENTS AND VISIBLE TATTOOS / BODY ART

(a) Employees working the following assignments are prohibited from displaying tattoos or body art:

1. School Resource Officers
2. Basic and Modular Academy Staff
3. Basic and Modular Academy Recruits
4. Media Information Bureau
5. Uniformed Courtroom Assignments

(b) Department personnel appearing in court, in or out of uniform, shall not display any tattoos or body art during their presence in the courtroom or during testimony.

(c) The Sheriff or his designee may amend what specialized assignments are prohibited under this section.

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Uniform Regulations

1047.1 PURPOSE AND SCOPE

The uniform policies of the Riverside County Sheriff's Department are established to ensure that uniformed deputies and other classifications, will be readily identifiable to the public, coworkers, and allied agencies through the proper use and wearing of department uniforms.

The Uniform Manual is maintained and periodically updated by the Sheriff or his/her designee. The manual shall be consulted regarding authorized equipment and uniform specifications and is the controlling uniform policy reference for all department members. The Uniform Manual is available on the department's intranet.

The Riverside County Sheriff's Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

1047.2 CIVILIAN ATTIRE

There are assignments within the department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and odors, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or thongs
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

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6. Any clothing or item with wording or images that glamorize or celebrate violence, the use of force, sexual themes, drug use, alcohol or tobacco/vaping brands, or any other message that is inconsistent with the department's values and mission.

(e) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Riverside County Sheriff's Department.

(f) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

1047.3 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Riverside County Sheriff's Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Riverside County Sheriff's Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion

(c) Endorse, support, or oppose, any product, service, company or other commercial entity

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website

1047.4 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Riverside County Sheriff's Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform Manual or by the Sheriff or designee. Riverside County Sheriff's Department employees shall consult department policy before carrying or deploying any safety item, tool or other piece of equipment.

The Riverside County Sheriff's Department prohibits, with certain exceptions, the wearing of a uniform that is made from camouflage print or patterned material or a uniform that is substantially similar to a uniform of the United States Armed Forces or active state militia. This applies to uniformed patrol, uniformed crime suppression, or uniformed duty at an event or disturbance, including any personnel that respond to assist at a protest, demonstration or similar disturbance. This does not apply to members of the Special Weapons and Tactics (SWAT) Team, sniper team, or tactical team engaged in a tactical response or operation. (Penal Code 13655).

1047.5 TRAINING ATTIRE

The Sheriff, or his designee, has discretion to adjust the attire to be worn during assigned training based on the training goals and to facilitate a realistic training experience. For example, deputies assigned to the Perishable Skills Program training, Annual Jail Training, Range Training, Firearms Qualifications, and Force Options Simulator, may be required to wear their regular duty uniforms

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and all corresponding equipment. Department members shall carefully read and adhere to the specific uniform and equipment requirements indicated in department training and special orders.

1047.6 SPECIAL EVENTS

Unless specifically directed by Sheriff’s Administration or the applicable station or bureau commander, the standard uniform for special events likely to garner significant national media or television coverage; or parades, festivals, concerts, fairs, semi-professional or professional sporting events, etc. shall be the class B Uniform.

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Badges - Issuance and Use

1048.1 PURPOSE AND SCOPE

The agency badge and uniform patch as well as the likeness of these items and the name of the Riverside County Sheriff's Department are property of the department and their use shall be restricted as set forth in this policy.

1048.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on or off-duty or otherwise acting in an official or authorized capacity.

1048.2.1 FLAT BADGES

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge designed for wallet-carry. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

(a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another sworn deputy within the department with the written approval of the Sheriff or designee.

(b) An honorably retired deputy may keep his/her flat badge upon retirement.

(c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1048.2.2 POCKET BADGES

Sworn, Correctional Deputies and Deputy Coroners in specific assignments may request a pocket badge, at employee expense, for display on dress clothing. RSD Form 101(A) can be found on the department's intranet site under "Docs and Forms/Pocket Badges." After receiving all necessary approvals as indicated, route the form to Uniform Services via e-mail or stop-mail. Pocket badges are approved for on-duty wear and carry only.

1048.2.3 RETIREE BADGES

Upon honorable retirement, sworn employees, as defined in Penal Code 830.1 and 830.2, may be given a flat badge with wording imprinted upon it indicating the department member is retired. Honorably retired, non-sworn employees, as defined in Penal Code 831.5(a) may be given their duty badge for fixed, display purposes only. It is intended that the duty badge be used only as private, static display memorabilia as other uses or displays of the badge by non-sworn employees

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may be unlawful and/or in violation of this policy. The Sheriff may also authorize the issuance of a uniform badge to an honorably retiring Community Service Officer.

1048.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer. Department badges are issued to all sworn employees and some non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used as an endorsement for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages. The use of the badge, uniform patch and department name on all printed material created for department use is subject to approval by the Sheriff.

Employees shall not loan their department badge or identification card to others. Employees shall not permit the badge or identification card to be photo-copied except for legitimate law enforcement purposes, such as attendance at department-related training or educational registration. Employees shall not use or otherwise display or present their department badge for the purpose of influencing the course or outcome of a criminal investigation, an arrest or detention, or other dispute involving themselves, or within which they have a personal or familial involvement, or to influence the course or outcome of any such matter for a friend or acquaintance.

1048.3.1 CIVILIAN AND NON-SWORN PERSONNEL

Badges and department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Correctional Deputy, Community Service Officer).

(a) Non-sworn personnel shall not display any department badge except as a part of their uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent themselves, on or off duty, in such a manner which would cause a reasonable person to believe that they are a sworn peace officer.

1048.4 USE BY EMPLOYEE GROUPS

After receiving approval from the Sheriff, employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Riverside County Sheriff's Department, and only after the following modifications to the image are made:

(a) The text on the upper and lower ribbons is replaced with the name of the employee association.

(b) The badge number portion displays the acronym of the employee association.

The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

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The use of the department badge image by sanctioned groups (Shooting Team, Baker-to-Vegas Team, for example) is authorized with permission of the Sheriff.

The use of the department badge as the logo/symbol of any informal group, or unofficial collection of employees is prohibited.

1048.4.1 CHALLENGE COINS

The production, use or dissemination of challenge coins using the department's badge, patch, or other official symbol must be approved by the relevant Chief Deputy. Any station, bureau, or group of employees, must first submit an accurate and detailed depiction of their design to include any writing, slogan, or statement proposed to appear on the coin. This draft design shall be sent to the relevant Chief Deputy via the chain of command before producing any coins.

One side of a coin proposed to represent a station, facility, bureau, or division shall be standard across the department with the badge exactly as depicted below on one side of the coin. Coins for small units or station-level operational groups may customize both sides of the coin.

Proposals containing images or writing contrary to an honorable and professional law enforcement mission will be denied. Department members are encouraged to ask the vendor for a pre-production sample before finalizing their order.

The payment for production will be at the Commander's discretion.

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1048.5 LOSS OR THEFT OF BADGE

All badges issued have a unique number and the employee to which they are assigned is recorded. Employees shall take diligent care to prevent the loss or theft of their badge. Overnight, or otherwise prolonged storage in vehicles or unsecured office space is discouraged.

Should any badge authorized by this policy be lost or stolen, the employee shall immediately notify their supervisor. A lost or stolen property report shall be filed with the relevant agency and appropriate entries made into the Automated Property System. In each instance, the Commander shall determine if a personnel investigation is necessary.

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Nepotism and Conflicting Relationships

1051.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1051.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1051.2 RESTRICTED DUTIES AND ASSIGNMENTS

The department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1051.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1051.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

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Anti-Retaliation

1057.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1057.2 POLICY

The Riverside County Sheriff's Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1057.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1057.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS
A deputy shall not be retaliated against for reporting a suspected violation of a law or regulation of another deputy to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1057.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Director of Human Services.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member’s identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1057.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1057.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1057.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to their commander and the Professional Standards Bureau for investigation pursuant to the Personnel Complaints Policy.

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1057.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

Department members may also review the procedures within Riverside County's Fraud, Waste, and Abuse Hotline System and Riverside County Policy C-25.

http://www.rivcocob.org/wp-content/uploads/2013/05/C-25_10-28-14.pdf

1057.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1057.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Illness and Injury Prevention

1058.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Riverside County Sheriff's Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Countywide safety efforts.

1058.2 POLICY

The Riverside County Sheriff's Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the department to comply with all laws and regulations related to occupational safety.

1058.3 ILLNESS AND INJURY PREVENTION PLAN

The Support Services Chief Deputy or their designee is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  - (a) Meet regularly.
  - (b) Prepare a written record of safety and health committee meetings.
  - (c) Review the results of periodic scheduled inspections.
  - (d) Review investigations of accidents and exposures.
  - (e) Make suggestions to command staff for the prevention of future incidents.
  - (f) Review investigations of alleged hazardous conditions.
  - (g) Submit recommendations to assist in the evaluation of member safety suggestions.
  - (h) Assess the effectiveness of efforts made by the department to meet relevant standards.

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(f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

1058.4 CHIEF DEPUTY RESPONSIBILITIES

The responsibilities of the Support Services Chief Deputy or their designee include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.
3. Access to department policies and plans related to injury and illness prevention policy.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Respiratory protection (8 CCR § 5144)
   (b) Bloodborne pathogens (8 CCR § 5193)
   (c) Aerosol transmissible diseases (8 CCR § 5199)
   (d) Heat illness (8 CCR § 3395)
   (e) Emergency Action Plan (8 CCR § 3220)
   (f) Fire Prevention Plan (8 CCR § 3221)
   (g) Hazards associated with wildfire smoke (8 CCR § 5141.1)

(e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

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(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1058.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Support Services Chief Deputy.

(e) Notifying the Support Services Chief Deputy when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1058.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Support Services Chief Deputy via the chain of command.

The Support Services Chief Deputy will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1058.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The inspection leader shall ensure that the appropriate documentation is completed for each inspection.

1058.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete and forward a memorandum if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1058.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

(g) Completion of an Investigation/Corrective Action Report form.

(h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required by department policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1058.9 TRAINING

The Support Services Chief Deputy or their designee should work with the Joint Operations Bureau Commander to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the department is made aware of a new or previously unrecognized hazard.

1058.9.1 TRAINING TOPICS

The Joint Operations Bureau Commander shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1058.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Chapter 11 - Court Operations

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Court Services Division - General

1100.1 COURT OPERATIONS

The Sheriff serves the Courts and is an Officer of the Court. The Sheriff is obligated to ensure that the mandated orders of the Courts are obeyed, and must serve lawful process and execute orders issued by the court. The Court Services Division shall provide service to the Courts and perform other duties as directed by the Sheriff.

1100.2 COMMAND AND SUPERVISION

Court Services Operations are under the administration of an assistant sheriff. Command and control of the division is the responsibility of a chief deputy. The operation and management responsibilities are at the facility level and are under the authority of a commander. Management responsibilities of the Court Services Division shall include:

A. Effective/efficient management of resources.
B. Ensure service is provided to the Courts of the County.
C. Provide coordination and support to other Station, Bureau, and facility commanders regarding Court Services-related functions.

1100.2.1 POLICIES AND DIRECTIVES

Personnel assigned to Court Services shall fulfill the mandated duties of the Sheriff as they relate to Court operations. Department members shall obey lawful orders and directions of the Courts and all polices and procedures applicable to the division.

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Court Security and Operations

1101.1 POLICY

The policy of the department shall be to maintain the safety and security of all who enter or work within the Riverside County Courts, and to conduct operations within those courts in such a manner as to minimize delay, and to ensure the efficient movement of inmates, defendants and others within the building.

1101.2 SUPERVISOR RESPONSIBILITIES

The supervision of court security shall be the responsibility of the assigned departmental supervisor whose duties shall include, but are not limited to:

A. Provide for the security needs of the courts.

B. Ensure a Deputy/Bailiff is on duty when the court is in session, if required by the judge.

C. Coordinate any special problems of the courts, which include, but are not limited to:

1. Security of the Judge of the court
2. Special security requirements of the courtroom or other locations where the court may be in session
3. Security requirements of empanelled juries
4. Meals and lodging requirements of any sequestered juries

1101.3 DEPUTY AND BAILIFF RESPONSIBILITIES

Deputies/Bailiffs are accountable for the following:

A. Maintenance of order in the courtroom

B. Security and protection of:

1. Judge
2. Jury
3. Officers of the Court
4. Witnesses
5. Litigants and defendants
6. The public

C. Ensuring reasonable and appropriate security measures for any in-custody defendants

D. Rendering assistance to the Court as required

E. Ensure that the courtroom is thoroughly searched for contraband prior to the beginning of each session

F. Other duties as assigned

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1101.4 COURTROOM SECURITY RESPONSIBILITIES

All deputies, bailiffs and sworn staff present in, or assigned to, the courtroom shall ensure the following:

A. No inmate shall be left unattended in any courtroom.

B. All prisoners shall be placed in the courtroom at such a location as to ensure security for the court staff, general public and the prisoners themselves. All appropriate safeguards shall be employed with in-custody prisoners.

C. Ensure that no communication between prisoners and unauthorized persons takes place.

D. Any unusual problem or any emergency situation involving prisoner(s) in the courtroom shall be reported to the deputy/bailiff's supervisor immediately. An unusual or emergency situation is defined as an incident inside or outside the courtroom that will have an impact on the security or proceedings in the court.

E. When charged with a jury, a deputy/bailiff shall perform all duties as required by the department or judicial officer.

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Civil Process

1102.1 POLICY

Department members shall receive, serve or execute and make return of, all civil process and orders that are accepted for service, in the manner prescribed by law.

1102.2 PROCEDURE

When a civil process or court order is delivered to a Court Services office, a record shall be maintained to ensure the accountability of the legal document at all times. It is the responsibility of the Court Services Commander to ensure such record is maintained. This record is subject to inspection by the division chief or other authorized person.

1102.3 DEPARTMENT MEMBER RESPONSIBILITIES

Department members assigned the responsibility of receiving and/or processing a civil process or court order shall ensure the following:

A. The process is valid on its face, issued by a competent authority and accompanied by adequate legal instructions.

B. Service dates have not expired.

C. Collection of appropriate fees.

D. The return of service is completed as soon as practical after the service.

Department members who serve process and execute orders shall ensure the following:

A. The document is valid on its face.

B. Service dates have not expired.

C. Service of process and execution of orders are accomplished in a legal manner.

When a civil process is handled by Field Operations a record shall be maintained to ensure the accountability of the legal document at all times. It is the responsibility of the station, bureau, and facility commander that such record is maintained. The commander may delegate the responsibility for the service of the civil process.

1102.4 CIVIL PROCEDURE MANUAL

At the direction of the Sheriff, the department may utilize the "Civil Procedural Manual" published by the California State Sheriffs' Association as a guide and reference for the service and delivery of civil process and notices.

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Fiscal Operations

1103.1 POLICY

The department shall charge, collect, account for and dispose of fees received for the execution and/or service of processes and notices. The chief deputy of the Court Services Division shall ensure that the collection and disposition of all fees, property, funds and monies received by the operation are accounted for in accordance with standard business practices, federal and state laws, and department policies.

1103.2 PROCEDURES

Department members shall ensure that all reasonable safeguards are employed to properly account for the funds and that the disposition of such funds is lawful. The handling of all funds by a department employee shall have appropriate documentation of transactions regarding the service or execution of the court service process. All records and accounts maintained by the department regarding Court Service operations shall be subject to audit.

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Attachments

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POLICY-C10.pdf

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COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:	Policy Number	Page
ALCOHOL AND DRUG ABUSE POLICY	**C-10**	**1 of 4**

I. Purpose

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the county of Riverside has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. The concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program (EAP). While the county encourages employees to seek help voluntarily, it will be firm in identifying and disciplining those employees who violate this policy.

Supervisors will be trained to recognize abusers and become involved in this control process. Alcohol or drug abuse will not be tolerated and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

The county will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs, or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage to the county's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination, or in not being hired.

In recognition of the public service responsibilities entrusted to the employees of the county and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the county.

II. Policy

It is county policy that employees shall not be

a. under the influence of alcohol or drugs while on duty or on a standby or an on-call status;
b. consume alcohol or illicit drugs while on county property or at work locations or while on duty; or

c. possess controlled substances or prescription drugs without a prescription while on duty.

Employees shall not

a. manufacture, sell, provide, distribute, or dispense prescription drugs or controlled substances to any other employee or to any person while on duty unless authorized by law; or
b. sell, provide, distribute, or dispense alcohol to any other employee while such employee is on duty.

While use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could potentially interfere with the safe and effective performance of duties or operation of county equipment can result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from the county medical director, or designee, may be required.

The county reserves the right to search, without employee consent, all areas and property in which the county maintains control or joint control with the employee, except the lockers of peace officers, or other space for storage that may be assigned to peace officers. No peace officer shall have his/her locker, or other space for storage that may be assigned searched except in the peace officer's presence, or with consent, or unless a valid search warrant has been obtained or where the peace officer has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the county. The county may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the county.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and may be detained for a reasonable time until they can be safely transported from the work site.

The county is committed to providing reasonable accommodation to those employees whose drug or alcohol problem qualifies as a disability under federal and/or state law.

The county has established a voluntary EAP to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors or the EAP directly for additional information.

III. Application

This policy applies to all county employees and to all applicants for positions with the county.

This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

IV. Employee Responsibilities and as a Condition of Employment

An employee must:

a. not report to work or be in a standby or an on-call status while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use;

b. not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time;

c. not use alcohol at any time while on county property or while on duty;

d. not directly or through a third party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at any time;

e. not manufacture, sell, distribute, dispense, or provide alcohol to any employee while either or both are on duty;

f. notify the supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of county equipment; and

g. notify the employee's supervisor of any criminal drug statute arrest or conviction no later than five calendar days after such arrest or conviction.

V. Management Responsibilities and Guidelines

a. Managers and supervisors are responsible for reasonable enforcement of this policy.

b Except as otherwise lawfully permitted (e.g. search required for entering a secured facility), no persons shall physically search the person of employees, or shall they search the personal possession of employees without the freely given consent of, and in the presence of, the employee.

c. Managers and supervisors shall notify agency/department head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the county. If the agency/department head or designee concurs that there is reasonable suspicion of illegal drug possession, the agency/department head or designee shall notify the appropriate law enforcement agency.

VI. Distribution

A copy of this policy was provided to every employee of the County of Riverside upon its adoption and shall be provided to each new employee hired on or after September 1, 1989.

VII. Supersession

This policy shall supersede any previous drug and alcohol policy of the county of Riverside. However, the provisions of this policy are not intended to, nor is this policy to be construed to supersede the drug and/or alcohol policy and/or general orders of any agency/department of the county.

Reference:
Minute Order dated 07/10/75
Minute Order 3.126b of 08/29/89
Minute Order 3.10 of 02/26/91
Minute Order 3.3 of 04/10/07

COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS' POLICY

Subject:	Policy Number
ALCOHOL AND DRUG ABUSE POLICY	C-10

ACKNOWLEDGEMENT OF COUNTY OF RIVERSIDE DRUG AND ALCOHOL ABUSE POLICY

I have received a copy and am fully aware of the County of Riverside's Drug and Alcohol policy and I agree to abide by the terms of this policy. I also agree to remain apprised of future revisions to this policy and to abide by the terms of such revisions.

Employee Name: _____

Employee Signature: _____

Date: _____

This form shall be retained in department files.

SAL.pdf

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CONFIDENTIAL

SHERIFF'S ADMINISTRATIVE LOG

DATE:

STATION:

PERSON REPORTING:

SUMMARY OF SIGNIFICANT INCIDENT(S):

TOTAL CALLS FOR SERVICE: (city/county)

Use Of Force Card Revision 07-16-20.pdf

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Objectively Reasonable Use of Force

Officers are permitted to use that force which is objectively reasonable under the totality of the circumstances known at the time.

OFFICER / SUBJECT FACTORS

Compliant → Passive / Non-Compliant → Active Resistance → Assaultive → Life-Threatening

OFFICER RESPONSE

DEADLY FORCE

INTERMEDIATE FORCE – Significant Risk of Injury

(e.g. OC/CS, PepperBall, Impact Weapons, Sting Ball, Personal Body Weapons, Conducted Energy Applications)

NON-DEADLY FORCE – Minimum Risk of Injury

(e.g. Firm Grip, POA, Pressure Points, Joint Locks, Take Downs, Control Holds)

Command Presence – Verbal Commands – TacComm / De-Escalation Techniques

Revised July 16, 2020

"3" Levels of Force

Deadly Force

Intermediate Force

Non-Deadly Force

"8" Officer Subject Factors

Prior contacts

Number of Officers vs. Subjects

Age, Size, Relative Strength

Special Knowledge / Skills

Injury / Exhaustion

Mentally Ill / Under the Influence

Environmental Factors

Proximity to Potential Weapons

$$\frac{TOC}{OR} = 835^2$$

"5" Use of Force When:

Effect an Arrest

Overcome Resistance

Prevent Escape

Defense of Self

Defense of Others

"5" Graham Factors

Immediate Threat to Officers or Others

Active Resistance

Split-Second Decisions

Severity of the Crime

Attempting to Evade / Escape

Constitutional Law Crate ©

AB481 Military Equipment LIst 01-12-22.pdf

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- **Unmanned, remotely piloted powered aerial or ground vehicles**
  - Search and locate reported missing children or at-risk adults
  - Search and Rescue Operations to locate lost or Injured hikers
  - A law enforcement specific application involving Aerial DRONES are used for open terrain or large field searches as a force-multiplier to assist in high-risk apprehensions of armed or violent suspects. Aerial drones can be used as an interior search tool to locate suspects barricaded inside a residence or commercial structure. Larger DRONE platforms are deployed by the Sheriff's Department Unmanned Aerial Surveillance Team
  - A tracked armored vehicle remotely piloted for use in explosive ordinance disposal
  - Unmanned robotics have numerous applications. Robotics are used instead of personnel in high-risk environments to increase safety for law enforcement

- **Mine-Resistant Ambush Protected (MRAP) vehicle**
  - The MRAP is a large ballistic armored rescue vehicle which can be used for a number of critical situations. It can be deployed for aid during search warrant services as well as rescue missions to include civilians, officers, and hostage situations with seating for 10 adults
  - The MRAP, though the County is fortunate to have good southern California weather, is primarily used in open desert areas, however, it can be used in any dangerous weather condition with the ability of extreme off-road capabilities. The MRAP is also used for large parcel outdoor illegal marijuana grow enforcement. The MRAP has 4X4 capability and able to transport or evacuate victims in a flood, fire or other natural disaster. Operation requires a Class "B" driver's license

- **Armored Vehicles**
  - Inventory includes four (4) LENCO Ballistic Engineered Armored Response Counter-Attack Trucks (BEAR-CATS). The BEAR-CATS, or Rescue Vehicles, are primarily used during high-risk tactical enforcement operations, officer rescues, and vehicle borne interventions. Additional deployments are used during criminal unrest and riots. Rescue vehicles provide ballistic safety during containment and apprehension of armed violent suspects
  - Rescue vehicle for on-campus active shooter incidents to rescue injured victims
  - 4X4 capability to transport or evacuate victims in a flood, fire or other natural disaster
  - BOMB-CAT bullet resistant rescue vehicle provisioned with a front mounted Water Cannon. BOMB-CAT use is for tactical operations and explosive ordinance mitigation and fire suppression
  - Rescue vehicles provide numerous safety capabilities for law enforcement, victim rescues, and overall community safety

- **Vehicles with Breaching or Entry apparatus attachable**
  - BEAR-CAT vehicles have attachable metal booms that can be used for breaching structures, fences, or ramming objects during high-risk incidents, to include active shooter incidents on school ground or buildings
  - TAC-CAT vehicle - A tracked bullet resistant caterpillar tractor driven and deployed during high-risk and tactical operations with various hydraulic boom attachments including claw, chemical agent dispersal box and ram extension

- **Non-handheld battering rams, slugs, and breaching apparatuses that are explosive in nature**
  - Explosive breaching tools
  - Avon frangible shotgun ammunition is used to breach doors and points of entry on fortified doors or structures. The rounds are used to impact door hinges, doorknobs and locks

- **Assault Weapons defined under PC 30510 & PC 30515**
  - Inventory includes AR style rifles that function at full and semi-automatic capability (fully automatic rifles are only assigned to SWAT personnel)
  - Semi-automatic Benelli shotguns
  - Increased accuracy and precision at long range distances
  - Currently used by most law enforcement agencies across the nation

- **Flashbang grenades and explosive breaching tools**
  - Light Sound Diversionary Device (LSDD-"Flashbangs") are diversionary devices used to minimize risk to all parties through the temporary distraction or disorientation of armed and violent suspects that pose significant danger to the deputies and community. The effects of the LSDD reduce a suspect's reactionary capabilities and allow for momentary disorientation which creates a tactical advantage. LSDD is a hand delivered device and generally deployed on the exterior of structures
  - Provides a humane fright of aggressive dogs that pose a threat to deputies
  - Explosive breaching tools are used to breach fortified structures to establish a point of entry. Explosive charges are fashioned to produce little to no fragmentation at the time of detonation. Explosive breaching effectively reduces the time spent overcoming a fortified door or structure. The reduction in time mitigating a hardened structure increasing officer safety and the element of surprise. Blast injuries are reduced by using low yield explosives that mechanically overcome door frames and locking mechanisms. Explosive breaching mandates extensive schooling and certification processes

- **Tear Gas**
  - Chemical agents are deployed through various means to include hand delivery and weapon launchable, such as pepper ball. Munitions are either 37mm or 40mm caliber, shotgun ferret rounds or cannister shotgun launched ordinance. Hand delivered chemical agents are placed in metal burn boxes to reduce fire hazards

- **Water Cannon**
  - The BOMB-CAT bullet resistant Rescue vehicle provisioned with a front mounted Water Cannon. BOMB-CAT use is for tactical operations and explosive ordinance mitigation and fire suppression

- **Long Range Acoustic Device (LRAD)**
  - LRAD is an acoustic hailing device used for emitting amplified public announcements during search warrant services, barricaded suspects, or tactical operations. The loud audible technology ensures broadcasted announcements are loud and clear while offering advantages over less amplified patrol car PA systems. The LRAD can also be used for public announcements or safety advisements during natural disasters or evacuations
  - The larger LRAD 1000 system is portable and can be used for criminal unrest and rioting to provide clear dispersal orders for unlawful assembly

- **Command and Control Vehicles built or modified to facilitate the operational control and direction of public safety units**
    - Command vehicles are built in various platforms to include ½ ton pickup chassis, vans, trailers, and RV style configurations. Vehicles are built to better assist in command and control during law enforcement operations, natural disasters, and public safety issues. Vehicles are designed with additional communication abilities, computers, white boards, lightening, generators, and mission essential supplies

- **40mm projectile launchers**
    - Less lethal 40mm launchers and rubber projectile munitions- Munitions are configured for high and low energy impact. Munitions have the additional benefit as a barrier round for breaking vehicle and residential glass so that chemical munitions can be deployed. 40mm less lethal has been effective in disarming violent suspects, armed suspects, and subjects who are suicidal with minimal injury and risk to the person, law enforcement or the public

- **Bean Bag Launchers**
    - Less lethal bean bag is utilized through a marked/orange colored easily identifiable less lethal shotgun. The bean bag round is a small led pellet filled munition made of high-density cloth. Bean bag is the predecessor to 40mm less lethal having similar benefits as other less lethal platforms

- **Rubber Projectile launchers**
    - Sting ball grenade launches .38 caliber rubber projectiles and are hand delivered. Generalized use in a tactical operation is infrequent in use and deployment. Search warrants, violent combative subjects, or hostage rescue scenarios are criteria for consideration and use against suspects. Sting balls have a greater application in a Jail Corrections Environment
    - 40mm and 37mm launchers capable of deploying rubber projectile munitions. An effective less lethal tool used routinely with success

NOI TEMPLATE (2).pdf

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OpsPackage.pdf

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Chemical Agent Warning Form 465.pdf

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WARNING

NOTICE OF CHEMICAL AGENT ON PROPERTY

During a tactical operation, the Riverside County Sheriff's Department deployed chemical agent (commonly referred to as tear gas) on the property located at:

_____

The Riverside County Sheriff's Department is not responsible for cleaning up the chemical agent left on the property. Private biohazard/crime scene clean up companies are available to clean the property at your expense.

Some chemical agent generally remains on the property until the property is cleaned and/or sufficiently ventilated. Anyone going close to or entering the property may experience effects from the chemical agent. The agent(s) marked below were used on this property. Some potential effects of each agent are also listed below.

_____ Orthochlorobenzalmalononitrile (commonly known as CS)

Possible Effects:

- Irritation of nose, throat and lungs
- Difficulty breathing, tightness in chest, coughing
- Profuse tearing, involuntary closure of the eyes
- Nasal drip, excess salivation
- Stinging sensation on exposed skin
- Exposure to high concentrations of CS for a relatively long period of time can pose health risks

_____ Oleoresin Capsicum (commonly known as OC)

Possible Effects:

- Involuntary eye closure
- Shortness of breath, difficulty breathing
- Gagging sensation, coughing
- Burning sensation in eyes, lungs and skin
- Exposed skin inflammation

If you need further information, you can contact Riverside County Sheriff's Department Communications Center at 1-800-950-2444, (951) 776-1099 or (760) 836-3215.

RFQ and RFP Request Form (formal bids).pdf

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RFQ and RFP Request Form

Information				
Requester Name/Station/Bureau:				
Contact Phone Number:				
Funding Source (General Fund, Asset Forfeiture, Subfund, Grant)				
What are you requesting?	Goods ☐	Service ☐	Both ☐	
Period of Performance	***One Time***	***Ongoing***		
Purchase of Good	☐	☐	If ongoing, how many years: (max 5 years)	
Service Requested	☐	☐		
Delivery Information	Address:		Hours of Operation:	Attention to:

Purpose	
Why do you require this service/good?	

Description of Good/Service		
Goods: Please provide a complete description of the good (specifications, measurements, functionality, necessary capabilities, etc) ***If pictures are available please attach**		
Do the goods being purchased require installation?	**Yes** ☐	**No** ☐
If YES, please provide location(s) and address(s)		
Service: Please provide a full description of the scope of work to be performed. Include any special requirements / certifications		
Does Service require a site visit?	**Yes** ☐	**No** ☐

RFQ and RFP Request Form

If YES, please provide site visit location(s) and address(s)				
Are you replacing an existing Asset? If YES, please provide the Asset# and/or WASP#				
Timeline				
	Daily	*Bi-Weekly*	*Monthly*	*Other*
Frequency of Service to be rendered	☐	☐	☐	☐
Budget				
What do you anticipate to spend and fund allocation?	$			
Do you anticipate monthly charges?	**Yes** ☐		**No** ☐	
If YES, how much do you anticipate?	$ /month			
Possible Vendors				
If possible, please provide a list of possible vendors to contact: (If more space is needed please attach a separate sheet to this form)	1.		Tel: Email:	
	2.		Tel: Email:	
	3.		Tel: Email:	
Supervisor Approval				
Signature:			**Date:**	

*Please attach any additional information that may help better prepare the scope of work for your RFP or RFQ

****Please allow Sheriff Purchasing 5-7 business days to review your request.**

SHERIFF PURCHASING USE ONLY

Assigned to:

Date Assigned:

Target Due Date:

1st Draft Submitted:

Final Draft Submitted:

Bid Release Date:

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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(Sample of Blue Special Needs Envelope).pdf

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Sheriff Purchasing Flow Chart.pdf

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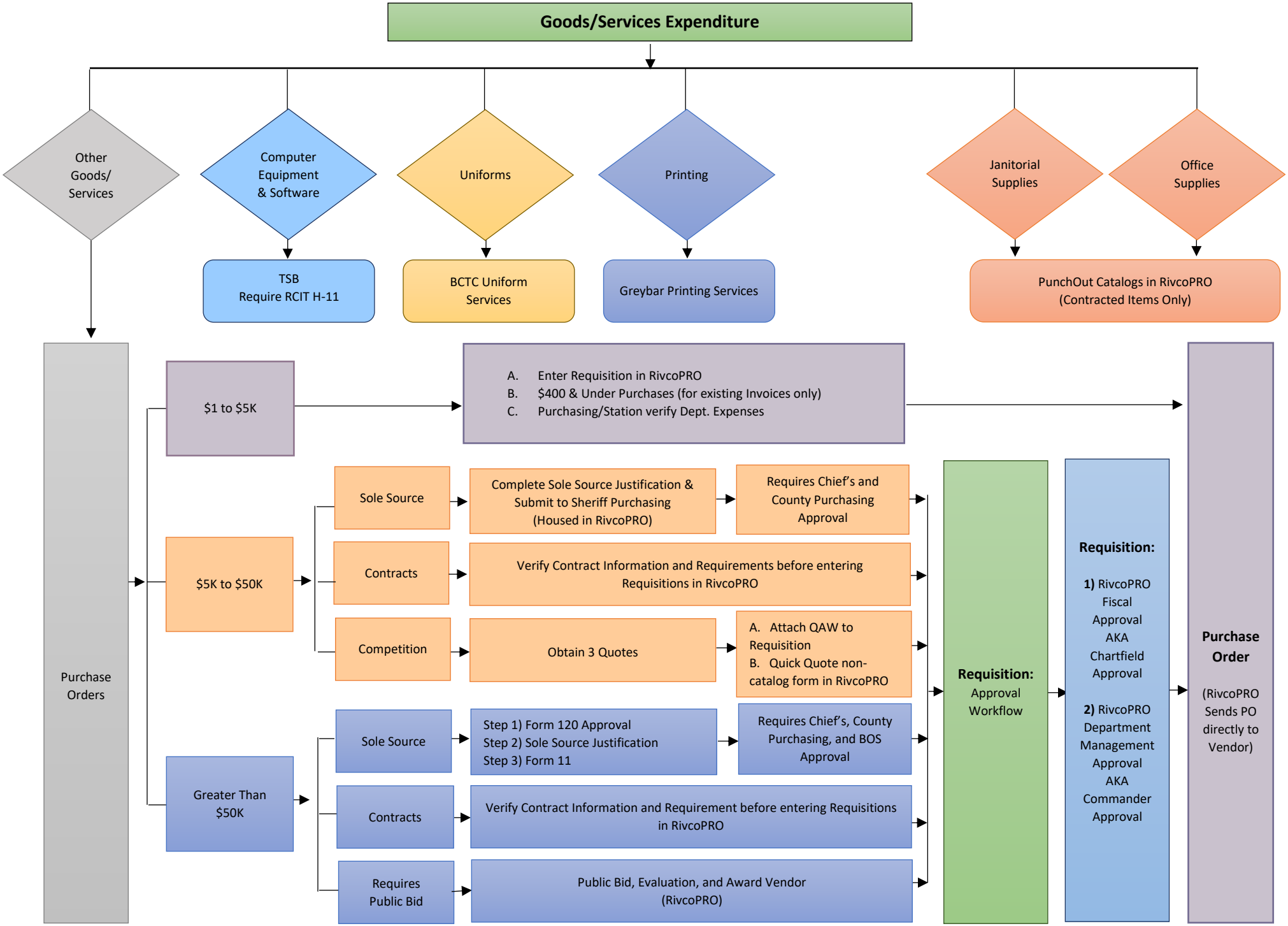
PURCHASING PROCESS FLOW CHART



RivcoPRO Blanket PO Request Form.pdf

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Blanket PO Request Form

Information				
Requester Name/Station/Bureau:				
Vendor Name			Vendor ID	
Type of Blanket PO	Goods ☐	Service ☐	Both ☐	
Period of Performance (Cannot overlap fiscal years)	***Monthly***	***Quarterly***	***Yearly***	
	☐	☐	☐	
Requested Amount: Goods	$	$	$	
Requested Amount: Services	$	$	$	
Accounting String	**Account No.**	**Fund**	**Department ID**	**Project Code**
Procurement	*Contract #*	*SSJ #*	*Form 11*	*Other*

Blanket Description	
Goods	**Services**

Blanket PO Justification	
Why do you require a blanket Purchase order? (e.g. high volume of invoices, achieve discount period...etc.)	

Supervisor/Manager Approval		
Signature:		**Date:**

In order for the purchasing department to approve your request, please attach any additional information that supports your request. Allow Sheriff Purchasing 5-10 business days to review your request.

SHERIFF PURCHASING USE ONLY

Purchasing Agent Assigned to: **Date Assigned:**

Expenses associated with FY	Blanket PO Number	BL PO Expiration Date:

Purchasing Supervisor Approval		
Signature:		**Date:**

NOTIFICATION TEMPLATE.pdf

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RivcoPRO Shopping Catalog and Forms Quick Reference Guide.pdf

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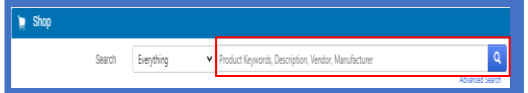
QUICK REFERENCE GUIDE

RIVCOPRO SHOPPING METHODS EXPLAINED

Hosted Catalogs

- Shopping is done within RivcoPRO
- Used to place **NEW** purchases for contracted goods or services ONLY
- Product search will be performed in all Hosted Catalogs available in RivcoPRO:



- Only items that have a set pricing can be selected (price cannot be changed)
- The vendor's email cannot be changed as the option to change the vendor's distribution method will not display
- The purchase order will be automatically dispatched to the vendor
- A goods receipt will be required for tangible items (PO type should be **REGG** 3-way match)
- Service items will not require a receipt (PO type should be **REGS** 2-way match)
- The purchase order will **Not** generate an **Automated Invoice**
- The user must submit new invoices and notify A/P through the comments tab within the purchase order once the invoice is available and ready for payment

PunchOut Catalog

- Shopping is done through an external link to a suppliers website: (**Refer to the Marketplace Catalogs showcase within the Shopping Dashboard for a list of vendors**)

- Similar experience to online shopping
- Used to place **NEW** purchases for goods only
- Will contain contracted and non-contracted items (**3 competitive quotes required for non-contracted items**)
- The vendor's email cannot be changed as the option to change the vendor's distribution method will not display
- The purchase order will be automatically dispatched to the vendor
- A goods receipt will be required for tangible items (PO type should be **REGG** 3-way match)
- The purchase order will generate an **Automated Invoice** entry
- A/P will receive an **automatic notification** when the invoice is auto generated

Non-Catalog Item

- Shopping is done within RivcoPRO:

- Used to place purchases for contracted and non-contracted goods and services (**3 competitive quotes required for non-contracted items**)
- Manual entry of items
- Multiple items can be added to the same cart by clicking on **"Save and Add Another"** within the form: Save and Add Another
- Awarded contracts can be added to the cart
- The vendor's email can be changed by clicking on the **"Distribution Methods"** hyperlink within the form. **Note:** the email field cannot be left empty: Distribution Methods
- The purchase order will be automatically dispatched to the vendor
- A goods receipt will be required for tangible items (PO type should be **REGG** 3-way match)
- Service items will not require a receipt (PO type should be **REGS** 2-way match)
- The purchase order will **Not** generate an **Automated Invoice** entry
- The user must submit new invoices and notify A/P through the comments tab within the purchase order once the invoice is available and ready for payment

QUICK REFERENCE GUIDE

RIVCOPRO SHOPPING METHODS EXPLAINED

Service Forms

Service Related

- Shopping is done within RivcoPRO
- Used to place purchases for contracted and non-contracted services only (**3 competitive quotes required for non-contracted items**)
- Manual entry of items
- Multiple items can be added to the same cart by referring to **"Avaliable Actions"** wtihin the form, clicking on the drop-down menu and selecting: Add to Cart and Return Go
- Awarded contracts can be added to the cart
- The vendor's email can be changed by clicking on the **"Distribution Methods"** hyperlink within the form. **Note** the email field cannot be left empty: Distribution Methods
- The purchase order will be automatically dispatched to the vendor
- Service items will not require a receipt (PO type should be **REGS** 2-way match)
- The purchase order will **Not** generate an **Automated Invoice** entry
- The user must notify A/P through the comments tab within the purchase order once the invoice is available and ready for payment

After the Fact Form

After the Fact Invoice

- Shopping is done within RivcoPRO
- Used to process unapproved obligation to purchase goods or services (**emergency purchases ONLY**)
- Prior Justification and approval is required
- **Should not be processed for catalog suppliers**
- Manual entry of items
- The vendor's email cannot be changed as the option to change the vendor's distribution method will not display
- The purchase order will **Not** be automatically dispatched to the vendor
- A goods receipt will **Not** be required for goods/services they will be considered Auto-received.
- Will generate an **Automated Invoice** entry
- A/P will receive an **Automatic Notification** when the invoice is auto generated
- Purchases are **Not** to exceed $5,000 per Vendor yearly.

$400 & Under Purchases

$400 & Under Purchases

- Shopping is done within RivcoPRO
- Used to place purchases under $400 of **non-contracted goods/services ONLY**
- **Should not be processed for catalog suppliers**
- Manual entry of items
- An official vendor invoice must be attached to this form, quotes /proposals and other documents will not be accepted for payment processing
- The vendor's email cannot be changed as the option to change the vendor's distribution method will not display
- The purchase order will **Not** be automatically dispatched to the vendor
- A goods receipt will **Not** be required for goods/services they will be considered Auto-received.
- Will generate an **Automated Invoice** entry
- A/P will receive an **Automatic Notification** when the invoice is auto generated
- Purchases are **Not** to exceed $5,000 per Vendor yearly.

Start your shopping experience by clicking on the hyperlink: **https://solutions.sciquest.com/apps/Router/SAMLAuth/Riverside**

RivcoPRO Training Videos Available Here: **RivcoPRO Training Videos**

Hate Crime Checklist.pdf

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HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

BIAS

Type of Bias
(Check all characteristics that apply):

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you? ☐ Yes ☐ No

Has suspect ever harmed you? ☐ Yes ☐ No

Does suspect possess or have access to a firearm? ☐ Yes ☐ No

Are you afraid for your safety? ☐ Yes ☐ No

Do you have any other information that may be helpful? ☐ Yes ☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

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Assault Weapon Purchase Flowchart 061022.pdf

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Blue Envelope Program (sample envelope).pdf

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NOI TEMPLATE.pdf

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Riverside County Sheriff
NOTICE OF INCIDENT (NOI)

1. Date / Time:

2. File number:

3. Location:

4. Reporting Party / Victim / Other name(s):

5. Suspect name / age:
   a) Weapon:
   b) Injuries:

6. Agency(s) bureau involved:

7. Details: (Max five lines of text)

8. Investigative Plan of Action: (Max three lines of text)

9. Supervisor name and cell #:

NOI TEMPLATE EMPLOYEE.pdf

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Riverside County Sheriff
NOTICE OF INCIDENT (NOI) – Employee Injury

1. Name, rank and Sheriff ID # :

2. Station or Bureau and assignment :

3. Location of Incident :

4. Details: (max five lines of text)

5. Plan of Action: (max three lines of text)

Ride Along Application-Form 213-701.pdf

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Riverside County Sheriff's Department

Chad Bianco, Sheriff

RIDE-ALONG APPLICATION

Application # RAA _____

Application # will be automatically generated in Patrol Tracker

Applicant's Full Name	Date of Birth	☐ Male ☐ Female	Date of Application

Applicant's Complete Address	Phone Number	Date & Time of Participation

Applicant's Occupation (if student, Name of School)	Education Level	Driver's License No.	State of Issuance

Next of Kin to be contacted in case of emergency	Telephone Number	Alternative Contact No. or Email Address

Doctor or Medical Facility (Name & Address)	Type of personal accident insurance

1. Have you ever been arrested for a criminal offense other than minor traffic offenses? ☐ NO ☐ YES If yes, please explain:

2. Have you had any contact with the criminal justice system? ☐ NO ☐ YES If yes, please explain:

3. What are your reasons for requesting participation at this time?

APPROVAL FOR RIDE-ALONG OR DIRECT LAW ENFORCEMENT EXPERIENCE

☐ Approved ☐ Disapproved

Reason for Disapproval:

_____ Station Commander Signature

_____ Watch Commander Signature

Assigned to:

To be completed by employee assigned. Please print or type information.

Describe any significant crimes or problems you and your observer became involved in:

Number of hours observer remained: Did observer interfere with your duties: ☐ NO ☐ YES

If YES explain:

Employee Signature _____

AGREEMENT ASSUMING RISK OF DEATH, INJURY OR DAMAGE
WAIVER AND RELEASE OF CLAIMS

As used in this agreement, the term ''law enforcement department'' shall include the Sheriff's Department of Riverside County and the Police Departments of the cities within Riverside County. The term ''county'' shall refer to Riverside County and the term ''city'' shall refer to every city within Riverside County as appropriate. (*Initials* _____)

WHEREAS, the undersigned (*and parent or legal guardian if applicant is under the age of eighteen*) while not being a member, employee, or agent of any law enforcement agency, has made a voluntary written request for permission to ride as a guest or observer in a law enforcement department vehicle at a time when such vehicle is operated and manned by members of said law enforcement department and has further requested permission to accompany members of said law enforcement department during the active performance of their official duties as Sheriff's Deputies; and that the undersigned agrees to not interfere with any law enforcement duty unless requested to do so in an emergency. I understand, audio/video recording of any portion of the ride along is strictly prohibited without expressed permission from the Department. (*Initials* _____)

WHEREAS, the undersigned acknowledges that the work and activities of said law enforcement department are inherently dangerous involving possible risk of death, injury, damage, expense or loss to person and property and further agrees that the said law enforcement department did not take the initiative in extending an invitation to ride or accompany its members. (*Initials* _____)

WHEREAS, sworn employees' of another agency, from this state or another, must be in possession of their full peace-officer powers to participate in a ride-along. Be it understood, the undersigned is to be riding in an off-duty capacity throughout the duration of the ride-along. No law enforcement is to be conducted by the undersigned, and no concealed weapon will be displayed unless it is during a life-threatening emergency for the protection of human life or the prevention of bodily injury. (*Initials* _____)

NOW, THEREFORE, be it understood that the undersigned and his/her parent or guardian *(if applicable)* hereby agree that the city, the county, the law enforcement department, any member of a law enforcement department, the driver or owner of any automobile owned or operated by, or in the service of the city or county, their sureties, and each of them shall <u>not</u> be held liable or responsible under any circumstances whatsoever by the undersigned, his estate or heirs of any injury, damage, expenses or loss to their person or property of the undersigned incurred while riding as a guest or observer in any law enforcement department vehicle or while accompanying a member of said department during the active performance of their official duties as a peace officer. (*Initials* _____)

READ AND INITIAL EACH SECTION IN THIS DOCUMENT BEFORE SIGNING BELOW

Applicant signature _____ Date _____

Applicant name printed _____

Parent signature if applicant is a minor _____ Date _____

Parent name printed _____

Address _____ Phone _____

After the ride-along, please use the space below to tell us about your experience and opinions.

_____

_____

_____

_____

_____

_____

NOTIFICATION TEMPLATE EMPLOYEE.pdf

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Statutes and Legal Requirements.pdf

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Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

BCIA 8371_ARRC.pdf

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STATE OF CALIFORNIA
BCIA 8371
(Orig. 5/02; Rev. 3/09)

ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC) DATA COLLECTION WORKSHEET

ADMINISTRATION

Preparer's Name	Telephone Number	
Agency	NCIC Number	Date

INCIDENT INFORMATION

Occurrence Date	Time	Crime Case Number	Total Number of Individual Victims	Total Number of Property Victims

ARRC Offenses(s)

	Statute (Code Section)	Literal	Level (M/F)	Number of Victims/Property
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Location Type (*check one*)

- ☐ Public Health Facility
- ☐ Private Health Facility
- ☐ Commercial/Office Building
- ☐ Government/Public Building
- ☐ Parking Lot/Garage
- ☐ Residence/Home/Driveway
- ☐ Religious Facility
- ☐ School/College
- ☐ Other _____

If Weapon Involved, Check Type (*up to 3*)

- ☐ Firearm (type unknown)
- ☐ Handgun
- ☐ Rifle
- ☐ Shotgun
- ☐ Other Firearm (machine gun, bazooka, etc.)
- ☐ Knife/Cutting Instrument (ax, ice pick, screwdriver, switchblade, etc.)
- ☐ Blunt Object (club, hammer, etc.)
- ☐ Motor Vehicle (when used as a weapon)
- ☐ Personal Weapons (hands, fists, feet, etc.)
- ☐ Poison
- ☐ Explosives
- ☐ Fire/Incendiary Device
- ☐ Drugs/Narcotics
- ☐ Asphyxiation (by drowning, strangulation, suffocation, gas, etc.)
- ☐ Unknown
- ☐ Other _____

VICTIM INFORMATION

	Race	Sex	Date of Birth	Victim Type	Victim Of (*refer to statute list above*)
V1		☐ M ☐ F			☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10
V2		☐ M ☐ F			☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10
V3		☐ M ☐ F			☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10
V4		☐ M ☐ F			☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10
V5		☐ M ☐ F			☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10

ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC) DATA COLLECTION WORKSHEET

PROPERTY

Property Type	Type of Loss or Damage	Quantity	Value
	☐ None ☐ Burned ☐ Destroyed/Damaged/Vandalized ☐ Stolen		
Property Description or Property Category Code			
Property Type	Type of Loss or Damage	Quantity	Value
	☐ None ☐ Burned ☐ Destroyed/Damaged/Vandalized ☐ Stolen		
Property Description or Property Category Code			
Property Type	Type of Loss or Damage	Quantity	Value
	☐ None ☐ Burned ☐ Destroyed/Damaged/Vandalized ☐ Stolen		
Property Description or Property Category Code			

SUSPECT INFORMATION

	Race	Sex	Date of Birth or Age
S1		☐ M ☐ F ☐ Unknown	
S2		☐ M ☐ F ☐ Unknown	
S3		☐ M ☐ F ☐ Unknown	
S4		☐ M ☐ F ☐ Unknown	
S5		☐ M ☐ F ☐ Unknown	

LEGEND

RACE/ETHNICITY CODES

A - Other Asian
B - Black
C - Chinese
D - Cambodian
F - Filipino
G - Guamanian
H - Hispanic
I - American Indian
J - Japanese
K - Korean
L - Laotian
O - Other
P - Pacific Islander
S - Samoan
U - Hawaiian
V - Vietnamese
W - White
Z - Asian Indian
X - Unknown

VICTIM TYPE CODES

IC - Individual Client
IE - Individual Employee
IO - Individual Other

PROPERTY TYPE CODES

B - Business
G - Government
H - Health Facility
OE - Other Entity
R - Religious Organization

PROPERTY CATEGORY CODES

1 - Automobiles
2 - Bicycles
3 - Buses
4 - Clothes/Furs
5 - Computer Hardware/Software
6 - Office-type Equipment
7 - Other Motor Vehicles
8 - Personal Items Other Than Clothing (Purses/Handbags/Wallets)
9 - Radios/TVs/VCRs/DVRs
10 - Structures - Single Occupancy Dwellings
11 - Structures - Other Dwellings
12 - Structures - Other Commercial/Business
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15 - Other

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