



POLICY MANUAL

San Mateo County Sheriff's Office

Policies

POLICY STATEMENT

The San Mateo County Sheriff's Office Policy Manual provides the framework for performing our law enforcement mission. The policies contained herein have been established to reflect the ever-changing evolution of legal and 21st Century policing principles. These policies, coupled with professional training, provide you with the tools to carry out your responsibilities. Utilizing our core values of Commitment, Integrity, and Compassion, we are responsible for providing outstanding customer service to our community in a professional and ethical manner. All members of the San Mateo County Sheriff's Office are held to the highest standards by both the Sheriff and community members we serve.

The Professional Standards Bureau will ensure the Policy Manual is updated in a timely manner and maintain a record as policies are deleted, superseded or revised. Employees shall utilize this manual coupled with the Lexipol Daily Training Bulletins (DTB's) to stay up to date and knowledgeable on the policies of this Office.

CARLOS G. BOLANOS, SHERIFF

January 1, 2019

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LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; 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 to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will 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 both in my personal and official life, I will be exemplary in obeying the law 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, political beliefs, aspirations, 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION STATEMENT

The San Mateo County Sheriff's Office protects life and property and preserves the public peace. The Sheriff Office enforces State laws and County ordinances, prevents crime, apprehends criminals, cares for incarcerated prisoners, processes civil actions and provides security to the courts. The Sheriff's Office is committed to providing the highest level of professional law enforcement service in the most efficient and cost effective manner possible. All Sheriff's Office employees will strive to accomplish this mission in the performance of their duties.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the San Mateo County Sheriff's Office to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Sworn members of the San Mateo County Sheriff's Office are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

100.2.1 DELIVERY TO NEAREST MAGISTRATE

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

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SAN MATEO COUNTY SHERIFF'S OFFICE

The arrest authority outside the jurisdiction of the San Mateo County Sheriff's Office 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.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SAN MATEO COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the San Mateo 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 deputy and

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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 in the presence of the deputy such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

100.2.4 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:
 - (a) A misdemeanor committed in the presence of the deputy.
 - (b) 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.

100.3 POLICY

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

While the San Mateo County Sheriff's Office 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. The San Mateo County Sheriff's Office does not tolerate the abuse of law enforcement authority.

100.4 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.
- (b) When a deputy 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).

100.4.1 INTERSTATE PEACE OFFICER POWERS ENTERING CALIFORNIA

Peace officers of another state who enter the State of California in fresh pursuit to arrest a person who has committed a felony in the other state have the same authority to arrest and hold in custody

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such person as a peace officers of this state have to arrest and hold a person in custody (Penal Code § 852.2).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

100.6 OTHER AUTHORITY

The Sheriff is the chief law enforcement officer in the County. The Sheriff's duties are defined in various provisions of state law, including but not limited to the California Government Code §§26600 et seq. These duties shall be the preservation of peace, the arrest of violators, the prevention and suppression of affrays, breaches of the peace, riots or insurrections, and investigation of public offenses. In addition, the Sheriff has been designated as the San Mateo Superior Court Security Officer, and in that capacity shall attend all sessions of the County Superior Courts and is represented in this duty by the various bailiffs. The Sheriff may command the aid of citizens to assist when necessary. The Sheriff is required by the Government Code to maintain a county jail and to furnish proper custodial care for all prisoners incarcerated in the jail. It shall be the duty of the Sheriff to serve all orders of the courts in compliance with the Government Code.

The Government Code provides the Sheriff the privilege of appointing deputies to assist in the prompt and faithful discharge of the duties of the Office. Further, in California law, the Penal Code defines those persons who shall be considered peace officers, and among those in the definition are the Sheriff, Undersheriff, Assistant Sheriff and Deputy Sheriffs, all of whom are regularly employed and paid as such by the county.

Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 SHERIFF CANDIDATE REQUIREMENTS

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

Oath of Office

102.1 PURPOSE AND SCOPE

Deputies of this Office are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

102.1.1 OATH OF OFFICE

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

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

102.2 MAINTENANCE OF RECORDS

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

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the San Mateo County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this Office. All members are to conform to the provisions of this manual.

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

103.1.1 DISCLAIMER

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.2.2 STAFF DESIGNATIONS

Executive Staff:

- Sheriff
- Undersheriff

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- Assistant Sheriff - Operations
- Assistant Sheriff - Administrations & Support Services
- Assistant Sheriff - Corrections

Command Staff:

- Captains
- Civilian Directors

Management Staff:

- Lieutenants
- Civilian Managers

The Executive, Command and Management Staff members shall be responsible for the review of all recommendations regarding proposed changes to the Policy Manual.

103.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

Area Command - A major functional area within a Division managed by a Captain.

Bureau - A subordinate organizational section within the Area Command.

Bureau Commander - Shall mean a Lieutenant or manager in charge of a bureau.

CCR - California Code of Regulations (Example: 15 CCR 1151).

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of San Mateo County.

Civilian - Employees and volunteers who are not sworn peace officers.

Deputy /Sworn Personnel - Those employees, regardless of rank, who are sworn peace officers of the San Mateo County Sheriff's Office. For the purposes of this Policy Manual only, unless otherwise stated, the terms "Deputy" and "Correctional Officer" shall be synonymous.

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Detail - One or more deputies assigned to a specific function within a unit.

DMV - The Department of Motor Vehicles.

Division - A major functional section within the Office.

Division Commander - Shall mean a Captain or Director in charge of a division.

Employee - Any person employed by the Office.

Genders - The masculine gender includes the feminine when applicable.

Juvenile- Any person under the age of 18 years.

Manual - The San Mateo County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the San Mateo County Sheriff's Office, including:

- Full- and part-time employees.
- Sworn peace officers.
- Reserve, auxiliary deputies.
- Correctional officers
- Civilian employees.
- Volunteers.

DeputySan Mateo County Sheriff's Office

Office /SMSO - The San Mateo County Sheriff's Office.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

PC - California Penal Code.

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

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

Rank Seniority - Is the length of service in rank.

Rules and Regulations - Shall include this manual and all Special Orders. It shall also include any applicable Civil Service regulations.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

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Special Order - A written order issued by the Sheriff that establishes a principle, policy or procedure concerning a given subject. A Special Order is effective until revoked, replaced by a subsequent order, or incorporated into the manual.

Supervisor - Is an employee of the Sheriff's Office assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

Superior Officers - Are officers of higher rank.

Team - A subordinate group of deputies / correctional officers assigned to a specific function within a bureau or a unit.

Unit - One or more deputies assigned to a specific function within a bureau or a unit.

USC - United States Code.

103.4.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

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

103.5 ISSUING THE POLICY MANUAL

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

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

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Each Assistant Sheriff will ensure that members under his/her command are aware of any Policy Manual revision.

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Assistant Sheriffs, who will consider the recommendations and forward them to the command staff as appropriate.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this San Mateo County Sheriff's Office is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Sheriff is responsible for administering and managing the following Divisions:

- Administration and Support Services Division
- Operations Division
- Corrections Division

200.2.1 ADMINISTRATION AND SUPPORT SERVICES DIVISION

The Administration and Support Services Division is commanded by an Assistant Sheriff whose primary responsibility is to provide general management, direction and control of the following bureaus and units:

- Fiscal Services Bureau
 - Civil Support Unit
 - Contracts & Grants
 - Fiscal Unit
- Forensic Laboratory
- Hospital Security Bureau
- Professional Standards Bureau
 - Internal Affairs
 - Payroll Unit
 - Range
 - Recruiting & Hiring Unit
 - Training Unit
- Property / Evidence Bureau
 - Fingerprinting
- Records Bureau
- Technical Services Unit

Each bureau is commanded by a Lieutenant or civilian director or manager.

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Organizational Structure and Responsibility

200.2.2 OPERATIONS DIVISION

The Operations Division is commanded by an Assistant Sheriff whose primary responsibility is to provide general management, direction and control of the following bureaus and units:

- Coastside Field Operations Area Command
 - Half Moon Bay Police Bureau
 - Unincorporated areas west Highway 35
- Headquarters Field Operations Area Command
 - Community Alliance to Revitalize Our Neighborhood (CARON)
 - Headquarters Patrol Bureau
 - School Resource Unit
 - Town of Portola Valley
 - Town of Woodside
 - Unincorporated areas south of State Highway 92
- Homeland Security
 - Countywide Security Unit
 - Emergency Services Bureau
 - Office of Emergency Services
- Investigations Bureau
 - Cold Case Unit
 - Gang Intelligence Unit
 - Investigations Unit
 - Joint Terrorism Task Force (JTTF)
 - San Francisco International Airport Investigations Unit
- Narcotics & Vehicle Theft Task Forces (NTF & VTTF)
- North County Field Operations Area Command
 - Millbrae Police Bureau
 - Transit Police Bureau
 - Unincorporated areas north of State Highway 92
- Northern California Regional Intelligence Center / High Intensity Drug Trafficking Area (NCRIC / HIDTA)
 - Terrorism Early Warning Group (TEWG)
- South County Field Operations Area Command
 - Crime Suppression Unit

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- San Carlos Police Bureau

Each bureau is commanded by a Captain, Lieutenant or civilian director.

200.2.3 CORRECTIONS DIVISION

The Corrections Division is commanded by an Assistant Sheriff whose primary responsibility is to provide general management, direction and control for the following facilities, bureaus and units:

- Maguire Correctional Facility (MCF)
 - Classification Unit
- Maple Street Correctional Center (MSCC)
 - Alternative Sentencing Bureau (ASB)
 - Program Services Bureau
- Transportation / Court Security
 - Building Security
 - Civil Enforcement Unit
 - Court Security Unit
 - Inmate Transportation Unit

Each facility is commanded by a Captain. The Transportation / Court Security Bureau is commanded by a Lieutenant.

200.2.4 ORGANIZATIONAL CHART

See the below link to the Sheriff's Office website for an organizational chart of the Sheriff's Administration: <http://www.smcsheriff.com/administration/organizational-chart>

200.3 COMMAND PROTOCOL

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

200.3.1 SUCCESSION OF COMMAND

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

- (a) Sheriff
- (b) Undersheriff
- (c) Assistant Sheriff - Corrections
- (d) Assistant Sheriff - Administration & Support Services
- (e) Assistant Sheriff - Operations
- (f) Captain/Civilian Director
- (g) Lieutenant/Civilian Manager

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- (h) Sergeant/Civilian Supervisor
- (i) Deputy/Correctional Officer/Civilian Employee

Personnel who are assigned to act in capacities above their rank will, for the duration of that assignment, possess the authority of the rank designated. All communications within the Sheriff's Office, whether moving upward or downward, will be through official channels, via the chain of command.

Nothing in this order shall prevent an employee from contacting personnel outside of the chain of command on matters of a personal nature or in an emergency.

When communications are directed to personnel more than one level above or below the initiating level, it will be forwarded through each rank in the chain of command. In communications regarding suggestions and/or recommendations traveling upward through the chain of command, each level may attach a recommendation regarding that communication.

200.3.2 UNITY OF COMMAND

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

200.3.3 ORDERS

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

Organizational Responsibility by Rank

201.1 PURPOSE AND SCOPE

The purpose of this general order is to set forth the administration and supervision levels of the San Mateo County Sheriff's Office and their responsibilities.

201.1.1 MANAGEMENT AND SUPERVISORY JOB DESCRIPTIONS

(a) **SHERIFF:**

1. The Sheriff is the chief executive officer of the Sheriff's Office and the final authority of all matters of policy, operations and discipline. The Sheriff exercises all lawful powers of his office and issues such orders as are necessary to ensure the effective performance of the Sheriff's Office.
2. Through the Sheriff, the Sheriff's Office is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. The Sheriff is responsible for planning, directing, coordinating, controlling and staffing all activities of the Sheriff's Office for its continued and efficient operation.

(b) **UNDERSHERIFF:**

1. The Undersheriff is second in command in the Office and is appointed by the Sheriff.
2. The Undersheriff is a major executive of the Sheriff's Office and commands the activities of the divisions in accordance with the policies prescribed by the Sheriff. It is the duty of the Undersheriff to aid, advise and cooperate with the Sheriff in general administrative matters and in determining matters of policy. During the Sheriff's temporary absence from duty, the Undersheriff assumes all duties and responsibilities of the Sheriff.

(c) **ASSISTANT SHERIFF(S):**

1. The Assistant Sheriff is third in command in the Office and is appointed by the Sheriff.
2. The Assistant Sheriff is a major executive of the Sheriff's Office and commands the activities of divisions in accordance with the policies prescribed by the Sheriff. It the duty of the Assistant Sheriff to aid, advise and cooperate with the Sheriff in general administrative matters and in determining matters of policy. The Assistant Sheriff assumes the responsibilities of the Sheriff when the Undersheriff and Sheriff are absent from duty.

(a) **Operations;**

1. The Assistant Sheriff of the Operations Division is responsible for Field Operations Area Commands in North County, South County, Coastside, and Headquarters; NCRIC/HIDTA; Homeland Security; Investigations; and NTF/VTTF.

(b) **Administration and Support Services:**

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Organizational Responsibility by Rank

1. The Assistant Sheriff of the Administration and Support Services Division is responsible for Finance, Technical Services, Forensic Laboratory, Professional Standards, Property / Evidence, Records, and Hospital Security Bureaus.

(c) **Corrections:**

1. The Assistant Sheriff of the Corrections Division is responsible for the Maguire Correctional Facility, Maple Street Correctional Center, and Transportation / Court Security.

(d) **CAPTAIN/CIVILIAN DIRECTOR:**

1. Captains/Civilian directors are assigned as commanding officers of an area command, bureau or facility.
2. Captains and Directors assist the Undersheriff and the Assistant Sheriff in the performance of their duties and responsibilities. Captains and Directors carry out Sheriff's Office policies; administer and supervise work; and establish procedures for their respective area commands, bureaus or facilities.

(e) **LIEUTENANT/CIVILIAN MANAGER:**

1. Lieutenants/Civilian Managers may be assigned to command a bureau or unit.
2. Lieutenants and Managers are staff officers and assist the Captain/Civilian Director in his/her duties. As bureau commanders or managers, they administer and supervise the work of various units or details within their bureau or unit.

(f) **SERGEANT/CIVILIAN SUPERVISOR:**

1. Sergeants/Civilian Supervisors supervise the work of a group of one or more subordinate employees.
2. Sergeants/Civilian Supervisors may be assigned to the field or office duties. They shall closely supervise the activities of their subordinates and provide leadership and direction. They are also responsible for the enforcement of rules, regulations and adherence to policy. They are responsible for the inspection of activities, personnel and equipment under their supervision and the initiation of suitable action in the event of failure, error, violation or neglect of duty. Field supervisors will respond to the scene of serious emergencies, felonies in progress, or any other call of a serious nature whenever possible.

Bureau Manuals

202.1 PURPOSE AND SCOPE

The purpose of this policy is for the development and maintenance of bureau manuals. For the purpose of this policy, "Bureau" will be considered the same as "Unit."

Each San Mateo County Sheriff's Office Bureau shall develop and maintain a Bureau Operations Manual. This manual shall contain "Post Orders" that explain the directives, policies and operating procedures for each bureau. All manuals will use a standard format similar to that of the Policy Manual. Copies of the bureau manual shall be maintained at each work station for the ready reference by assigned personnel.

The Bureau Commander shall review the manual annually for content and relevance. The Professional Standards Lieutenant or designee shall review the changes, additions, and/or revisions to ensure that they do not conflict with the Policy Manual or other Bureau Manuals. Copies of the revised addition will be forwarded to the Undersheriff via chain of command.

Special Order

203.1 PURPOSE AND SCOPE

Special Orders establish an inter-office communication that may be used by the Sheriff to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Special Orders will immediately modify or change and supersede sections of this manual to which they pertain.

203.1.1 SPECIAL ORDER PROTOCOL

Special Orders will be incorporated into the manual as required upon approval of Sheriff. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Special Orders have now been incorporated in the updated Policy Manual as of the below revision date.

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 18-01 signifies the first Special Order for the year 2018.

203.2 RESPONSIBILITIES

203.2.1 STAFF

The Executive, Command, and Management staff shall review and approve revisions of the Policy Manual, and cause the changes originally made by a Special Order to be incorporated into the Policy Manual.

203.2.2 SHERIFF

The Sheriff shall issue all Special Orders.

203.3 ACCEPTANCE OF SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Special Orders.

Training Policy

204.1 PURPOSE AND SCOPE

It is the policy of this Office to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Office will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

204.2 PHILOSOPHY

The Sheriff's Office seeks to provide ongoing 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 Office will use courses certified by the California Commission on Peace Officer Standards and Training (POST) and courses certified by Board of State and Community Corrections - Standards and Training for Corrections (STC).

204.3 OBJECTIVES

- (a) The objectives of the Training Program are to:
- (b) Enhance the level of law enforcement service to the public
- (c) Increase the technical expertise and overall effectiveness of our personnel
- (d) Provide for continued professional development of Sheriff's Office personnel
- (e) Meet the 20-hour per person County training mandate

204.4 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the San Mateo County Sheriff's Office Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Training Policy

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

204.5 TRAINING PLAN

A training plan will be developed and maintained by the Training Manager. It is the responsibility of the Training Manager to maintain, review, and update the training plan on an annual basis. The plan will address the following areas: Legislative Changes; State Mandated Training; Critical Issues Training.

204.6 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training-needs assessment of the Office. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

204.7 TRAINING COMMITTEE

The Professional Standards Lieutenant, Training Manager and other designee(s) should establish a Training Committee, which will serve to assist with identifying training needs for the Office.

The Training Committee can be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Professional Standards Lieutenant or Training Manager may remove or replace members of the committee at their discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee
- (b) Incidents involving a high risk of death, serious injury or civil liability
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs

The Training Committee should convene on a regular basis as determined by the Professional Standards Lieutenant to review the identified incidents. The committee shall determine by consensus whether a training need exists and the Training Manager will submit written recommendations of its findings to the Professional Standards Lieutenant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Professional Standards Lieutenant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and available resources.

Electronic Mail

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Office's electronic mail (email) system by employees of this Office. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act).

Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Office.

Employees are required to review and monitor the content of their Sheriff's Office email while on duty at least weekly unless the employee is on authorized leave.

205.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over Office networks are considered Office records and therefore are Office property. The Office reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any Office system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Office. Therefore, the email system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Office's email system shall have no expectation of privacy concerning communications utilizing the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Office.

205.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Office are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff or a Assistant 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 would minimize the misuse of an individual's email, name and/or password by others.

Electronic Mail

205.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

206.1 PURPOSE AND SCOPE

Administrative communications of this office are governed by the following policies.

206.2 MEMORANDUMS

Memorandums may be issued periodically by the Sheriff to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

206.3 CORRESPONDENCE

Personnel should use the Sheriff's Office letterhead for official business only.

206.4 SURVEYS

All surveys made in the name of the Office shall be authorized by the Sheriff or a Assistant Sheriff.

License to Carry a Firearm

207.1 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.

207.1.1 APPLICATION OF POLICY

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

207.2 POLICY

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

207.3 QUALIFIED APPLICANTS

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

- (a) Be a resident of the County of San Mateo County (Penal Code § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 29610).
- (c) 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.
- (d) 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.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).
- (f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership or registration of any firearm to be licensed.
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training (Penal Code § 26165).

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207.4 APPLICATION PROCESS

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

207.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 - 2. 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 to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit payment to the California Department of Justice for the required California DOJ application fee.
 - 1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
 - 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 - 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in San Mateo County Sheriff's Office files. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. 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).

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- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Once the Sheriff or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of, or during, phase one, 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).

207.4.2 PHASE TWO

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

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Sheriff or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
 1. The determination of good cause should consider the totality of circumstances in each individual case.
 2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
 3. The San Mateo County Sheriff's Office will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the San Mateo County Sheriff's Office for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the San Mateo County Sheriff's Office, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).
- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other San Mateo County Sheriff's Office authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

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

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

Whether an application is approved or denied at the conclusion of or during phase two, 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).

207.5 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 San Mateo (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or re-issuance 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).

207.6 ISSUED FIREARMS PERMITS

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

- (a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.
 - 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 Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall 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.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this San Mateo County Sheriff's Office in writing within 10 days of any change of place of residency.

207.6.1 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.
 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 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.

207.6.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting an electronic Application for License Amendment along with the current Permitium processing fee to the San Mateo County Sheriff's Office in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

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

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

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

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

207.6.4 LICENSE RENEWAL

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

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

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- (b) Completing a San Mateo County Sheriff's Office-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).
- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

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).

207.7 OFFICE 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.

207.8 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)).

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

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

208.2 QUALIFIED RETIREES

Any full-time sworn deputy and peace officers from contract cities of this office who were authorized to, and did, carry a concealed firearm during the course and scope of their employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement (Penal Code § 25455).

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, shall not include any deputy who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any deputy retiring because of a psychological disability (Penal Code 26305).

208.3 LAW ENFORCEMENT OFFICERS SAFETY ACT (LEOSA)

The Sheriff may issue an identification card for Law Enforcement Officers Safety Act (LEOSA) purposes to any qualified former deputy of the San Mateo County Sheriff's Office or contract city who (18 USC § 926C(c)):

- (a) Separated from service in good standing from the San Mateo County Sheriff's Office as a deputy.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by the San Mateo County Sheriff's Office.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with the San Mateo County Sheriff's Office where the deputy acknowledges that they are not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy sheriff, name, date of birth, name and address of the San Mateo County Sheriff's Office, date of

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issuance, and identify them as having been employed as a deputy. The identification card shall be stamped with either "CCW Approved" or "No CCW Privilege."

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

208.4 IDENTIFICATION CARD ISSUANCE

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

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any deputy who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any deputy retiring because of a psychological disability (Penal Code § 26305).

208.4.1 IDENTIFICATION CARD FORMAT

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

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name and address of the San Mateo County Sheriff's Office.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

208.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The San Mateo County Sheriff's Office shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that the San Mateo County Sheriff's Office now serves under the following conditions (Penal Code § 25905):

- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- (b) The San Mateo County Sheriff's Office is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of the San Mateo County Sheriff's Office for the issuance of a CCW Approved endorsement.

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208.4.3 QUALIFIED RETIRED RESERVES

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

208.5 FORMER DEPUTY RESPONSIBILITIES

Retirees with a card issued under this policy shall immediately notify the Professional Standards Bureau of their arrest or conviction in any jurisdiction, or that they are the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

208.5.1 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired deputy shall (Penal Code § 26305) qualify annually with the authorized firearm at a course approved by the San Mateo County Sheriff's Office at the retired deputy's expense.

208.6 DENIAL, SUSPENSION OR REVOCATION OF A LEOSA IDENTIFICATION CARD

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

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

A CCW endorsement under Penal Code § 25470 for any deputy retired from the San Mateo County Sheriff's Office may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by any sergeant when the conduct of a retired peace officer compromises public safety.

- (a) In the event that a CCW endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the San Mateo County Sheriff's Office shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the San Mateo County Sheriff's Office, one selected by the retiree or their employee organization and one selected jointly (Penal Code § 26320).
 - (a) The decision of such hearing board shall be binding on the San Mateo County Sheriff's Office and the retiree.
 - (b) Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Office will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Employees who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Professional Standards Bureau as soon as practicable. If the matter may continue to endanger health or safety, then the Professional Standards Bureau, or other Bureau, supervisor should promptly take the appropriate steps to look into the matter and if warranted, contact the retiree in person and inform them of the temporary suspension and hearing information listed below. The Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 - (a) Any supervisor who is notified of such retired employee conduct should document the investigation, their actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded via the chain of command to the Professional Standards Bureau Lieutenant for presentation to the Sheriff's Executive Team.
 - (b) The personal and written notification should be as follows:
 - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
 - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - (c) The retiree will forfeit their right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
 - (c) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the investigating supervisor may request that a law enforcement officer from that agency act as the agent of the San Mateo County Sheriff's Office.

208.8 FIREARM QUALIFICATIONS

The Rangemaster may provide former deputies from the San Mateo County Sheriff's Office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and types of weapons used.

Chapter 3 - General Operations

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 the San Mateo County Sheriff's Office is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

- Specific forms of force (e.g., impact weapons, pepper spray, projectile systems) are covered in a separate Control Devices Policy.
- Canines are covered in a separate Canines Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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 is searched, handcuffed or restrained when escorted.

Restraint Devices

- Handcuffs
- Belly chains
- Leg restraints / Leg irons
- Flex cuffs
- Body wrap
- Restraint chair

300.1.2 LEVELS OF FORCE

When the use of force is necessary and appropriate a deputy shall, to the extent possible utilize an escalation scale of options and will not employ a more forceful measure unless it is determined that a lower level of force would not be adequate. Nothing in this policy shall preclude deputies involved in a threatening situation from discarding sequential steps when justified. The deputy should use their training and experience to assist in determining the level of force that is justified in responding to a particular threat or situation and shall utilize appropriate equipment when authorized and available. Deputies should be mindful of the "Objective Reasonableness" of the force used.

Force Options

- Officer presence
- Verbal commands
- Light touch

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- Physical control/Pain compliance techniques
- Restraint devices
- Aerosol pepper (O.C.) projection
- Impact weapons (Baton, Flashlight)
- Specialty Impact Munitions (SIMs)
- Conducted Energy Device (CED)
- Carotid control
- Deadly force

Use of a canine for apprehending a suspect constitutes use of force and shall only be used by a deputy who has received training approved by the Sheriff's Office and who acts in accordance with the Sheriff's Office written policies and procedures, including the Canine Policy. Correctional Division canine teams will act in accordance with the Corrections Canine Procedure.

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.

The San Mateo County Sheriff's Office 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 employee who observes another employee using force that exceeds the degree of force permitted by law should promptly report these observations to an on-duty sergeant who will subsequently comply with all requirements in use of force reporting and documentation as provided in this Policy Manual.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

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 reasonably

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appears necessary in 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.

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 tools, weapons or methods provided by the San Mateo County Sheriff's Office. 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 reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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 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 their efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall a deputy be deemed the aggressor or lose their right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy 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) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and their ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.

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- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) Potential for injury to deputies, suspects and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed San Mateo County Sheriff's Office-approved training. Deputies 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 deputy.
- (c) Whether the person has been given sufficient opportunity to comply.

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

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The deputy shall have successfully completed office-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
 - 1. The subject is violent or physically resisting.

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2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm deputies, him/herself or others.
- (c) The application of a carotid control hold on the following 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 applying a carotid control hold:
1. Females who are known to be pregnant
 2. Elderly individuals
 3. Obvious juveniles
 4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

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.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

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

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- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes any of the following:
1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the deputy or another.
 2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

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. Deputies should take every precaution to ensure they do not create their own exigent circumstance or create a deadly force situation. 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. Deputies shall not discharge a firearm from his or her moving vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of the San Mateo County Sheriff's Office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. 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 Office may require the completion of additional report forms, as specified in office policy, procedure or law.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.

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- (d) Any application of a Conducted Energy Device (CED) or control device.
- (e) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (f) The individual subjected to the force was rendered unconscious.
- (g) An individual was struck or kicked.
- (h) An individual alleges any of the above has occurred.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Bureau policy.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically assessed.

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

The on-scene supervisor, or if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

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- (a) Obtain the basic facts from the involved personnel. Absent an allegation of misconduct or excessive force, this will be considered a performance-based inquiry in the normal course of supervisory duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived their *Miranda* rights, the following shall apply:
 - 1. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The content of the interview should not be summarized or included in any related criminal charges.
- (d) All photographs depicting injuries should be retained consistent with applicable evidence retention policies, procedures and protocols.
- (e) Ensure that the identification of any witnesses is included in related reports.
- (f) Review all related reports consistent with applicable evidence retention policies, procedures and protocols. Approve all related reports as appropriate.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.
- (h) Notify the Professional Standards Bureau sergeant of the use of force incident and request a Sheriff's Incident Report (SIR) tracking number.

In the event that an on-duty sergeant is unable to respond to the scene of an incident involving the reported application of force, the on-duty sergeant is still expected to complete as many of the above items as circumstances permit prior to the end of their shift.

300.8 TRAINING

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding.

Use of Force Review Process

301.1 PURPOSE AND SCOPE

This policy establishes a process for the San Mateo County Sheriff's Office to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The San Mateo County Sheriff's Office will objectively evaluate the use of force by its employees to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using Sheriff's Office equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place an employee in an administrative assignment in any case.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests. For guidance regarding the use of handcuffs and restraints on inmates see the Corrections Policy and Procedures Manual.

302.2 POLICY

The San Mateo County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, Office training and statutory authorizations and prohibitions. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed San Mateo County Sheriff's Office-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 obvious disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual 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 assure 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.

302.3.2 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 and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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

302.3.3 RESTRAINT OF JUVENILES UNDER 14 YEARS OF AGE

A juvenile under 14 years of age should not be restrained unless they are suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure themselves, injure the deputy or damage property.

302.3.4 NOTIFICATIONS

Whenever a deputy transports a person with the use of restraints other than handcuffs, belly chains, travelers, and leg irons the deputy shall inform the jail staff upon arrival at the jail that 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

302.4 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, prevent escape, property damage or to prevent a person(s) from injuring themselves or others.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should 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 individual 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.

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will 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 that the restrained person can breathe normally. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or

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distorted vision on the part of the individual. Deputies should avoid commingling individuals wearing spit hoods with other detainees.

Those who have been placed in a spit hood should be monitored until the spit hood is removed. Spit hoods shall be discarded after each use.

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

302.7 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 Office 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 suspect.
- (b) Whether it is reasonably necessary to protect the suspect from their own actions (e.g., hitting their head against the interior of the patrol unit, 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 unit).
- (d) Whether it is reasonably necessary to prevent escape.

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, deputies should notify an on-duty sergeant of the intent to apply the leg restraint device. In all cases, an on-duty sergeant shall be notified as soon as practicable after the application of the leg restraint device.
- (b) 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.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.

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- (d) 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 their stomach.
- (e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The deputy should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the San Mateo County Sheriff's Office authorizes all sworn personnel to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by sworn employees only if the device has been issued by this Office or approved by the Sheriff or designee.

Only sworn employees who have successfully completed Office-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, sworn employees should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 SERGEANT RESPONSIBILITIES

A Sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

303.4.2 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted

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except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Authorized impact weapons may include:

- Police baton (approximately 24-29 inches in length)
- Riot baton or kendo baton (approximately 42-46 inches in length)
- Collapsible baton

Uniformed personnel shall carry the impact weapon in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the impact weapon as authorized and in accordance with the needs of their assignment or at the direction of their supervisor. Where an impact weapon is not available, a plastic or metal flashlight not exceeding 16 inches in length may be used in its place to avoid the use of a greater degree of force.

The impact weapon shall be used only to overcome violent behavior that threatens the safety of the deputy or others, or to effect the arrest of combative persons when less lethal force fails to overcome resistance, or when, as the member of a tactical squad or riot control formation, the deputy is ordered to use the baton by the commander of that unit, or when necessary to fend off the attack of a vicious or dangerous animal.

The Sheriff's Office Training Unit will provide training on the use of impact weapons. Impact weapons can only be utilized by trained personnel.

The following procedures shall be adhered to by any deputy who utilizes an impact weapon on an individual:

- If the individual sustained an injury, they will be transported immediately to an emergency medical facility for examination, treatment and observation by a physician
- The employee shall notify the on-duty sergeant as soon as possible
- The deputies will document the circumstances on a Use of Force Report
- An entry will be made on the Jail Pre-Booking Form (under medical problems) that the prisoner was struck with an impact weapon

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only an on-scene Sergeant or an Incident Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

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303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control dangerous animals, an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify an on-duty sergeant as soon as practicable. An on-duty sergeant shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The on-duty sergeant shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each discharge of a pepper projectile system shall be documented. Accidental discharges shall be promptly reported to an on-duty sergeant and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear 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 notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

Control Devices and Techniques

303.9 KINETIC ENERGY PROJECTILE GUIDELINES AKA SPECIALTY IMPACT MUNITIONS (SIMS)

The Sheriff's Office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, commonly referred to as Specialty Impact Munitions (SIMs), when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation. Guidelines for use of SIMs in a correctional facility are located in the Correctional Policy Manual.

SIMs are a less lethal 12 gauge shotgun round consisting of lead pellets contained in a fabric bag, stabilized in flight by additional fabric trailing the round. The 40 mm launcher round consisting of rubber rounds. Only personnel trained in the use of a SIMs weapon are permitted to utilize this option.

303.9.1 DEPLOYMENT AND USE

Only Sheriff's Office-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease their actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

- (a) Circumstances appropriate for deployment include, but are not limited to, situations in which:
- Overcome violent behavior that threatens the safety of a deputy, correctional officer or other trained personnel and lethal force is not an option.
 - Effect the arrest of combative person(s) when less lethal force fails to overcome resistance or would clearly be ineffective.
 - When as the member of a tactical squad or riot control formation, a deputy, correctional officer or other trained personnel is ordered to deploy SIMS.
 - When necessary to fend off the attack of a vicious or dangerous animal.
 - The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
 - The suspect has made credible threats to harm him/herself or others.
 - The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.
 - There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.
- (b) The following procedures shall be followed by the deputy, correctional officer or other trained personnel who utilizes SIMs on an individual:

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- After the individual is safely restrained, if the individual sustained an injury, they will be transported immediately to an emergency medical facility for examination, treatment and observation by a physician.
- Notify the on-duty sergeant as soon as possible.
- Document the circumstances on a Use of Force Report.
- An entry will be made on the Jail Pre-Booking Form (under medical problems) that the prisoner was struck with a SIMs projectile.
- Contact Animal Control in the event a vicious or dangerous animal sustains an injury.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device 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 individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

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When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

303.10 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or re-certified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device (Taser)

304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide each Deputy with guidance and direction with respect to the use of a Conducted Energy Device (Taser™) while carrying out his/her duties. This policy provides guidelines for the use of Tasers™.

304.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to utilize Taser's™ in a manner consistent with best law enforcement practices and the United States and California Constitutions as described below.

304.3 DEPLOYMENT

- A. In determining the degree of force that is objectively reasonable (if any) Sheriff's personnel should consider the totality of the circumstances presented, including the level of resistance demonstrated by the subject, the amount of immediate risk the subject poses to Sheriff's personnel or others and whether the subject displays the symptoms consistent with the condition that has been described as excited delirium. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.
- B. Deployment
 1. A TASER™ may be used:
 - (a) to overcome active resistance from dangerous, violent, or potentially violent subjects who are lawfully arrested or subject to lawful arrest, or who demonstrate intent to cause immediate harm to individuals other than themselves, or against a dangerous/vicious animal that threatens the safety of any person.
 2. A TASER™ shall not be used:
 - (a) by a Correctional Officer
 - (b) by a Deputy / Sergeant that has not completed a Sheriff's approved training course;
 - (c) by a Deputy / Sergeant that is off-duty;
 - (d) when the Deputy / Sergeant knows the subject has come in contact with flammable liquids or is in a flammable environment;
 - (e) when the subject is in a position where a fall may cause substantial injury or death;
 - (f) as punishment for the purposes of coercion, or in an unjustified manner;
 - (g) when a subject is handcuffed;
 - (h) to escort or jab a subject;

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- (i) to awaken a subject, including an unconscious or intoxicated subject;
 - (j) when the subject is visibly pregnant, unless deadly force is the only other option;
 - (k) on a fleeing subject, when there are no factors justifying deployment other than the subject is fleeing;
 - (l) when a subject displays solely passive resistance/simple disobedience (e.g., peaceful protest, refusal to stand, non-aggressive verbal resistance, etc.);
 - (m) as part of an interrogation or as a threat during an interrogation.
3. A TASER™ should not be used unless there are exceptional circumstances that can be clearly articulated:
- (a) when the subject is operating a motor vehicle;
 - (b) simultaneously with deployment by multiple deputies;
 - (c) when the subject is holding a firearm;
 - (d) when the subject is a small child;
 - (e) when the subject is elderly;
 - (f) when the subject is severely physically disabled;
 - (g) when a subject is in a situation where deadly force is clearly justifiable unless another deputy is present and capable of providing deadly force to protect the deputies and/or civilians as necessary.
 - (h) in the “drive stun” mode as a pain compliance tool.
4. When it is practical to do so, the subject will be warned before a TASER™ is deployed and given a reasonable chance to comply.
5. When it is practical to do so, a Deputy / Sergeant should contact EMS in advance when the Deputy / Sergeant anticipates that a TASER™ is likely to be deployed.
6. When it is practical to do so, a Deputy / Sergeant should attempt to arrange a “cover Deputy / Sergeant” to provide lethal cover for the Deputy / Sergeant deploying the TASER and an “arrest Deputy /Sergeant” to secure the subject after deployment. The arrest should be effectuated on the command of the TASER™ operator, the arresting Deputy / Sergeant should secure their weapons in their holsters prior to approaching the subject.
7. The TASER shall be activated against a suspect for no more than five seconds whereupon an evaluation will be made to determine if further use is required. Deputy / Sergeants should consider whether a full five second cycle is necessary to gain compliance. During this evaluation clear orders should be given to the subject. If additional cycles are required, the number and duration of those cycles shall be the minimum number of activations necessary to take the person into custody.

C. Post-Deployment

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1. As soon as possible after TASER™ use, emergency medical personnel shall be requested. Only trained Sheriff's Office personnel or qualified medical personnel will remove the Taser probes from a person's body. If possible, the probes should be removed in the presence of a supervisor. All probes should be treated as bio-hazardous "sharps," similar to a used hypodermic needle. The subject shall be transported to an emergency medical facility for clearance prior to incarceration or cleared by Correctional Health Services for continued housing in a correctional facility.
2. Unless there are exceptional circumstances, a Deputy should not, after deploying a TASER, utilize restraint techniques that will impair respiration.
3. A supervisor will be dispatched following each TASER™ deployment. The supervisor will conduct a review of the deployment designed to determine all of the circumstances underlying the deployment.
4. An entry will be made on the Jail Pre-Booking Form (under medical problems) to alert the jail medical staff that the prisoner was struck with a TASER.
5. Reporting TASER™ use. Each activation or any negligent /accidental discharge shall be documented as reportable force and reported to a supervisor. The report shall include the following:
 - (a) TASER™ model, serial number, estimated number of cycles, and estimated duration of each cycle
 - (b) distance of deployment from the subject
 - (c) type of clothing worn by the subject
 - (d) location of probes striking the subject as well as those which may have missed
 - (e) names of medical care personnel
6. Evidence Collection. The Deputy shall ensure that the probe impact sites are photographed and shall book the expended cartridge, wires and probes into evidence as well as a sampling of the TASER™ "AFID's" if practical. These items shall be collected and packaged loosely in a plastic bag then sealed in a small weapons box.

D. General

1. Each TASER™ shall be "spark tested" one time at the beginning of each shift. Each "spark test" should be observed by the on-duty supervisor when practical to ensure proper handling (e.g. proper muzzle control, storage and familiarization) by the Deputy and functioning of the TASER™. If during the "spark test" or any other time a Deputy / Sergeant recognizes any problem (failure to fire or slow firing) with the functioning of the TASER™ he or she will immediately report the issue to the Rangemaster.
2. Each TASER™ ECD issued to staff within the Sheriff's Office shall be downloaded during the semi-annual range qualification. In addition to these semi-annual downloads, each TASER™ should be downloaded, as soon as

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practical, after each deployment in the field. Only Sheriff's Office range staff who have received training specific to the TASER ECD shall perform the data downloads. The data files shall be maintained by the Rangemaster through the Professional Standards Bureau. The files shall be stored on the Sheriff's Office computer server in accordance with the County records retention schedule.

3. Only a Sheriff's Office-issued TASER™ and accessory equipment may be used. It will be carried in an approved holster of a type designed for the device or secured in the department vehicle. If worn, it shall be carried on the "non-dominant" (non-firearm) side to prevent accidental drawing of the duty weapon.
4. Each Deputy should avoid exposing TASER™ cartridges to extreme heat or cold. Such exposure can cause malfunctions. Deputies should not store TASER cartridges in their vehicles for extended periods of time.

304.4 SERGEANT RESPONSIBILITIES

The on-duty supervisor shall ensure that all aspects of this policy are followed. When possible, an on-duty sergeant should respond to calls when they reasonably believe there is a likelihood the CED may be used. An on-duty sergeant should respond to all incidents where the CED was activated.

An on-duty sergeant should review each incident where a person has been exposed to an activation of the CED. The on-duty sergeant should provide the device to the Rangemaster to ensure that the device's onboard memory is downloaded through the data port then saved pursuant to digital evidence procedures and appropriately noted in the related arrest/crime report. In addition, the on-duty sergeant should ensure that photographs of probe sites are taken, witnesses interviewed and those details are recorded in the associated report(s).

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of a police shooting and to ensure that such incidents be investigated in a fair and impartial manner.

305.2 INVESTIGATION RESPONSIBILITY

This Office utilizes the San Mateo County Officer Involved Shooting Protocol solely as a guideline for investigating officer-involved shootings.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This Office may relinquish its criminal investigation to an outside agency with the approval of the Sheriff or a Assistant Sheriff
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency
- (c) A civil investigation to determine potential liability conducted by the involved officer's agency
- (d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of Sheriff's Office policy

305.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

305.4.1 SAN MATEO COUNTY SHERIFF'S OFFICE DEPUTY WITHIN THIS JURISDICTION

The San Mateo County Sheriff's Office is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office.

305.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The San Mateo County Sheriff's Office is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the District Attorney's Office. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

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305.4.3 SAN MATEO COUNTY SHERIFF'S OFFICE DEPUTY IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The San Mateo County Sheriff's Office will conduct timely civil and/or administrative investigations.

305.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation of	Administrative Investigation
SMSO Deputy in This Jurisdiction	San Mateo County District Attorney's Office	San Mateo County District Attorney's Office	SMSO County Counsel / Office Standards Bureau (PSB)	Professional Standards Bureau (PSB)
Allied Officer in This Jurisdiction	Sheriff's Office Investigators	Discretion of Agency	Allied Involved Department	Officer's Involved Department
SMSO Deputy in Another Jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	SMSO County Counsel / Office Standards Bureau (PSB)	Professional Standards Bureau (PSB)

305.5 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

305.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter deputy(s).
 1. In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary overview from one shooter deputy.
- (c) If necessary, the supervisor may administratively order any deputy from this Office to immediately provide public safety information necessary to secure the scene and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

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- (d) Absent a voluntary statement from any deputy(s), the initial on scene supervisor should not attempt to order any deputy to provide other than public safety information.
- (e) Provide all available information to the Shift Supervisor and San Mateo County Public Safety Communications. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel.
- (g) As soon as practical, shooter deputies should respond or be transported (separately, if feasible) to a mutually agreeable location for further direction (i.e. Hotel, DSA office, etc.).
 - 1. Each involved deputy should be given an administrative order not to discuss the incident with other involved deputies pending further direction from a supervisor.
 - 2. When a deputy's weapon is taken or left at the scene (e.g., evidence), the deputy will be provided with a comparable replacement weapon, duty belt and holster.

305.5.2 PATROL SERGEANT DUTIES

Upon learning of an officer-involved shooting, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until relieved by a person of higher rank.

305.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Sheriff
- Undersheriff
- Assistant Sheriff
- Operations Assistant Sheriff
- Investigations Bureau Commander
- Involved Bureau Commander
- District Attorney OIS rollout team
- Forensic Laboratory Personnel
- Professional Standards Bureau Lieutenant
- Public Information Officer
- Psychological/Peer support personnel
- Coroner (if necessary)
- Association representative via Public Safety Communications call out list
- County Counsel

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All outside inquiries about the incident shall be directed to the Shift Supervisor.

305.5.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Shift Supervisor, Investigation Bureau Commander and Public Information Officer in the event of inquiries from the media.

It will be the policy of the Sheriff's Office to not release the identities of involved deputies absent their consent or as required by law. Moreover, no involved deputy shall be subjected to contact from the media (Government Code § 3303(e)) and no involved deputy shall make any comments to the press unless authorized by the Sheriff or an Assistant Sheriff.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

All outside inquiries about the incident shall be directed to the PIO or Incident Commander.

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved deputy:

- (a) Any request for office or legal representation will be accommodated.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with office representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information however.
- (d) A psychotherapist shall be provided by the Office to each involved deputy, or any other deputy, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the deputy is or is not fit for return to duty.
 2. An interview or session with a licensed psychotherapist may take place prior to the involved deputy providing a formal interview or report, but the involved deputies shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the Office will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness deputy.

Care should be taken to preserve the integrity of any physical evidence present on the deputy's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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Detectives shall make reasonable accommodations to the deputy's physical and emotional needs (Government Code § 3303(d)).

Each involved deputy shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the employee's immediate supervisor to make schedule adjustments to accommodate such leave.

Return To Duty: Return to duty will be after clearance and recommendation of the psychologist or psychiatrist.

305.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

305.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigations Bureau Detective Bureau supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related Sheriff's Office reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Assistant Sheriff.

305.6.2 CRIMINAL INVESTIGATION

It shall be the policy of the Sheriff's Office to utilize the District Attorney's Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, detective personnel from this Office may be assigned to partner with investigators from the District Attorney's Office so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved deputies in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved deputy:

- (a) Sergeants and Professional Standards Bureau personnel should not participate directly in any voluntary interview of deputies. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- (b) If requested, any involved deputy will be afforded the opportunity to consult individually with a representative of their choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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- (c) Any voluntary statement provided by the deputy(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved deputy or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

305.6.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, the Sheriff's Office shall retain the authority to require involved deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

While the involved deputy may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved deputies as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved deputies should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved deputies in other reports.

Nothing in this section shall be construed to deprive an involved deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures, but should also be included for reference in the investigation of the officer-involved shooting.

305.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may become unavailable or the integrity of their statements compromised with the passage of time, the on-scene sergeant should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identify all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons 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 their 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 sheriff's office personnel.

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1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a Sheriff's Office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with deputies.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, at the discretion of the Division Commander this Office will conduct an internal administrative investigation to determine conformance with Sheriff's Office policy. This investigation will be conducted under the supervision of the Professional Standards Bureau and will be considered a confidential peace officer personnel file.

- (a) Any deputy involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening when objective symptoms exist. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.
 1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy shall be provided with a copy of their prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g))
- (c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy'(s) physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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3. Administrative interview(s) should be recorded by the investigator (the deputy may also record the interview) (Government Code § 3303(g)).
4. The deputy shall be informed of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The deputy shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).
5. The administrative interview shall be considered part of the deputy's confidential personnel file.
6. The Professional Standards Bureau shall compile all relevant information and reports necessary for the Sheriff's Office to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Sheriff's Office Executive staff for review.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.7.1 CIVIL LIABILITY RESPONSE

Sheriff's Office personnel may be assigned to work exclusively under the direction of the legal counsel for the Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

305.8 AUDIO AND VIDEO RECORDINGS

Any deputy involved in an incident shall upon request be permitted to review available video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available video or audio recordings with approval of assigned investigators or a sergeant involved in the investigation.

Any known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or County Counsel's Office as appropriate.

Firearms

306.1 PURPOSE AND SCOPE

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

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

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

306.1.1 DEFINITIONS

Definitions related to this policy include:

Duty Weapon - Handgun issued to the individual Sheriff's Office staff member.

Inventory - A scheduled physical inspection, by serial number, of each Sheriff's Office weapon, by a sergeant or designee.

Issued Firearm - Any firearm, whether the duty weapon, or any other firearm issued to a Sheriff's Office staff member. An issued firearm will include a firearm issued for a specific purpose or time frame.

306.2 POLICY

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

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

306.3.1 HANDGUN / DUTY WEAPON

- (a) The Sheriff's Office issued duty weapon is the Smith and Wesson Models: M&P40; M&P45; M&P9.

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- (b) All non-issued duty weapons must be approved by the Rangemaster.
- (c) The following personally owned semi-automatic pistols (double action platform) are eligible to be approved for on-duty use:
 - 1. Glock 9mm/.40/.45 calibers
 - 2. Smith and Wesson 9mm/.40/.45 calibers
 - 3. Sig Sauer 9mm/.40/.45 calibers
 - 4. H&K 9mm/.40/.45 calibers
- (d) **Employees wishing to carry a personally owned duty weapon must first make an appointment with the Rangemaster to have their weapon inspected and approved.**
- (e) Covert Assignments: Deputies working specific covert assignments may carry a different handgun after first obtaining approval from their division Captain and meeting with the Rangemaster as outlined in Section D. The proficiency standards for covert assignment weapons will be the same as required for on-duty firearms.
- (f) Personally Owned Firearms: Deputies choosing to carry a personally owned firearm are responsible for purchasing and maintaining the firearm and holster. The firearm may not be altered from original factory specifications.
- (g) Duty Holsters: Handguns must be carried in a Sheriff's Office issued holster or a holster approved by the Rangemaster. Duty holsters shall meet the following criteria:
 - 1. Made of natural or synthetic leather, ballistic nylon, molded plastic or polymer
 - 2. Constructed with a thumb retention device
 - 3. Provide at least level two threat protection
 - 4. Must attach to the belt

306.3.2 PATROL RIFLE

- (a) The Sheriff's Office issued patrol rifle is a Colt or Smith & Wesson AR-15/M-16 semi-automatic. Only those Deputies who have completed the Sheriff's Office Rifle Course, or a comparable course of instruction in the AR-15/M-16 weapon system, may carry rifles on duty.
- (b) The following rifles are approved for on-duty use:
 - 1. Colt Brand AR-15/M-16.223/5.56 platform
 - 2. Smith and Wesson Brand AR-15.223/5.56 platform
 - 3. Any other rifle as approved by the Sheriff or designee/Rangemaster
- (c) Personally Owned Rifles
 - 1. Deputies choosing to carry personally owned rifles are responsible for purchasing and maintaining the firearm and transportation case.

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2. Only Sheriff's Office issued ammunition may be carried in personally owned duty rifles. Deputies assigned to uniformed patrol will carry a minimum of 60 rounds of ammunition.
- (d) Designated rifle operators who have not been issued a rifle will be issued a weapon upon going into service at the beginning of each shift. It will be secured in the patrol vehicle in a "Patrol Car Ready" status ie; chamber empty, hammer forward (trigger pulled), magazine loaded and inside magazine well. At the completion of the shift, the rifle operators will remove the magazine and store the unloaded weapon in the authorized secured storage location. The magazine will be retained by the rifle operators.
- (e) COUNTY BUILDING WEAPONS AVAILABILITY PROGRAM:
1. AR-15/M-16 type rifles will be stored throughout selected county buildings.
 2. The weapons shall be secured in the gun lockers in a "Patrol Car Ready" status.
 3. The weapons shall be checked by the Transportation Sergeant, or designee, monthly to ensure the ready status of all firearms.
 4. The weapons lockers are located:
 - (a) Hall of Justice, Redwood City
 - 1st Floor, Headquarters Patrol, break room
 - 2nd Floor Holding adjacent to Court Room 2A
 - 3rd Floor, Sheriff's Detective Bureau adjacent to interview rooms
 - 4th Floor in the Transportation/Court Security Equipment Closet
 - (b) Youth Services Center
 - YSC Security Checkpoint office
 - (c) Northern Court House, South San Francisco
 - Sheriff's locker room, across from main holding cell

306.3.3 SHOTGUNS

- (a) The only authorized office-issued shotgun is the Remington 870 12 Gauge Pump-Action, Police Model.
- (b) Personally Owned Shotguns:
 1. Deputies choosing to carry a personally owned shotgun are responsible for purchasing and maintaining the firearm and transportation case.
 2. Only Sheriff's Office issued ammunition may be carried in personally owned duty shotguns. Deputies assigned to uniformed patrol will carry a minimum of 6 rounds of ammunition.
 3. All personally owned shotguns shall be examined and approved by the Rangemaster.

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306.3.4 LIGHTING, OPTICS, AND LASERS

Lighting, optics and lasers are permitted when manufacturer authorized and approved by the Rangemaster.

- (a) Holographic sights, lasers and lighting equipment will be purchased by the deputy.
 - 1. New lighting, optics and lasers shall not be deployed until inspected and authorized by the Rangemaster.

306.3.5 AMMUNITION

Deputies shall carry only Sheriff's Office authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all Office issued firearms during the deputy's qualification. Deputies carrying personally owned authorized firearms of a caliber differing from Office issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense that is approved by the Rangemaster.

306.3.6 AUTHORIZED SECONDARY FIREARMS

Secondary firearms may be carried only with the approval of the Division Captain.

Deputies desiring to carry a secondary firearm are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the Sheriff's Office list of approved firearms or approved by the Sheriff or designee/Rangemaster.
- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm and ammunition shall be the responsibility of the deputy.
- (d) The firearm shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control. The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
- (e) The secondary firearm shall be limited to the following calibers: .38 (Special and +P), .357, .380, .9mm, .40 or .45.
- (f) Ammunition shall be authorized and approved by the Rangemaster.
- (g) The handgun must have a minimum five (5) round capacity.
- (h) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Deputies must demonstrate proficiency, safe handling, and serviceability of the firearm from the position of carry.
- (i) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Rangemaster.
- (j) Secondary firearms must be carried in a "breast" holster securely fastened to the deputy's ballistic vest, or an ankle holster laced or otherwise securely fastened with a safety strap or in a pocket holster.

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306.3.7 AUTHORIZED OFF-DUTY FIREARM(S)

The carrying of firearms by sworn deputies while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Deputies who choose to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

- (a) The firearm shall be of good quality and workmanship and approved by the Rangemaster.
- (b) The firearm shall be one of the following calibers: .38, .357, .380, 9mm, .40, or .45.
- (c) The firearm may be either a semi-automatic or revolver but must have a minimum of a five (5) round capacity.
- (d) The purchase of the firearm and ammunition shall be the responsibility of the deputy. The Sheriff's Office will only supply ammunition for the duty firearm and one additional firearm.
- (e) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (f) It will be the responsibility of the deputy to submit the firearm to the Rangemaster/Range Staff for inspection prior to being carried. Thereafter, the firearm shall be subject to periodic inspection by the Rangemaster.
- (g) Prior to carrying any off-duty firearm, the deputy shall demonstrate to the Rangemaster/Range Staff that they are proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (h) The deputy will successfully qualify with the firearm prior to it being carried and thereafter, once every twelve (12) months. The range qualification dates will be specified by the Rangemaster.
- (i) A complete description of the firearm shall be contained on the personally owned weapons authorization form approved by the Rangemaster.
- (j) If any member desires to use more than one firearm while off-duty, they may do so, as long as the deputy meets all the requirements set forth in this policy for each firearm used.
- (k) Deputies shall only carry ammunition authorized by the Rangemaster.
- (l) When armed, whether on-duty or off-duty, deputies shall carry their badge and Sheriff's Office identification.
- (m) Deputy Sheriff Trainees are prohibited from carrying concealed weapons off-duty until they have successfully completed a basic academy and have been promoted to the rank of Deputy Sheriff. Deputy Sheriff Trainees shall not carry firearms on-duty unless instructed to do so by a training officer.

306.4 FIREARMS ISSUANCE, INVENTORY AND CONTROL

306.4.1 ISSUANCE OF FIREARMS

- (a) Each weapon issued by the Sheriff's Office will be issued by serial number.

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- (b) All sworn employees will have a duty weapon assigned to them upon hiring.
- (c) Sworn employees authorized by the Sheriff to have a rifle and shotgun will be issued them by the Rangemaster or designee.
- (d) Patrol Bureau deputies who do not have individually issued rifles, will, at the beginning of each shift, meet the sergeant who will sign out and issue a rifle and a shotgun to each Deputy. Each rifle will be individually issued with two loaded magazines and each shotgun will be issued with six rounds of ammunition. For those deputies who do not operate vehicles with rifles maintained in them, at the end of each shift, the rifle, shotgun and ammunition will be signed back in by the sergeant. At the end of each shift, the rifle, shotgun and ammunition will be signed back in by a sergeant.
- (e) Only sergeants have the authority to sign out and issue weapons. All bureaus in the organization will use the designated "sign out" inventory process (i.e. paper form or electronic database). Any exception to the use of this form must come from a Division Commander.

306.4.2 SCHEDULED INVENTORIES

Once per quarter, the Rangemaster or designee will conduct a 100% by serial number inventory of all rifles and shotguns assigned to individuals and bureaus and the SWAT Team inventory.

Once a year, the Bureau Commander of each bureau with assigned rifles and shotguns to either the bureau or individuals in the bureau will conduct a 100% by serial number inventory of the rifles and shotguns. Each of these inventories will be forwarded to the Rangemaster.

- (a) **Duty Weapons:** Each duty weapon will be inventoried twice a year. This inventory will take place at the bi-annual qualification conducted at the Sheriff's Office range. The serial number will be examined by a member of the range staff and ensure it is properly annotated on the qualification form. At the conclusion of each qualification cycle; the Rangemaster will conduct an audit of the qualification forms, insuring each duty weapon assigned to an employee is in the possession of that employee.
- (b) **Individually Issued Rifles and Shotguns:** Each rifle and shotgun issued to a member of the Sheriff's Office will be inventoried by their supervisor. The Rangemaster will maintain a Master Inventory List of rifles and shotguns assigned to each member. The supervisor will utilize the list to ensure that each member is in possession of their assigned weapon(s).
- (c) **Shift Issued Rifles and Shotguns:** Once every month a supervisor will conduct a serial number inventory of all rifles and shotguns stored in the patrol bureau armories. The sergeant will forward the completed inventory to the Rangemaster and the Bureau Commander.
- (d) **Court Security Rifles:** Once per week a sergeant assigned to the Court Security/ Transportation Bureau will conduct a serial number inventory of each rifle stored in the court security locker(s). The sergeant will forward the completed inventory to the Rangemaster and the Bureau Commander.

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306.4.3 CONTROL

- (a) It is the responsibility of every employee who has been issued a firearm(s) to, at all times, maintain positive control of each firearm issued or assigned.
- (b) Personnel assigned a duty rifle as part of their duties shall return their rifle to the Rangemaster upon the completion of that assignment.

306.5 FIREARMS QUALIFICATIONS

All sworn employees are required to qualify no less than twice a year with their duty weapon and shotgun and annually with their off-duty weapon and secondary weapon on an approved range course.

All designated rifle operators are required to attend a training course as approved by the Rangemaster. A passing score of 90% in the shooting course and 80% on the written test will be required. All designated rifle operators shall qualify at the range on the rifle at least twice a year with a minimum score of 90% on the approved shooting course. Failure to meet these standards will result in removal of the deputy from the rifle operators status.

The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, training or as directed by the Training Manager. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn employees with annual practical training designed to simulate field situations. At least annually, all sworn employees carrying a firearm will receive training on the Sheriff's Office Use of Force policy and demonstrate their knowledge and understanding.

306.5.1 REPAIRS OR MODIFICATIONS

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

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

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

306.6 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 except as instructed by the Rangemaster or other firearms training staff.

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- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Only members trained in the use of automatic firearms, heavy caliber rifles, gas or other type of chemical weapons or firearms shall be allowed to deploy these from the armory, and only with approval of a supervisor.
- (g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.6.1 ALCOHOL AND DRUGS

Weapons shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drug that adversely affect the deputy's senses or judgment.

306.6.2 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, keylock, combination lock, or other similar locking device (Penal Code § 25140).

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

306.6.3 RIFLE AND SHOTGUN STORAGE

Duty Storage:

- (a) While on duty each marked patrol car will have a shotgun in the locking racks. If the deputy is certified in the use of a patrol rifle, a rifle shall also be in the locking racks in the vehicle. The rifle and shotgun will be in the "Patrol Car Ready" configuration while in the vehicles.

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- (b) Rifles and shotguns will be stored in the locked racks installed in each vehicle. If the vehicle is not equipped with locked racks, a locked container that has been installed in the vehicle must be used. No rifle or shotgun will be left unsecured and unattended in any vehicle.

Off-Duty Storage:

When not on duty, sworn employees who have been individually issued a rifle and shotgun will store the weapons, unloaded, in their Sheriff's Office locker.

306.7 FIREARMS TRAINING AND QUALIFICATIONS

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

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

306.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to their immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 1. Unauthorized range make-up
 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.8 REPORT OF FIREARM DISCHARGE

Except during training, recreational use, or test firing by Forensic Laboratory personnel or the Rangemaster in the scope of their duties; any employee who discharges a firearm intentionally or unintentionally, on or off-duty, shall make a verbal report to their supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Protocol.

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If a firearm was discharged as a use of force, the involved employee shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

REPORTING:

The following situations involving discharge of firearms by any employee shall be reported by written reports through the chain of command:

- (a) Accidental/Negligent discharge of any firearm, whether on or off-duty.
- (b) Discharge while off-duty at any person, or at another person's property without permission.

INVESTIGATION:

Accidental/Negligent Discharge:

- (a) The deputy who accidentally/negligently discharges a firearm shall verbally notify the on-duty sergeant as soon as practical and as quickly as possible after the discharge. In no event shall notification be later than at the conclusion of the current shift.
- (b) The deputy who discharges a firearm must immediately notify their supervisor and subsequently submit a memo to the supervisor by the end of that shift.
- (c) The supervisor will notify the Bureau Commander and conduct a preliminary review into the circumstances of the negligent discharge. Upon completion of that investigation, the supervisor shall file a report in writing with the Bureau Commander.
- (d) The Bureau Commander will prepare a report reflecting their observations, conclusions and, if appropriate, recommendations regarding the firearm discharge. That report, along with the reports of the deputy and the supervisor will be forwarded through the chain of command to the Sheriff.

Discharge for Destruction of Injured or Vicious Animals:

- (a) A deputy who discharges a firearm shall verbally notify the on-duty sergeant as soon as practical but no later than the end of shift.

306.9 RANGEMASTER DUTIES

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

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

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

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

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

306.10 FLYING WHILE ARMED

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

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their San Mateo County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The San Mateo County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the San Mateo County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

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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.

306.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time deputies and qualified retired deputies (see Retiree Concealed Firearms Policy) of this Office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

- (a) The deputy shall carry their San Mateo County Sheriff's Office identification card whenever carrying a firearm.
- (b) Qualified retired deputies shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The deputy is not assigned to work in an alternate location (Administrative leave), without prior approval of the Sheriff.
- (d) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.

Canines

307.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement law enforcement operations to locate individuals, contraband and to apprehend criminal offenders.

307.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any felony and if any of the following conditions exist:

- (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

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 canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a felony, mere flight from pursuing deputy(s) shall not serve as good cause for the use of a canine to apprehend the individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practical.

307.2.1 PREPARATION FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the on scene sergeant shall carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to the following:

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.

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- (e) The potential for escape or flight if the police dog is not utilized.
- (f) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision whether to deploy the dog shall remain with the handler. However, an on-duty sergeant sufficiently apprised of the situation may decide not to deploy the dog.

307.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practical, shall first advise the on-duty sergeant of their decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

307.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To search vehicles, buildings, bags and any other articles deemed necessary.

A narcotic-detection canine will not be used to search a person for narcotics.

307.2.4 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.

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- (b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
- (d) Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practicable.

307.2.5 REPORTING CANINE USE, BITES AND INJURIES

Whenever the police service dog is deployed, a "Special Action" use of force report shall be completed by the handler and submitted to the on-duty sergeant as soon as practical. A copy of the report will be forwarded to the Canine Unit Sergeant.

Whenever the use of the canine results in a bite or any injury the "Special Action" field of the form shall be completed and included with any related incident report.

The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody a deputy should remain with the suspect until treatment has been rendered.

Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Sheriff's Office evidence procedures. It shall be the responsibility of the Canine Unit Coordinator to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired.

If a subject alleges an injury that is not visible, an on-duty sergeant shall be notified and the location of the alleged injury should be photographed as described above.

The Canine Unit Coordinator will maintain liaison with the Animal Control Department to ensure that information regarding canine bites is not retained by its office. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements to the Animal Control Department (Food and Agriculture Code § 31609(b)).

307.2.6 ASSIGNMENT OF CANINES

Canine teams shall be assigned to the Operations and Correction Divisions. The canine teams will work as regularly assigned beat/correction deputies. The canine assignment is a collateral duty that should not preclude the deputy from acting in the normal role with the normal responsibilities of a Deputy Sheriff.

307.3 REQUEST FOR USE OF CANINE TEAMS

All Sheriff's Office Bureaus are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Bureau shall go through the Unit Coordinator or the Shift Supervisor.

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307.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Shift Supervisor or the Unit Coordinator must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the County of San Mateo County unless authorized by the Shift Supervisor or the Unit Coordinator.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

307.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator.

307.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations Division or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

307.5 SELECTION OF CANINE HANDLERS

- (a) San Mateo County Sheriff's Office deputy currently off probation.

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- (b) Reside in an adequately fenced residence with a dedicated and secured outdoor area (minimum five-foot-high fence with locking gates).
- (c) Agree to be assigned to the position for a minimum of five years.

307.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Supervisor and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

307.5.2 CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:

- (a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all sheriff's office equipment under their control in a clean and serviceable condition.
- (c) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence to verify that conditions and equipment conform to this policy.
- (d) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.
- (e) When off-duty, canines shall be maintained in kennels, provided by the County, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- (f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

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- (g) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Patrol Lieutenant.
- (h) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Patrol Lieutenant.
- (i) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

307.5.3 CANINE IN PUBLIC AREAS

When practical, canines shall be kept on a leash when in the presence of the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit is left unattended the vehicle shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.

307.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Memorandum of Understanding.

307.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any felony and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a felony, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Supervisor. Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

307.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator as soon as practical.

All records of medical treatment shall be maintained in the canine's file.

307.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care for the canine is required.

Depending on the severity of the injury or illness, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

307.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. 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.

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Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

307.6.4 MEDICAL CARE OF THE CANINE APPREHENSION GUIDELINES

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency.

307.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

- (a) Absent a change in circumstances that present an immediate threat to deputies, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

307.7.1 CONTINUED TRAINING

Each canine team shall thereafter be re-certified to current POST guidelines and the California Narcotic Canine Association or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the San Mateo County Sheriff's Office.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator.

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307.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any canine team failing Sheriff's Office certification and, if cross-trained, the California POST guidelines shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

307.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a trained explosive detection canine team may be warranted only when a certified bomb technician is present and has evaluated the incident. When available, a trained explosive detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located as directed by a certified bomb technician. An explosive detection canine team will not search any explosives, improvised explosive devices (IED), and/or suspicious packages after the item has been deemed as a possible IED and/or suspicious.
- (b) To conduct preventative searches at locations such as special events, VIP visits, official building and other restricted areas. Because a dog sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (c) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

307.7.4 TRAINING NON-APPREHENSION GUIDELINES

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection canines by the California Commission of Peace Officer Standards and Training. Any other organization or group associated with the training of detection canines can be used as a resource for training material or techniques. The Canine Services Manual lists several organizations that can be utilized as a resource.

The Sheriff's Office will pay the NCA membership fee for each Narcotics Canine Handler. The Unit Coordinator shall be responsible for scheduling periodic training for all department personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

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307.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Canine Unit Coordinator shall be appointed by the Patrol Bureau lieutenant and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Operations Assistant Sheriff. The Unit Coordinator shall be responsible for, but not limited to, the following:

- (a) Review all Canine Use Reports to insure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintain liaison with the vendor kennel.
- (c) Maintain liaison with administrative staff and functional supervisors.
- (d) Maintain liaison with other agency canine coordinators.
- (e) Maintain accurate records to document canine activities.
- (f) Recommend and oversee the procurement of needed equipment and services for the unit.
- (g) Be responsible for scheduling all canine related activities.
- (h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

307.9 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

Health & Safety Code § 11367.5 provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency
- (b) Provided the controlled substances are no longer needed as criminal evidence
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

307.9.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

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- (a) All necessary controlled substance training samples shall be acquired from the San Mateo County Sheriff's Office's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler
- (b) The weight and test results shall be recorded and maintained by this office;
- (c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency
- (e) All controlled substance training samples will be stored in locked boxes at all times, except during training. The locked boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked locker. There are no exceptions to this procedure
- (f) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action;
- (g) Any unusable controlled substance training samples shall be returned to the Property or to the dispensing agency
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency

307.9.2 IMMUNITY

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code § 11367.5(b)).

307.10 EXPLOSIVE TRAINING AIDS

Explosive training aids are required to effectively train and maintain the skills of explosives detection canines and can also provide effective training for law enforcement personnel and the public. Peace officers are permitted by law to possess, transport, store or use explosives while acting within the scope and course of employment (Penal Code § 18800). Explosive training aids designed specifically for canine teams should be used whenever feasible. The use of explosives or destructive devices for training aids is subject to the following requirements:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials they contain.

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- (b) An inventory ledger shall be maintained to document the type and quantity of explosives training aids held by the Canine Unit.
- (c) The Bomb Squad Commander or a designated certified bomb technician shall be responsible to verify the explosives training aids on hand against the inventory ledger bi-annually.
- (d) Only members of the Bomb Squad and/or Canine Trainer shall have access to the explosives training aid storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or second person on scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosives training aid shall be promptly reported to the Bomb Squad Commander and the Canine Unit Supervisor in writing who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

307.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

307.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Supervisor.

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307.12.1 CONTINUED TRAINING

Each canine team shall thereafter be re-certified to a current POST, CNCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the San Mateo County Sheriff's Office canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this department.

307.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

307.12.3 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements regarding the same. Alternatively, the San Mateo County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

307.12.4 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the San Mateo County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

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307.12.5 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

307.12.6 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file.

Search and Seizure

308.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for San Mateo County Sheriff's Office personnel to consider when dealing with search and seizure issues.

308.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to respect the fundamental privacy rights of individuals. Sheriff's Office deputies will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this Office will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Office 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.

308.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to 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, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact an on-duty sergeant to resolve questions regarding search and seizure issues prior to electing a course of action.

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308.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) 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.
- (b) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (c) When the person to be searched 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 to summon a deputy of the same sex as the subject, the following guidelines should be followed:
 1. Another deputy or an on-duty sergeant should witness the search.
 2. 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.

308.5 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, 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)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon a deputy of the same sex as the person being searched and the identification of any witness deputy

An on-duty sergeant shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and office policy have been met.

Adult Abuse

310.1 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 San Mateo County Sheriff's Office employees as required by law.

310.1.1 SAN MATEO COUNTY ELDER ABUSE PROTOCOL

Deputies are also encouraged to review and utilize the resources set forth in the County Protocol.

310.1.2 DEFINITIONS

Definitions related to this policy include:

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 (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.07; Penal Code § 368.5).

310.2 POLICY

The San Mateo County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

310.3 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. 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.
- (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.

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- (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) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) 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)).
- (k) 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.

310.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (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).

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310.5 MANDATORY NOTIFICATION

Members of the San Mateo County Sheriff's Office 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 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 as soon as practicable and a written report 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 Office, 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 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 SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

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- (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 Office, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
- (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 Office receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The 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).

310.5.1 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.

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- (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.

310.6 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 left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this San Mateo County Sheriff's Office 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, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an 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.

310.6.1 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)).

310.7 INTERVIEWS

310.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record 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 defer interviews until a person who is specially trained in such interviews is available.

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310.7.2 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 their 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.

310.8 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 appropriate medical facility.

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.

310.9 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.

310.9.1 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 the Detective Bureau supervisor so an interagency response can begin.

310.9.2 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

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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.

310.10 TRAINING

The San Mateo County Sheriff's Office 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.
- (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.

310.11 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is 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.

310.12 JURISDICTION

The San Mateo County Sheriff's Office has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

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 office will retain responsibility for the criminal investigations (Penal Code § 368.5).

310.13 RELEVANT STATUTES

Penal Code § 368 (c)

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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.

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.

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(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

- (1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.
- (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) "Isolation" means any of the following:

- (1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
- (2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
- (3) False imprisonment, as defined in Section 236 of the Penal Code.
- (4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(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:

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- (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.
- (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.

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(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.

Vehicle Pursuits

311.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators 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 and themselves 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.

311.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is 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.

311.2 DEPUTY RESPONSIBILITIES

It shall be the policy of this office that a vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

311.2.1 WHEN TO INITIATE A PURSUIT

Law violators cannot be allowed to escape at will simply because a pursuit will present a threat to the safety of others. Pursuits should be initiated and continued when the threat to safety that may be caused by the pursuit is proportionate to the public safety risks and benefits resulting from the pursuit, which may be based, in part, on the offense or offenses involved.

Deputies intending to stop a vehicle should be within close proximity to the violator's vehicle before activating red/blue lights and attempting the stop. The initiating unit will be designated as the primary pursuit vehicle unless circumstances dictate otherwise. All other units involved will be considered cover units. If a cover unit replaces the initial pursuing unit, that unit then will directly follow the pursued vehicle and will continue in that capacity until the pursuit is terminated or until a succeeding back-up unit once again has replaced the primary unit.

- (a) Deputies may engage in vehicular pursuits only when the initiating member can articulate the following factors are present:
 1. When the violator is believed to have committed a serious violent felony crime and poses a significant, ongoing threat to public safety. Examples of serious violent felony crimes are as follows:
 - (a) homicide/manslaughter

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- (b) forcible rape
- (c) robbery
- (d) kidnapping
- (e) felony assault
- (f) felony DUI causing serious bodily injury or death to another
- (g) felony hit and run causing serious bodily injury or death to another

For purposes of this policy the following crimes are also included:

- residential burglary
 - arson
2. 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.
 3. Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
 4. 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.
 5. Pursuing deputies familiarity with the area of the pursuit, the quality of radio communications between the pursuing units, the dispatcher and on-duty sergeant coupled with the driving capabilities of the pursuing deputies under the conditions of the pursuit.
 6. Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
 7. Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
 8. Vehicle speeds.
 9. Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
 10. Availability of other resources such as an aircraft.
- (b) A Deputy may not initiate a pursuit under the following conditions:
1. The only crime committed is a vehicle code infraction.
 2. The crime committed is a misdemeanor of a nature not injurious to life and limb.
 3. The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.
 4. The sheriff's unit is carrying passengers other than on-duty sworn peace officers.
 5. Pursuits should not be undertaken with a prisoner in the police vehicle.

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311.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or on-duty sergeant during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and sergeants must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing deputies 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) Pursued vehicle's location is no longer definitely known.
- (c) Deputy's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) There are hazards to uninvolved bystanders or motorists.
- (e) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (f) Pursuit is terminated when directed by a sergeant or sworn personnel of higher rank.

311.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the deputy and sergeant. Evaluation of vehicle speeds shall 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 sergeants shall 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.

311.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervising sergeant); however, the number of units involved will vary with the circumstances. A deputy or sergeant may request

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additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would 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.

311.3.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a sheriff's motorcycle as primary and/or secondary pursuit unit as soon as practical.

311.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light 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 any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to deputies using vehicles without emergency equipment.

311.3.3 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 it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to themselves or other persons.

Notify San Mateo County Public Safety Communications that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a sergeant or secondary unit, the deputy in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary deputy should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

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311.3.4 SECONDARY UNITS RESPONSIBILITIES

The second deputy in the pursuit is responsible for the following:

- (a) The deputy in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.
- (c) The secondary deputy should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

311.3.5 PURSUIT DRIVING TACTICS

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) Because intersections can present increased risks, the following tactics should be considered:
 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 2. 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.
- (d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) 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.

311.3.6 TACTICS/PROCEDURES FOR 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 sergeant or higher-ranking sworn personnel.

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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 (red light and siren) unless other units are assigned to the pursuit at the discretion of the sergeant or higher ranking sworn personnel.

311.3.7 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 sergeant, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term trail means to follow 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 unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

311.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume visual control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide radio-transmitted details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit.

311.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this Office that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this Office.

The supervisor of the deputy initiating the pursuit or, if unavailable, the nearest on-duty sergeant 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) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in their judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

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- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing SMSO units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

311.4.1 PATROL SERGEANT RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Shift Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Patrol Sergeant shall review all pertinent reports for content briefly summarize the pursuit via Office memorandum and forward the report and summary to the Division Captain via the chain of command.

311.5 COMMUNICATIONS

In the event of a pursuit, the initiating deputy will notify County Communications and request the pursuit radio traffic be switched to the County-Wide Mutual Aid (CWMA) (Green) channel.

311.5.1 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

311.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or on-duty sergeant, 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 sergeant 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.

311.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the San Mateo County Sheriff's Office is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a sergeant, to the termination point to assist in the investigation.

The role and responsibilities of deputies at the termination of a pursuit initiated by this office shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

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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. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this office, the CHP should relinquish control.

311.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this Office should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this Office may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this office to assist or take over a pursuit from another agency that has entered this jurisdiction, the on-duty sergeant should consider these additional following factors:

- (a) Ability to maintain the pursuit
- (b) Circumstances serious enough to continue the pursuit
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing deputies

As soon as practicable, the on-duty sergeant should review a request for assistance from another agency. The on-duty sergeant, after consideration of 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 office will terminate at the County limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall 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 assistance requested or needed.

311.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to prevent or terminate the ability of a suspect to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, vehicle containment or roadblock procedures. In this context, containing shall be construed to mean maneuvering the law enforcement vehicle into contact with the suspect vehicle to forcibly position it such that flight is not possible or practicable.

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311.7.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a sergeant or higher ranking sworn personnel. In deciding whether to use intervention tactics, all personnel should balance the risks of allowing a pursuit to initiate or continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the suspect vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the deputy at the time of the decision.

It is imperative that deputies act within the bounds of legality, good judgment and accepted practices.

311.7.2 DEFINITIONS

Vehicle containment tactic - A coordinated maneuver where two or more law enforcement vehicles equipped with a red light and siren, simultaneously intercept and block the movement of a suspect vehicle that is already stopped. The driver of the suspect vehicle may be unaware of the impending enforcement stop. The goal of the vehicle containment tactic is to prevent a pursuit.

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles equipped with a red light and siren and then slowing all vehicles to a stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

Spikes or tack strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

311.7.3 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 deadly force and subject to the requirements for such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Vehicle containment should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by deputies who clearly display law enforcement identification markings e.g. high visibility police vests, patches and badge. Deputies must also have received training in such tactics after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.

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2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 4. The target vehicle is stopped or traveling at a low speed.
 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Deputies assigned to special investigations units; for example, SWAT, VTTF/NTF, SCSU, will receive specialized training to take suspects into custody while reducing the risk to the public from fleeing suspects. Specialized investigations units are authorized to utilize these tactics for the purpose of limiting the movement of a suspect vehicle and taking the suspect into custody. Any time the vehicle containment tactic is used, the supervisor shall ensure that a Vehicle Containment Tactic Use of Force Report is completed along with a RIMS case number be issued to document the incident.
- (c) As with all intervention techniques, pursuing deputies should obtain supervisory approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.
- (d) The use of spike strips should be approved in advance by sworn supervisory personnel and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of sworn supervisory personnel and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or other members of the public.
- (f) When employing the aforementioned intervention tactics, deputies should take every precaution or measure to ensure they do not create their own exigent circumstance or create a deadly force situation.

311.8 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

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- (a) The primary deputy should complete as much of the required information on the form as is known and forward the report to the Patrol Sergeant for review and distribution. The patrol Sergeant shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is forwarded to the Records Bureau for transmission to the CHP not later than thirty days following the pursuit (Vehicle Code 14602.1)
- (b) The Shift Supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary deputy should complete as much of the required information on the form as is known and forward the report to the Shift Supervisor for review and distribution.
- (c) After first obtaining the available information, a Sergeant shall promptly submit a memo briefly summarizing the pursuit and submit it to the Division Commander via the chain of command by the end of the shift. The memo should include the following:
 - Date and time of pursuit
 - Length of pursuit
 - Involved units and deputies
 - Initial reason for pursuit
 - Starting and termination points
 - Disposition (arrest, citation), including arrestee information if applicable
 - Injuries and/or property damage
 - Medical treatment
 - Name of supervisor at scene
- (d) All pursuit reports will be reviewed by the Patrol Division Captain and the Support Services Division Captain, who may request additional documentation from any personnel and may include their own comments. After review by the captains, their reports shall be referred to the Professional Standards Unit for review. If appropriate, a personnel investigation may be initiated. The deputies involved in the pursuit will be informed of the outcome of the review.

311.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary Peace Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn employees of this Office will participate no less than annually in regular and periodic Office 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)).

311.8.2 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

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equivalent form, may be used to document the compliance and should be retained in the member's training file.

311.9 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.

Discriminatory Harassment

312.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

312.2 POLICY

The San Mateo County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

312.3 DEFINITIONS

Definitions related to this policy include:

312.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

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312.3.2 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

312.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

312.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because they have engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

312.4 RESPONSIBILITIES

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Director of Human Services or the County Manager.

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Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

312.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include, but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensuring that his/her subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

312.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

312.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Director of Human Services, the County Manager or the California Department of Fair Employment and Housing for further information, direction or clarification.

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312.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

312.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that their behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing their concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

312.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Director of Human Services or the County Manager.

312.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

312.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

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- Approved by the Sheriff, the County Manager or the Director of Human Services, depending on the ranks of the involved parties.
- Maintained in accordance with the office's established records retention schedule.

312.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

312.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

312.7.1 SUPERVISOR TRAINING

All supervisors shall receive specific training and education regarding sexual harassment, prevention of abusive conduct and harassment based on gender identity, gender expression and sexual orientation within six months of assuming a supervisory position. Refresher training shall be provided every two years thereafter (Government Code § 12950.1; 2 CCR 11024).

312.7.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

312.8 REQUIRED POSTERS

The Office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

312.9 WORKING CONDITIONS

The Administrative Services Assistant Sheriff or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

Child Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when San Mateo County Sheriff's Office members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

313.1.1 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).

313.2 POLICY

The San Mateo County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

313.3 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 Office. 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).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the

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person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of their employment as a peace officer.

313.3.1 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.

313.4 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.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

313.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) 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 they 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.

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- (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).

313.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, Office members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

313.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from their family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this Office should remove a child from their parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

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):

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- (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.

313.6.1 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.

313.6.2 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.

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313.7 INTERVIEWS

313.7.1 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.

313.7.2 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.

313.7.3 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).

313.8 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 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.

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313.9 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.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau sergeant 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 a deputy notifies the Detective Bureau sergeant that the 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.
- (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 child.

313.9.2 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) Review and utilize the resources set forth in the County Drug Endangered Children Protocol.
- (b) Notify the On-call County Narcotics Task Force Agent so an interagency response can begin. Agents have been specially trained and equipped to investigate cases involving Drug Endangered Children.
- (c) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

313.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

313.10.2 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

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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.

313.10.3 CACI HEARING OFFICER

The Detective Bureau sergeant 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.

313.10.4 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 their name should be removed. The person requesting the hearing may record the hearing at their 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, they 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.

313.10.5 CHILD DEATH REVIEW TEAM

This Office should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release

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restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

313.11 TRAINING

The San Mateo County Sheriff's Office should provide training on best practices in child abuse investigations to deputies 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.

Missing Persons

314.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

314.1.1 DEFINITIONS

At risk - Includes, but is not limited to (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.

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).

314.1.2 SAN MATEO COUNTY MISSING PERSONS PROTOCOL

Deputies are also encouraged to review and utilize the resources set forth in the County Protocol.

314.2 POLICY

The San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office 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).

314.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation 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:

- Office 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

314.4 ACCEPTANCE OF REPORTS

Any 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 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).

314.5 INITIAL INVESTIGATION

Deputies or other 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 an on-duty sergeant 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 their 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 an on-duty sergeant and proceed with reasonable steps to locate the missing person.

314.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate on-duty sergeant as soon as a missing person report is ready for review.

314.6.1 SERGEANT RESPONSIBILITIES

The responsibilities of the sergeant shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Bureau.
- (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 sergeant should facilitate transfer of the case to the agency of jurisdiction.

314.6.2 RECORDS BUREAU RESPONSIBILITIES

The receiving 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).

314.7 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 § 586).

314.8 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 report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Bureau 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.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

314.8.1 UNIDENTIFIED PERSONS

Office 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.

314.9 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 San Mateo County or this office is the lead agency, the case should be kept under active investigation for as long as the person may still

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be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

- (c) If this office is not the lead agency, the case can be made inactive 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.

314.10 TRAINING

Subject to available resources, the Training Manager should ensure that members of this office 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, such as Mobile Audio Video (MAV)
 - 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 office 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.

Public Alerts

315.1 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.

315.2 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.

315.3 RESPONSIBILITIES

315.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the San Mateo County Sheriff's Office should notify their supervisor and the on-call Office of Emergency Services (OES) Law Liaison 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.

315.3.2 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 in charge of the situation may send an SMC ALERT directly to the public or request the assistance of the on-call Office of Emergency Services Liaison (OESL).

In the event an alert is sent to the public via the TENS system, the supervisor is required to:

- (a) Notify any allied agencies the message will be sent to outside the Sheriff's Office jurisdiction.
- (b) Contact the on-call OESC via County Radio to arrange for the message to be sent.

The supervisor in charge of the situation is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Notifying the Sheriff, Executive Team members, the appropriate Division Captain and the Public Information Officer via the "Sheriff's Command Staff" group in the mass notification system.

Field Supervisor Guide

The Field Supervisor Guide can be found on the OES landing page or [See attachment: SMCAAlertUseGuide.pdf](#)

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315.3.3 GUIDE TO REQUESTING A EMERGENCY DIGITAL OR TELEPHONIC MESSAGE TO PUBLIC

- (a) Determine the need to alert the public of an emergency
 - 1. Risk to community
 - 2. Policy requirement (if applicable)
- (b) Notify OES staff
 - 1. Business hours call 599-1297, 363-4790 or 363-4911 if no answer
 - 2. After hours call Public Safety Communications at 650-363-4911
 - 3. Ask to have OES Law Liaison paged to them
- (c) OES staff will help determine the type of notification needed
 - 1. Digital alert (SMCAAlert)
 - 2. e-Mail (SMCAAlert)
 - 3. Telephone notification (TENS)
 - 4. All telephone notifications will include a digital alert as well
 - 5. Multiple, any combination of the above
- (d) Describe incident and content of the alert message
 - 1. Short messages for page and phone notification
 - 2. Longer, detailed information or PDF attached to email
 - 3. Select geographic area or group for notification
- (e) Cancellation notification may be required
 - (a) If so, set time or conditions for cancellation

315.4 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.

315.4.1 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.

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- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

315.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
 1. The child's identity, age and description
 2. Photograph if available
 3. The suspect's identity, age and description, if known
 4. Pertinent vehicle description
 5. Detail regarding location of incident, direction of travel, potential destinations, if known
 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 San Mateo County Public Safety Communications Emergency Communications so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
- (e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (f) The following resources should be considered as circumstances dictate:
 1. The local FBI office
 2. National Center for Missing and Exploited Children (NCMEC)

315.5 BLUE ALERTS

A Blue Alert is an Emergency Alert System activation through the California Highway Patrol. Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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315.5.1 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.

315.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
 1. The license number and/or any other available description or photograph of the vehicle
 2. Photograph, description and/or identification of the suspect
 3. The suspect's identity, age and description, if known
 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the San Mateo County Public Safety Communications 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

315.6 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).

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315.6.1 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 Sheriff's Office 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 on-duty sergeant 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.

315.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

315.7 YELLOW ALERTS

Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or injury (Vehicle Code § 20001; Government Code § 8594.15).

315.7.1 CRITERIA FOR YELLOW ALERTS

All of the following conditions must be met before requesting the activation of a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed or has suffered serious bodily injury due to a hit-and-run.
- (b) It is likely the suspect may be seen on a state highway.
- (c) There is additional information concerning the suspect's vehicle, including, but not limited to any of the following:
 - 1. The suspect or the suspect's vehicle can be particularly described (e.g., a complete or partial license plate number)
 - 2. Unique vehicle characteristics (e.g., make, model and color of suspect's vehicle)
 - 3. The identity of the suspect
- (d) Public assistance can mitigate danger to the public or quicken the apprehension of the suspect.

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315.7.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

Victim and Witness Assistance

316.1 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.

316.2 POLICY

The San Mateo County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the San Mateo County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

316.3 CRIME VICTIM LIAISON

The Sheriff shall appoint a member of the Office 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 San Mateo County Sheriff's Office 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.

316.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. 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 the Records Maintenance and Release 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 San Mateo County Sheriff's Office jurisdiction (Penal Code § 680.2).

Victim and Witness Assistance

316.4 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 office material or available victim resources.

316.4.1 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 their immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

316.5 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that their 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.

Hate Crimes

317.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

317.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (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
- (h) Examples of hate crimes include, but are not limited to:
 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

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317.2 POLICY

The San Mateo County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

317.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

317.4 INVESTIGATIONS

Whenever any member of this office receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned deputies should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned deputies should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, deputies should take appropriate action to mitigate further injury or damage to potential victims or the community.
 1. Deputies should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the deputy once the offense is documented.
- (e) The assigned deputies should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))

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2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned deputies or supervisor may request additional assistance from detectives or other resources.
 - (g) The assigned deputies should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned deputies before the end of the shift.
 - (h) The assigned deputies will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned deputies should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
 - (i) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or County Counsel Penal Code § 136.2 or Civil Code § 52.1 as indicated).

317.4.1 DETECTIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Detective Bureau, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Bureau Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).
- (f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.
 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

317.4.2 SUPERVISOR RESPONSIBILITY

The sergeant should confer with the initial responding deputies to identify reasonable and appropriate preliminary actions. The sergeant should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

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- (b) 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.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning a deputy at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

317.5 TRAINING

All members of this office will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

Standards of Conduct

318.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the San Mateo County Sheriff's Office and are expected of all Office 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 Office or a member's supervisors.

318.2 POLICY

The continued employment or appointment of every member of the San Mateo County Sheriff's Office 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-duty or off-duty, may be cause for disciplinary action.

This policy applies equally to conduct on-duty and off-duty to the extent related to employment.

318.3 DIRECTIVES AND ORDERS

Members of this Office shall comply with lawful directives and orders from any Sheriff's Office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

318.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, Office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the

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opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

318.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to their immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are 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.

318.4 GENERAL STANDARDS

Members shall conduct themselves, whether on-duty 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 policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated 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.

318.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient Sheriff's Office service:

318.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in Sheriff's Office or County manuals.
- (b) Disobedience of any legal directive or order issued by any employee of a higher rank.

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- (c) Violation of federal, state, local or administrative laws, rules or regulations.

318.5.2 ETHICS

- (a) Using or disclosing one's status as an employee of the San Mateo County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for Non--Office business or activity.
- (b) 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.
- (c) 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).
- (d) Acceptance of fees, gifts or money contrary to the rules of this Office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

318.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

318.5.4 RELATIONSHIPS

- (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 or defendant 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 employee 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 Office.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the employee knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this Office.

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318.5.5 ATTENDANCE

- (a) Leaving the job to which the employee is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

318.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (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 Office.
 - 1. Members of this Office 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.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this Office for personal or financial gain or without the express authorization of the Sheriff or designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any San Mateo County Sheriff's Office badge, uniform, identification card or Office property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using Office 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.

318.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) 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.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office by next shift of any change in residence address or contact telephone numbers.

318.5.8 PERFORMANCE

- (a) 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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- (b) 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 Sheriff's Office record, public record, book, paper or document.
- (c) Failure to participate in, or giving 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 in the reporting of any Office related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Office or its employees.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this Office or subverts the good order, efficiency and discipline of this Office or that would tend to discredit any of its employees.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on any County premises.
 - 2. At any work site, while on--duty or while in uniform, or while using any County equipment or system.
 - 3. 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.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on--duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on--duty or, on County property except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.
- (i) Any act on-duty or off--duty that brings discredit to this Office.

318.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on their 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.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

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- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Office or the County
- (g) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (h) Unauthorized possession of, loss of, or damage to Office property or the property of others, or endangering it through carelessness or maliciousness.
- (i) Attempted or actual theft of Office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of Office property or the property of another person.
- (j) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (k) Initiating 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.
- (l) Any other on- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this Office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Office or its members.

318.5.10 SAFETY

- (a) Failure to observe or violating Office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain physical condition sufficient to adequately and safely perform duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on-duty or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the employee's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

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318.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. An employee who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Report Preparation

319.1 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.

319.1.1 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 in-custody reports taken during the shift before going off-duty unless permission to hold the report has been approved by an on-duty sergeant. All other reports shall be completed in a timely manner. 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.

319.1.2 PATROL MANUAL

Deputies are encouraged to review and utilize the resources set forth in Chapter Four of the San Mateo County Sheriff's Patrol Manual for specific report writing procedures.

319.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Sheriff's Office approved form unless otherwise approved by a supervisor.

319.2.1 CRIMINAL ACTIVITY REPORTING

When an employee 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 employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report

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- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report. If the victim does not desire a report, the incident will be recorded on the dispatcher's log
- (c) In every case where any force is used against any person by sheriff's personnel
- (d) All incidents involving domestic violence
- (e) All arrests

319.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented:

- (a) Any reportable use of force against any person (see the Use of Force Policy).
- (b) Any firearm discharge (see the Firearms and Qualification Policy).
- (c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (d) Any found property taken for safe keeping.
- (e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (g) Suspicious incidents that may place the public or others at risk.
- (h) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

319.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. The handling deputy should notify and apprise an on-duty sergeant of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

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319.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of any Sheriff's Office personnel. Additionally, reports shall be taken involving damage to County property or County equipment by a Sheriff's Office employee.

319.2.5 MISCELLANEOUS INJURIES

The following injuries shall require a report:

- (a) Attempted suicide
- (b) The injury is major/serious, whereas death could result
- (c) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

319.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident, on a form provided by the state. Forms may be obtained from the CDPH website (Penal Code § 23685).

319.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all deputies and 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.

319.3.1 GENERAL POLICY OF 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 Office consistency.

319.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

319.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should 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

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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.

319.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau 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 Records Bureau may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

Media Relations

320.1 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.

320.2 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, Assistant Sheriffs, Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law. The Public Information Officer will report to the Investigations Bureau Lieutenant but may also utilize the expertise of the Professional Standards Bureau Lieutenant on a day to day basis.

320.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the Public Information Officer, or if unavailable, to the first available on-duty sergeant. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this Office make any comment or release any official information to the media without prior approval from the designated public information officer;
- (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 Office;
- (c) Under no circumstance should any Sheriff's employee make any comment(s) to the media regarding any law enforcement incident not involving this Office without prior approval of the Sheriff or designee.

320.3 MEDIA ACCESS

Authorized representatives 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 identify themselves as a member of the press.
- (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

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- be coordinated through the 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 on-scene sergeant should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the on-scene sergeant. 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 employee of this Office 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 shall be permitted during regular visiting hours and are subject to the same rules and regulations that govern civilian custodial visits.
 - (e) Only the Sheriff, the Facility Commander or their designee may grant approval for an in custody media interview that utilizes photography, audio or video recordings. Interviews shall only be conducted with the express consent of the person in custody. An on-duty sergeant shall obtain a signed waiver from the inmate acknowledging their consent to be interviewed, photographed and/or videotaped.
 - (f) 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 Incident Commander. Employees shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Incident Commander, on-duty Sergeant or the Public Information Officer.

320.3.1 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.

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.

320.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Office will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Supervisor. This log will generally contain the following information:

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- (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, birth date and charges for each person arrested by this Office unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

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 Shift Supervisor (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 otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated Office media representative, the custodian of records, or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

320.4.1 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 Office. When in doubt, authorized and available legal counsel should be obtained.

Subpoenas and Court Appearances

321.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Office members who must appear in court. It will allow the San Mateo County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

321.2 POLICY

San Mateo County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

321.3 SUBPOENAS

Only Sheriff's Office members authorized to receive a subpoena on behalf of this Office or any of its members may do so. This may be accomplished by personal service to the deputy or by delivery of two copies of the subpoena to the deputy's supervisor or other authorized Office agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to a deputy to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) They know that they will be unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and they are not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that they are unable to deliver a copy of the subpoena to the named deputy within sufficient time for the named deputy to comply with the subpoena, the supervisor or the 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)).

321.3.1 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 their immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of their 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 their official capacity, is a party.

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- (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 their association with the San Mateo County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the San Mateo County Sheriff's Office.

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.

321.3.2 CIVIL SUBPOENA

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

321.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

321.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

321.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes their location during the day, the member shall notify the designated member of how they can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

321.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in uniform or business attire.

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- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

321.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

321.7 OVERTIME APPEARANCES

When a member appears in court on their off-duty time, they will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

321.8 ELECTRONIC SUBPOENAS

Most criminal subpoenas from the District Attorney's Office are prepared, distributed and served electronically through the Karpel system. Notification to employees will consist of an email to the employee's designated County email account. Employees are expected to access their email at least once per day while on duty. Upon notification of a subpoena, employees should access the link in their email to the portal and view the subpoena. Proof of service occurs electronically the moment the employee opens the link to the subpoena. Employees should view all subpoenas without delay. Subpoenas that are not issued by the District Attorney's Office will continue to be processed, distributed and served manually.

Employees should access the link before appearing in court to avoid unnecessary court attendance. Overtime will not be paid when failing to confirm their court appearance. The link to the portal and the subpoenas can be accessed from anywhere.

If an employee is unable to attend court due to preplanned vacation, training, or other approved absences he/she should prepare a "Declaration for Court Continuance" within 48 hours of service, via the link and submit it to the District Attorney's Office.

Supervisor responsibilities include monitoring subpoenas in the portal to ensure they are served in a timely manner. In cases where there is an extended absence or situation preventing the employee from being served, supervisors should immediately notify the District Attorney's Office using the "Declaration for Court Continuance" form.

Reserve Deputies

322.1 PURPOSE AND SCOPE

The purpose of this policy is for the recruitment, training and utilization of Reserve Deputy Sheriffs. The San Mateo County Sheriff's Office Reserve Unit was established to supplement and assist regular sworn sheriff's deputies in their duties. This unit will provide professional, sworn volunteer reserve deputies who can augment regular staffing levels.

322.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to maintain a volunteer Reserve Deputy Sheriff Program. It is further the policy of this Office that individual Reserve Deputies be recruited, trained and equipped using the same standards applied to the Office at large.

322.3 CHAIN OF COMMAND & DUTIES

322.3.1 CHAIN OF COMMAND

Sheriff

Undersheriff

Assistant Sheriff - Field Operations

Homeland Security Division/OES Division Captain

Homeland Security Division/Emergency Services Bureau (ESB) Sergeant

Reserve Coordinator (Sergeant) - Collateral Assignment

Assistant Reserve Coordinator (Deputy Sheriff) - Collateral Assignment

Reserve Deputy Sheriff

322.3.2 RESERVE COORDINATOR DUTIES

The Reserve Coordinator shall be designated by the Sheriff through an appropriate selection process. The Coordinator shall maintain general supervision over the Reserve Deputy Sheriff Program including recruitment, training and utilization of personnel. The Sheriff's Office may appoint an Assistant Reserve Coordinator. The Coordinator shall work closely with the Assistant Reserve Coordinator as necessary to accomplish the organizational goals for the Program. The Coordinator shall develop and maintain a Reserve Deputy Operations Manual. This manual will provide guidance for the Reserve Deputy including initial orientation (general and jail), relevant reference material, training guidance and general information about the Sheriff's Office that will assist the Reserve Deputy in the performance of his or her duties.

322.3.3 ASSISTANT RESERVE COORDINATOR DUTIES

The Assistant Reserve Coordinator shall work closely with the Coordinator to accomplish the goals of the Program.

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322.4 SELECTION & APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The San Mateo County Sheriff's Office 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 Office.

322.4.1 RECRUITMENT

The Reserve Coordinator and the Emergency Services Sergeant shall coordinate recruitment efforts for Reserve Deputy Sheriffs.

322.4.2 APPLICATION PROCESS

- (a) Applicants are required to complete the Application for San Mateo County Sheriff's Volunteers and return it to the Reserve Coordinator. This form may be obtained from the Reserve Coordinator, the Assistant Reserve Coordinator or the Emergency Services Bureau Sergeant.
- (b) Applicants must meet the minimum requirements s defined by the Commission on Peace Officer Standards and Training (P.O.S.T.) guidelines. If applying to become a Level III Reserve Deputy Sheriff, they must also possess special skills that the Sheriff determines provide a significant benefit to the Office.
- (c) The Reserve Coordinator shall review the application form and discuss with the applicant their specific qualifications to determine if the applicant meets the minimum standards for Reserve Deputy Sheriff as set forth in this policy. If the applicant is found to meet the standards, they will be notified of their eligibility to move forward in the application process.
- (d) The applicant shall be interviewed by a board consisting of three members of the Sheriff's Office including the Homeland Security Division/OES Captain or the Emergency Services Bureau Sergeant, the Reserve Coordinator and one additional Sheriff's Office employee, as designated by the Reserve Coordinator. These interviews shall be conducted at appropriate times as needed.
- (e) Following the oral interview, the board will determine the suitability of the applicant to continue in the application process. If the applicant is found not to be suitable to continue in the process, the Reserve Coordinator will notify them that their application process has been terminated. If the board determines that the applicant should receive further consideration, the Reserve Coordinator will request the Professional Standards Bureau to complete a background investigation.
- (f) The applicant must meet the standards defined by the San Mateo County Sheriff's Office as they apply to the position of full-time Deputy Sheriff to include a background investigation conducted by the Professional Standards Bureau. Applicants for the position of Reserve Deputy Sheriff shall not be required to complete a written test or physical agility test.
- (g) The Reserve Coordinator shall be notified of the results of the background investigation by the Professional Standards Bureau. If the applicant failed the background investigation, the Professional Standards Bureau shall notify the applicant and the Reserve Coordinator and the application process shall be terminated. If the applicant passes the background investigation, the Reserve Coordinator shall

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coordinate their appointment to the position of Reserve Deputy Sheriff at a level that is consistent with his or her qualifications.

San Mateo County Sheriff's Office Correctional Officers are not eligible for the position of Reserve Deputy Sheriff with the San Mateo County Sheriff's Office.

322.4.3 RETIRED SHERIFF'S OFFICE PERSONNEL

If a full-time Deputy Sheriff retires and would like to become a Reserve Deputy Sheriff, they shall submit an Application for San Mateo County Sheriff's Volunteers form to the Reserve Coordinator. The Reserve Coordinator shall forward the application via the chain of command to the Assistant Sheriff - Field Operations for review and consideration. If approved, the application will be forwarded to the Professional Standards Bureau which will facilitate the appointment as a Reserve Deputy Sheriff. Deputy Sheriffs transitioning from full-time to Reserve Deputy status without a lapse in service will not be required to undergo a background investigation.

322.4.4 APPOINTMENT PROCESS

The Emergency Services Bureau will facilitate the following:

- (a) Administer the oath of office
- (b) Issue an appropriate badge
- (c) Issue an identification card
- (d) Issue an access card
- (e) Issue Class B Deputy Uniform (pants, short/long sleeved shirts, belt, name tag)
- (f) Verification of receipt of the Sheriff's Office General Orders
- (g) Obtain completed Personal Information and Emergency Contact forms
- (h) Ensure the P.O.S.T. Notice of Appointment is completed by the Training Unit

322.4.5 SAFETY EQUIPMENT

All Reserve Deputy Sheriffs will be issued by the following safety equipment by the Training Unit:

- (a) Gun belt with keepers
- (b) Handcuffs and case
- (c) Pepper spray and case
- (d) Baton and baton ring or Collapsible Metal Baton as appropriate
- (e) Weapon Holster
- (f) Ammunition pouch
- (g) Personal Body Armor (bulletproof vest)

All Reserve Deputy Sheriffs will be issued the following safety equipment by the Rangemaster:

- (a) On-duty firearm and two extra magazines
- (b) Duty ammunition

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- (c) Conducted Energy Device (CED)
- (d) CED holster
- (e) Extra CED cartridge

322.4.6 P.O.S.T. NOTIFICATION

The Training Unit will notify P.O.S.T. using the appropriate forms upon the appointment of a Reserve Deputy Sheriff or a change in designation. This notification will include the designation as a Designated Level I, Level I, Level II or Level III as directed by the Reserve Coordinator and approved by the Homeland Security Division/ESB Sergeant.

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322.4.7 RESERVE DEPUTY P.O.S.T LEVELS

APPOINTMENT	AUTHORITY	ASSIGNMENT	SUPERVISION	TRAINING
LEVEL I 830.6(a)(1) PC 832.6(a)(1) PC	24 hours ¹ <u>OR</u> duration of specific assignment (on-duty)	General Law Enforcement ²	Same as regular full-time peace officer (as determined by the agency)	1. Regular Basic Course ³ (min. 664 hours) 2. Field Training Program (min. 400 hours) 3. CPT (24 hours every 2 years)
LEVEL II 830.6(a)(1) PC 832.6(a)(2) PC	Only for duration of specific assignment (on-duty)	General Law Enforcement OR Limited Support Duties: May work assignments authorized for Level III Reserve Officers	Immediate supervision by a peace officer who has completed the POST Regular Basic Course Without immediate supervision	1. Modules III and II (min. 333 hours) 2. CPT (24 hours every 2 years)
LEVEL III 830.6(a)(1) PC 832.6(a)(3) PC	Only for duration of specific assignment (on-duty)	Limited Support Duties Duties not likely to result in physical arrests. Examples: traffic control, security at parades/sporting events, report writing, evidence transportation. May transport prisoners without immediate supervision	Supervised in the accessible vicinity by a Level I Reserve or a regular full-time peace officer	1. Module III (min. 144 hours)

Designated Level I – Upon completion of the following: the P.O.S.T. regular basic course, a field training program, the general orientation and jail orientation requirements as defined in the Reserve Operations Manual and three (3) years as a Level I Reserve Deputy at the Sheriff’s Office, shall, at the discretion of the Sheriff or his designee, have 24 hour peace officer powers, may perform general law enforcement duties without immediate supervision, and must comply with CPT requirements.

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Level I – Upon completion of the following: the P.O.S.T regular basic course, a field training program, the general orientation and jail orientation requirements as defined in the Reserve Operations Manual shall have on-duty peace officer powers, may perform general law enforcement duties without immediate supervision and must comply with CPT requirements.

Level II – Upon completion of the following: the P.O.S.T. Module III and Module II courses and the general orientation and jail orientation requirements as defined in the Reserve Operations Manual, shall have on-duty peace officer powers, may perform general law enforcement duties under direct and immediate supervision of a full-time peace officer, a Designated Level I or Level I Reserve Deputy Sheriff,. He or she may perform limited support duties, as defined in the P.O.S.T. table above, without immediate supervision and must comply with CPT requirements.

Level III – Upon completion of the Reserve Deputy general orientation and jail orientation requirements as defined in the Reserve Operations Manual, shall have limited peace officer powers while on duty, shall only perform limited support duties as defined in the P.O.S.T. table above, while under the direct supervision of a full-time peace officer, Designated Level I or Level 1 Reserve Deputy Sheriff.

322.5 RULES AND REGULATIONS

Reserve Deputy Sheriffs are subject to the same rules and regulations as full-time Deputies. However, Reserve Deputy Sheriffs are not covered by the Peace Officers Bill of Rights.

322.5.1 MINIMUM DUTY REQUIREMENTS

- (a) 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.
- (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.
- (c) All Reserve Deputy Sheriffs are required to attend 75% of the scheduled regular monthly training meetings. Exceptions will be reviewed on a case-by-case basis and must be approved by the Coordinator or Assistant Coordinator.
- (d) Compliance for Reserve Deputy Sheriffs includes, but is not limited to, meetings, P.O.S.T. continuing professional training (CPT) requirements, other training, firearms qualification and duty hours. Compliance records will be generated and reviewed by the Reserve Coordinator quarterly and provided to the Homeland Security Division/ESB Sergeant annually.
- (e) If a Reserve Deputy fails to meet the minimum standards at anytime they may be subject to discipline including documentation of counseling, a performance improvement plan, formal discipline, suspension or dismissal from the Reserve Deputy Program.

322.5.2 RESERVE DEPUTY ASSIGNMENTS

- (a) All requests for reserve deputies for pre-planned events (Pumpkin Festival, Hometown Days, etc.) shall be handled by the Emergency Services Bureau and/or the Reserve Coordinator. No reserve deputy shall self-deploy to these types of events.

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- (b) Reserve deputies who wish to work a particular assignment such as patrol or jail, shall obtain approval to do so from the shift supervisor.
- (c) Any Sheriff's Office supervisor may assign a Reserve Deputy Sheriff to official duties as needed. However, an effort should be made to notify the Reserve Coordinator of these unscheduled deployments, if possible.

322.5.3 UNIFORM

Reserve Deputy Sheriffs shall comply with the uniform requirements as specified in the Sheriff's Office Uniform Policy.

322.6 PERSONNEL FILES

Personnel files for Reserve Deputy Sheriffs shall be maintained by the Emergency Services Bureau.

322.6.1 DUTY RELATED INJURIES

In the event a Reserve Deputy Sheriff is injured in the performance of their duties the on-scene sergeant shall complete the San Mateo County Employee Injury Report and notify County Risk Management. Reserve Deputy Sheriffs are afforded the same on-the-job Worker's Compensation benefits as a full-time Deputy Sheriff.

322.7 FIREARMS REQUIREMENTS

Any Designated Level I Reserve Deputy Sheriff may carry a concealed and loaded firearm off duty. Such a Reserve Deputy must qualify with any weapon that they carry in accordance with Office Policy.

Any Level I, Level II or Level III Reserve Deputy Sheriff may carry a loaded firearm that has been approved by the Sheriff or the Rangemaster during official duty assignments and to and from those assignments. Such a Reserve Deputy must qualify with any weapon that they carry in accordance with Office Policy.

All Reserve Deputy Sheriffs are required to qualify with the same frequency, proficiency and standards as a full-time deputy.

Should a Reserve Deputy Sheriff fail to qualify, they will not be allowed to carry a firearm until they can demonstrate the required proficiency as established by the Rangemaster.

322.8 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Mutual Aid and Outside Agency Assistance

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

323.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the on-duty sergeant for approval. Information should be obtained as to the nature and size of the incident. The requesting agency shall advise on what assistance is necessary i.e. number of deputies, specialized units or equipment etc. The requesting agency shall advise of the locations of the staging area and the Incident Command Post.

When an authorized employee of an outside agency requests the assistance of the San Mateo County Sheriff's Office in taking a person into custody, available deputies shall respond and assist in making a lawful arrest. If a deputy receives a request in the field for assistance, that deputy shall notify an on-duty sergeant. Arrestees may be temporarily detained by our Office until arrangements for transportation are made by the outside agency. When such assistance is rendered, a case number will be issued to report action taken by San Mateo County Sheriff's Office Personnel.

When mutual aid is requested for pre-planned event (non-emergency) requests should be routed through the San Mateo County Sheriff's Office Emergency Services Bureau for coordination of said resources. If mutual aid is requested in the form of a Mobile Field Force, a set procedure has been established. See the San Mateo County Law Enforcement Mutual Aid Protocol for guidance.

323.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify an on-duty sergeant of their intentions. The handling deputy or sergeant should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting deputy should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

When mutual aid is requested and it is apparent that the local agency does not possess adequate resources, the Emergency Services Bureau (Mutual Aid Coordinator) will request and coordinate assistance from the Operational Area. In the event the Operational Area resources are insufficient, the Mutual Aid Coordinator will contact the Region II Coordinator at the Alameda County Sheriff's Office. Should additional resources be needed, the Region II Coordinator will contact the California Office of Emergency Services (CAL-OES) Warning Center and the CAL-OES Law Enforcement Mutual Aid Coordinator.

Registered Offender Information

324.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the San Mateo County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

324.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

324.3 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 (Health and Safety Code § 11594; 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.

324.3.1 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 (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

324.4 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.

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- (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 San Mateo County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

324.5 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 San Mateo County Sheriff's Office's website. Information on sex registrants placed on the San Mateo County Sheriff's Office's website shall comply with the requirements of Penal Code § 290.46.

The Technical Services 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; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

324.5.1 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

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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).

324.5.2 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).

Major Incident Notification

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to Sheriff's Office employees in determining when, how and to whom notification of major incidents should be made.

325.2 POLICY

The San Mateo County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this Office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

325.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Assistant Sheriff. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on-duty or off-duty (see Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent San Mateo County official
- Arrest of a Sheriff's Office employee or prominent San Mateo County official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

325.4 SERGEANTS' RESPONSIBILITY

On-duty Sergeants are responsible for making the appropriate notifications. The sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The sergeant shall attempt to make the notifications as soon as practicable. Notification should be made by calling the emergency contact telephone numbers on file.

325.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 327.3, a member of the Sheriff's Executive Team shall be notified along with the affected Assistant Sheriff, the Professional Standards Lieutenant and the Investigations Lieutenant if those bureaus are affected.

325.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the requested detective unit shall be contacted who will then contact the appropriate detective.

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325.4.3 MAJOR ACCIDENT INVESTIGATION TEAM NOTIFICATION

In the event of a traffic fatality or major injury, the Major Accident Investigation Team Sergeant shall be notified who will then contact the appropriate investigator. The Major Traffic Accident Investigation Team Sergeant will notify the appropriate Patrol Lieutenant.

325.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer may be notified if it appears the media may have a significant interest in the incident.

Death Investigation

326.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

326.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). An on-duty sergeant shall be notified in all death investigations.

326.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) In prison or while under sentence. Includes all in-custody and sheriff's involved deaths.
- (o) All deaths of unidentified persons.
- (p) All deaths of state hospital patients.
- (q) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (r) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

326.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that a deputy is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to a deputy that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating deputy shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the deputy pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

326.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

326.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

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326.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

326.2.6 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the Investigations Unit shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

326.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any employee who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone or teletype with all pertinent information (8 CCR 342(b)).

Anti-Reproductive Rights Crimes Reporting

327.1 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.).

327.2 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

327.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the request for a crime report of an ARRC, it shall be the responsibility of the employee documenting such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Assistant Sheriff.
- (c) By the tenth day of each month, it shall be the responsibility of the appropriate Records Bureau Supervisor to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

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Anti-Reproductive Rights Crimes Reporting

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

Limited English Proficiency Services

328.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

328.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the San Mateo County Sheriff's Office to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual employee - An employee of the San Mateo County Sheriff's Office, designated by the San Mateo County Sheriff's Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

328.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on LEP individuals.

The San Mateo County Sheriff's Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

328.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to the Support Services Division Lieutenant, who may delegate the responsibility to a Bureau Sergeant or manager under their command.

The responsibilities will include, but are not limited to:

Receiving and responding to complaints regarding Sheriff's Office LEP services.

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Ensuring that a list of all qualified bilingual employees and authorized interpreters is maintained and available to sergeants and other supervisors. The list should include information regarding the following:

- (a) Coordinating and implementing all aspects of the San Mateo County Sheriff's Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable LEP individuals to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all.
- (c) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (d) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (e) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (f) Identifying standards and assessments to be used by the San Mateo County Sheriff's Office to qualify individuals as qualified bilingual employees or authorized interpreters.
- (g) Periodically reviewing efforts of the San Mateo County Sheriff's Office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (h) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Sheriff's Office services, programs and activities.

328.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that employees could encounter, the San Mateo County Sheriff's Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Sheriff's Office employees, or who may benefit from programs or services within the jurisdiction of the San Mateo County Sheriff's Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with Sheriff's Office employees, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.

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- (d) The cost of providing LEP assistance and the resources available.

328.5 TYPES OF LEP ASSISTANCE AVAILABLE

San Mateo County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The San Mateo County Sheriff's Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The San Mateo County Sheriff's Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept San Mateo County Sheriff's Office-provided LEP services at no cost or they may choose to provide their own.

San Mateo County Sheriff's Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

328.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. All supervisors will be responsible to make these translated documents available to members and other appropriate individuals, as necessary.

328.7 AUDIO RECORDINGS

The San Mateo County Sheriff's Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

328.8 QUALIFIED BILINGUAL MEMBERS

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established County procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual employees must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual San Mateo County Sheriff's Office member is not available, personnel from other County departments, who have been identified by the San Mateo County Sheriff's Office as having the requisite skills and competence, may be requested.

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328.9 AUTHORIZED INTERPRETERS

Any person designated by the San Mateo County Sheriff's Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the San Mateo County Sheriff's Office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

328.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The San Mateo County Sheriff's Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual San Mateo County Sheriff's Office members or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by the San Mateo County Sheriff's Office, and with whom the San Mateo County Sheriff's Office has a resource-sharing or other arrangement that they will interpret according to San Mateo County Sheriff's Office guidelines.

328.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the San Mateo County Sheriff's Office to communicate with LEP individuals.

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Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, San Mateo County Sheriff's Office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

328.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any San Mateo County Sheriff's Office member is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the San Mateo County Sheriff's Office or some other identified source.

328.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The San Mateo County Sheriff's Office will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

328.12 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 LEP individuals. The scope and nature of these activities and contacts will inevitably vary. All Sheriff's personnel must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

328.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual employee is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably

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possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized San Mateo County Sheriff's Office or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

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.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual employee or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

328.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual employees or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual employee or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

328.15 BOOKINGS

When gathering information during the booking process, employees should remain alert to the impediments that language barriers can create. 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 booking information be obtained. Employees should seek the assistance of a qualified bilingual employee whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

328.16 COMPLAINTS

All Personnel complaints will be handled in accordance with the Personnel Complaint Policy.

328.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by the San Mateo County Sheriff's Office are important to the ultimate success of more traditional law enforcement duties. The San Mateo County Sheriff's Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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328.18 TRAINING

To ensure that all San Mateo County Sheriff's Office members who may have contact with LEP individuals are properly trained, the San Mateo County Sheriff's Office will provide periodic training on this policy and related procedures, including how to access San Mateo County Sheriff's Office-authorized telephonic and in-person interpreters and other available resources.

328.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All San Mateo County Sheriff's Office members on the authorized interpreter list must successfully complete prescribed interpreter assessment. An interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Communications with Persons with Disabilities

329.1 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.

329.1.1 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.

329.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Sheriff's Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

329.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to the Support Services Division Assistant Sheriff, who may delegate the responsibility to a Bureau Lieutenant or a manager under their command.(28 CFR 35.107).

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA coordinator regarding the San Mateo County Sheriff's Office'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) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to San Mateo County Sheriff's Office services, programs and activities.
- (d) Ensure that a list of qualified interpreter services is maintained and available to all supervisors. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to San Mateo County Sheriff's Office services, programs and activities.

329.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of the San Mateo County Sheriff's Office 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 he/she completely understands 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.

329.5 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.

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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 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 San Mateo County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

329.6 TYPES OF ASSISTANCE AVAILABLE

San Mateo County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office-provided auxiliary aids or services or they may choose to provide their own.

San Mateo County Sheriff's Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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329.7 AUDIO RECORDINGS AND ENLARGED PRINT

The San Mateo County Sheriff's Office 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 may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

329.8 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 San Mateo County Sheriff's Office-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).

329.9 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 San Mateo County Sheriff's Office 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).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

329.10 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 San Mateo County Sheriff's Office 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, 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.

329.11 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.

329.12 REPORTING

Whenever any member of the San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office 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.

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329.13 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.

The San Mateo County Sheriff's Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of the San Mateo County Sheriff's Office. 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.

329.13.1 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 speech read 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.

329.14 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, the San Mateo County Sheriff's Office will provide interpreter services before beginning an interrogation, unless exigent circumstances

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exist or the individual has made a clear indication that they understand 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.

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.

329.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use San Mateo County Sheriff's Office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that 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, who 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.

329.16 COMPLAINTS

The Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this Office are able to do so. The San Mateo County Sheriff's Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Office 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 the San Mateo County Sheriff's Office.

329.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by the San Mateo County Sheriff's Office are important to the ultimate success of more traditional law enforcement duties. The San Mateo County Sheriff's Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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329.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Office 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.

The Training Manager 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 Training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

Mandatory Employer Notification

330.1 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) has been arrested under certain circumstances.

330.2 POLICY

The San Mateo County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

330.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the arresting deputy, as soon as practical shall notify their immediate supervisor and immediately report the arrest as follows (notifications will be noted in the associated reports):

330.3.1 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 § 11590 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. Upon arrest for one of the above sections, the arresting deputy will immediately telephonically notify the superintendent of the school district employing the teacher and 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.

330.3.2 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 § 11590 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. Upon arrest for one of the above sections, the arresting deputy will immediately telephonically notify the superintendent of the school district employing the non-teacher and immediately give written notice of the arrest to the governing board of the school district employing the person.

330.3.3 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 § 11590 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. Upon arrest for one of the above sections, the arresting deputy will immediately telephonically notify the private school authority employing the teacher and immediately give written notice of the arrest to the private school authority employing the teacher.

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330.3.4 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 § 11590 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 an 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).

330.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential treatment center 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).

Chaplains

331.1 PURPOSE AND SCOPE

This policy establishes the guidelines for San Mateo County Sheriff's Office chaplains to provide counseling or emotional support to employees, their families and members of the public.

331.2 POLICY

Sheriff's Chaplains are volunteer, credentialed ministers from an established faith community who are willing to provide spiritual and crisis intervention support to Sheriff's employees, their families and members of the general public. Chaplains are available to anyone regardless of their own denomination or beliefs or the denominations or beliefs or those to be served.

Some of the duties of a Chaplain are:

- (a) Support Office employees during and after critical incidents.
- (b) Assist with notifying family members of Office employees or members of the public after serious injuries or death.
- (c) Provide crisis intervention and/or care for victims, families and witnesses of crime and critical incidents.
- (d) Offer educational programs on grief and loss, victim response and recovery, and stress management.
- (e) Make home and hospital visits.
- (f) Officiate at weddings, funerals and memorial services.
- (g) Participate in ceremonial and formal events as requested.

331.3 REQUIREMENTS

Most chaplains are credentialed ministers in an established and recognized faith community. Former Public Safety personnel may also serve as chaplains.

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must successfully complete a oral interview with the Lead Chaplain and the Professional Standards Bureau Lieutenant or designee.
- (b) Must successfully complete an appropriate level background investigation.
- (c) Possess a valid California Drivers License.
- (d) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.

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331.4 SELECTION PROCESS

The Sheriff (or designated command staff) will select volunteer applicants wishing to join the Chaplain program after a standard civilian employee background check is conducted. Chaplains are volunteers and as such, will serve at the will and pleasure of the Sheriff. Failure to meet the standards of the Sheriff's Office or those of the profession may result in a suspension or removal from the program. An ideal Chaplain is trained and experienced in crisis management and intervention, working as member of a team comprised of multiple disciplines. The Chaplain must be accustomed to working with various faith groups in an ecumenical setting, ministering to people of all faiths or creeds. Chaplains must be able to work within the constraints of legal and operational requirements of the Sheriff's Office and within a chain of command. A Chaplain must be flexible and willing to respond to emergency callouts anytime, day or night.

331.5 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of employees who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the employee.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.
- (d) Attending and participating, when requested, in funerals of active or retired employees of the San Mateo County Sheriff's Office.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident, when requested.
- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that, in the judgment of any supervisor aids in accomplishing the San Mateo County Sheriff's Office's mission.
- (g) Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of employees.
- (h) Counseling deputies and other personnel with personal problems, when requested.
- (i) Attending Office and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Being responsible for the organization and development of spiritual organizations in the San Mateo County Sheriff's Office.
- (k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (l) Providing liaison with various religious leaders of the community.
- (m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

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- (n) Participating in in-service training classes.
- (o) Willing to train to enhance effectiveness.
- (p) Promptly facilitating requests for representatives or ministers of various denominations.
- (q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. 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 follow-up contacts that was provided while functioning as a chaplain for the San Mateo County Sheriff's Office.

331.6 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to employees of this Office may work or volunteer for the San Mateo County Sheriff's Office in any capacity other than that of chaplain.

San Mateo County Sheriff's Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform employees when it appears reasonably likely that the employee is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the employee to a non-Office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any San Mateo County Sheriff's Office employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

331.7 COMMAND STRUCTURE

- (a) The Chaplain Program will be under the overall coordination of the Support Services Division Assistant Sheriff who may delegate responsibility to a member of management. The Support Services Division Assistant Sheriff may appoint a Lead Chaplain.
- (b) The Support Services Division will inform the organization about the existence, capabilities and benefits of the Chaplain program through office newsletters and new employee orientations. Chaplains may attend Sergeants' meetings, briefings and Team meetings and participate in ride-a-longs and tours of the correctional facilities.
- (c) The Sheriff shall make all appointments to the Chaplain Program and may designate a Lead Chaplain.
- (d) The Lead Chaplain will be responsible for coordinating the day to day activities of the Chaplain program which would include scheduling, crisis response, initial orientation and continuing training, and, if necessary, recruitment of new members.

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331.8 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.
- (b) A Sheriff's Chaplain can be called by any supervisor who believes that the presence of a Chaplain could provide needed spiritual support to an employee of the Office, their family members or a member of the public. Emergency notification of a Sheriff's Chaplain will be coordinated by San Mateo County Public Safety Communications which will maintain a current list of contact numbers. The Lead Chaplain will be called first, and, if he/she is unable to respond, the next Chaplain, in order on the list, will be called until someone is able to respond.
- (c) Planned, non emergency events will be coordinated by the Lead Chaplain.
- (d) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (e) In responding to incidents, a chaplain shall never function as an officer.
- (f) 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 by law enforcement personnel.
- (g) Chaplains shall serve only within the jurisdiction of the San Mateo County Sheriff's Office unless otherwise authorized by the Sheriff or his designee.

331.8.1 UNIFORMS AND BADGES

Badge and Identification Sheriff Chaplains will be issued a San Mateo County Sheriff Office official badge with the word "Chaplain" emblazoned on the banner. In addition, appropriate Sheriff's Office identification and access cards will be issued by the Support Services Division.

Uniforms In order to represent the Sheriff's Office in a professional manner, Chaplains will be issued a uniform that will include:

- (a) Class A, navy blue dress "Ike" Jacket. This jacket is to be worn without patches or stripes on the sleeves. Service stars may be worn on the left sleeve " one gold star for each five years of law enforcement service.
- (b) Small gold colored denominational pins may be worn on both lapels. The style of pins worn may be at the discretion of the individual Chaplain, e.g. Christian Cross, Star of David, Muslim Crescent, etc. Brass name plate to be worn over the right side pocket.
- (c) Class A, long sleeved navy blue dress shirt. This shirt is to be worn without patches. Service stars may be worn on the left sleeve. Denominational pins will be worn on both collars. Brass name plate to be worn over the right side pocket.
- (d) Short sleeved navy blue shirt worn as above. This shirt is to be worn with a black t-shirt. Brass name plate to be worn over the right side pocket.
- (e) Black clip on tie to be worn with the long sleeved shirt or when wearing the dress jacket
- (f) Black basket weave dress belt with brass buckle.

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- (g) Navy blue uniform pants.
- (h) This uniform is to be worn with black plain toed shoes or boots that are not provided by the office.
- (i) Black "5-11" call-out jacket with pull out flaps. Rear flap: large "Sheriff Chaplain" patch sewn. Front right flap "Name" embroidered over "Chaplain." Front left patch "Sheriff Office" star patch sewn.
- (j) Authorized Sheriff's Office baseball cap may be worn with call-out jacket.

331.9 TRAINING

Sheriff's Chaplains shall complete a basic chaplain training program sponsored by a recognized chaplaincy organization. In addition, the Chaplain must complete at least one continuing education class per calendar year. The Sheriff may authorize payment or a reimbursement request for such recognized training upon approval of the Support Services Division Assistant Sheriff.

Child and Dependent Adult Safety

332.1 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 Office (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.

332.1.1 PRE-PLANNED EVENTS

In the event of a pre-planned operation involving the presence of children, investigators are encouraged to utilize the resources of the County Narcotics Task Force - Drug Endangered Children Van. The utility vehicle is specially designed and equipped for the temporary placement of children during enforcement operations.

332.2 POLICY

It is the policy of this Office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The San Mateo County Sheriff's Office 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.

332.3 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 their 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.

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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 they will receive appropriate care.

332.3.1 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. 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 they know and trust because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 2. 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.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (d) Notify the on-duty sergeant 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.

332.3.2 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, an on-duty sergeant 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.

332.3.3 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 they reasonably appear able to care for themselves
 - 5. Disposition or placement information if they are unable to care for themselves

332.3.4 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.

332.4 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.

332.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this Office 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), when applicable via the POST library or POST portal.

Deputies are initially taught this topic as a Learning Domain in the Basic Police Academy under Child Abuse Investigations.

Service Animals

333.1 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).

333.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to provide services and access to persons with service animals in the same manner as those without service animals. Employees shall protect the rights of persons assisted by service animals in accordance with state and federal law.

333.3 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.
- 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.

Volunteer Program

334.1 PURPOSE AND SCOPE

It is the policy of this Office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

334.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for this Office without promise, expectation or receipt of compensation for services rendered. This may include search and rescue volunteers, unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in our law enforcement Explorer Posts, among others.

334.2 VOLUNTEER MANAGEMENT

The management of Sheriff's Volunteer Program will be coordinated through the Emergency Services Bureau. The management of the Sheriff's Chaplain Program will be coordinated by the Professional Standards Bureau (Policy §331).

334.2.1 VOLUNTEER PROGRAM SERVICES MANAGER

The Volunteer Program Services Manager shall be appointed by the Sheriff. The function of the Volunteer Program Services Manager is to provide a central coordinating point for effective volunteer management within the Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Program Services Manager should work with other Office staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Program Services Manager, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.

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- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.
- (k) Managing background investigations of prospective volunteers.

334.2.2 RECRUITMENT

Volunteers shall report any changes in status that may affect their ability to fulfill their duties to their supervisor and the volunteer Program Services Manager.

334.2.3 SCREENING

All prospective volunteers should complete the volunteer application form, personal history statement and the background investigation questionnaire. The Volunteer Program Services Manager or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment
- (c) References

A polygraph exam may be required of each applicant depending on the type of assignment.

334.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Office 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 Office, who will normally be the Volunteer Program Services Manager. 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.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

334.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive 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 supervisor or the Volunteer Program Services Manager.

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Volunteer Program

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 employees. 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 this Office.

334.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when their 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 Office regarding drug and alcohol use.

334.2.7 DRESS CODE

As representatives of the Office, 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 Office-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. This uniform or identifiable parts of the uniform shall not be worn while off-duty. Volunteers may wear the uniform while in transit to or from official Office assignments or functions provided an outer garment is worn over the uniform shirt.

Volunteers shall be required to return any issued uniform or Sheriff's Office property at the termination of service.

334.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Office 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:

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- (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.

334.4 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 Office 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 departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Office. 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 Office, or maintain that they represent the Office in such matters without permission from the proper Office personnel.

334.5 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 this Sheriff's Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Sheriff's Office and shall be returned at the termination of service.

334.5.1 VEHICLE USE

Volunteers assigned to duties such as patrol or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and a Office 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 Program Services Manager should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Office vehicles.

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Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service. Volunteers are not authorized to operate an Office vehicle Code-3.

334.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Program Services Manager should ensure that radio and CLETS training is provided for volunteers whenever necessary.

334.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Program Services Manager. 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 their 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 this Office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

334.6.1 EXIT INTERVIEWS

Exit interviews, when possible, should be conducted with volunteers who are leaving their positions. This 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 Office.

334.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Program Services Manager. 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.

Sheriff's Explorers

335.1 PURPOSE AND SCOPE

The purpose of the the Sheriff's Explorer program is to increase community relations between the youth of San Mateo County and the Sheriff's Office and to provide them with direction and guidance in preparation of accepting the responsibilities of becoming an adult. The program is nationally known as "Exploring" and is part of the co-ed division of the Boy Scouts of America. The Explorer Program is designed to give the youth of our community an opportunity to experience first hand the many facets of law enforcement.

The Sheriff's Explorer program is comprised of two Posts; Explorer Post 810 (Law Enforcement) and Explorer Post 830 (Search and Rescue). Under the direct supervision of a Sheriff's Employee, Explorers perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career with the Sheriff's Office. The program is recognized as a valuable recruitment tool for future Reserve Deputies, Community Service Officers, Records or Property Technicians and Deputies.

Explorers are part of the Sheriff's Volunteer Program and must also comply with appropriate sections in the Volunteer Program Policy §334.

335.2 EXPLORER MINIMUM QUALIFICATIONS

Applicants must be:

- Between the ages of 14 and 20
- Enrolled in high school or college and maintain a minimum grade point average of 2.0 ("C" grade)
- Responsible and of good moral character
- Free of criminal convictions
- Able to pass an oral interview and background investigation
- Willing to make a commitment and volunteer their time to the good of the community

335.3 POST ADVISORS

Sheriff's personnel shall serve as Advisors for the two Explorer Posts. Each Advisor shall be responsible for for the day-to-day supervision and training curriculum of their respective Posts. Post Advisors serve as mentors and shall make themselves available to render advice, address concerns and provide direction to the explorers under their command. A Post advisor may enlist the assistance of an Assistant Post Advisor to aide in scheduling meetings, training and events. Any issues that may be of concern to the Post Advisor should be referred to the Emergency Services Bureau Sergeant for guidance.

Sheriff's Explorers

335.4 ORIENTATION AND TRAINING

Newly hired explorers will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with each Explorer Post Manual. Training sessions will be scheduled as needed to train explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare explorers for a career in law enforcement. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

335.5 EXPLORER UNIFORMS

Each Explorer is responsible for acquiring and maintaining a uniform that meets the specifications as described in each Explorer Post Manual.

335.6 EXPLORER PATROL RIDE-ALONG PROCEDURES

All explorers are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Headquarters Administrative Sergeant. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating on a ride-along.

335.7 PERFORMANCE EVALUATIONS

Regular evaluations should be conducted with explorers to assess their current job performance and their potential as Sheriff's Office employees.

Off-Duty Law Enforcement Actions

336.1 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 San Mateo County Sheriff's Office with respect to taking law enforcement action while off-duty.

336.2 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.

Deputies are not expected to place themselves in unreasonable peril. However, any employee who becomes aware of an incident or circumstance that they reasonably believe 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.

336.3 FIREARMS

Deputies may carry firearms while off-duty in accordance with federal regulations and Sheriff's Office policy. All firearms and ammunition must meet guidelines as described in the Sheriff's Office Firearms and Qualification Policy. When carrying firearms while off-duty deputies shall also carry their Office-issued badge and identification.

Deputies should refrain from carrying firearms 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 that adversely affect the deputy's senses or judgment.

336.4 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.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.

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Off-Duty Law Enforcement Actions

- (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 deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

336.4.1 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 officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify themselves as a deputy sheriff until acknowledged. Official identification should also be displayed.

336.4.2 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.

336.4.3 CIVILIAN RESPONSIBILITIES

Civilian 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.

336.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case they need to maintain an undercover capability.

336.5 REPORTING

Any sworn off-duty personnel who engages in any law enforcement activity, regardless of jurisdiction, shall notify their immediate supervisor as soon as practicable. The supervisor shall determine whether a report should be filed by the involved personnel.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Information Technology Use

337.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of Sheriff's Office information technology resources, including computers, electronic devices, hardware, software and systems.

337.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the San Mateo County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

337.2 POLICY

It is the policy of the San Mateo County Sheriff's Office that employees shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

337.3 PRIVACY EXPECTATION

Employees 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 Office computer system.

The Sheriff's Office 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 Office, including the Office email system, computer network and/or any information placed into storage on any Office system or device. This includes records of all keystrokes or Web-browsing history made at any Office computer or over any Office 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 Office computers, electronic devices or networks.

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However, the Office may not require an employee to disclose a personal username or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

337.4 RESTRICTED USE

Employees shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software or systems by another employee to their supervisors.

Employees 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.

337.4.1 INFORMATION SHARING POLICY

San Mateo County Police Chiefs and Sheriff Association Information Sharing Policy:

The purpose of this policy is to provide agencies with established guidelines pertaining to information sharing through RIMS Collaborate, Coplink, and other Records Management Systems.

All information accessed through information sharing is strictly confidential and is to be used for lawful purposes only including criminal investigations. Access to this information is only authorized for personnel who have a legal right and need to know. Gaining access for any reason other than official law enforcement purposes is strictly prohibited. Any person in violation of this policy will be subject to disciplinary action.

Information shared between agencies belongs to the originating agency and shall not be printed or released by other agencies.

This confidential information is being shared for the purpose of facilitating collaboration among law enforcement agencies.

337.4.2 SOFTWARE

Employees 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.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any Office computer. Employees shall not install personal copies of any software onto any Office 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 employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on on County premises, computer systems or electronic

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devices. Such unauthorized use of software exposes the Office and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as part of the automated maintenance or update process of Office- 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.

337.4.3 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to Office-related activities. Data stored on or available through Office computer systems shall only be accessed by authorized employees who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or Office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

337.4.4 INTERNET USE

Internet access provided by or through the Office shall be strictly limited to Office-related activities. Internet sites containing information that is not appropriate or applicable to Office use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a employee's assignment.

Downloaded information shall be limited to messages, mail and data files.

337.4.5 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 specifically authorized by a supervisor. 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.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

337.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees 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.

Employees shall ensure Office 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

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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 an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

337.6 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 their 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 Office involving one of its employees or a employee's duties, an alleged or suspected violation of any Office 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 Office computer system when requested by a supervisor or during the course of regular duties that require such information.

Use of Social Media

338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Sheriff's Office is consistent with the Office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by Sheriff's employees (see the Lexipol policies Employee Speech, Expression and Social Networking Policy & Standards of Conduct & Uniform Regulations).
- Use of social media in personnel processes (see Lexipol Policy Recruitment and Selection).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this Office (see the Investigation and Prosecution Policy).

338.1.1 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 San Mateo County Sheriff's Office website or social networking services

338.2 POLICY

The San Mateo County Sheriff's Office may use social media as a method of effectively informing the public about San Mateo County Sheriff's Office services, issues, investigations and other relevant events.

San Mateo County Sheriff's Office ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

338.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member's chain of command.

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Use of Social Media

338.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the office mission and conforms to all office 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 office 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.

338.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

338.5 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 San Mateo County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this office's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

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Use of Social Media

338.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Office may provide a method for members of the public to contact department members directly.

338.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of office 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.

338.7 RETENTION OF RECORDS

The Support Services Assistant Sheriff should 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.

338.8 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 office sites.

Native American Graves Protection and Repatriation

339.1 PURPOSE AND SCOPE

This policy is intended 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.).

339.1.1 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.

339.2 POLICY

It is the policy of the San Mateo County Sheriff's Office 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.

339.3 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 may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Native American Graves Protection and Repatriation

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
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

339.4 EVIDENCE AND PROPERTY

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).

Gun Violence Restraining Orders

340.1 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.

340.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

340.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Office pursuant to such orders.

340.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

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 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 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).

340.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

A deputy serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

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Gun Violence Restraining Orders

- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Technical Services Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The deputy should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

340.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the deputy shall (Penal Code § 18140):

- (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 the Records Bureau for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

340.5 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.

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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.

340.6 RECORDS BUREAU MANAGER RESPONSIBILITIES

The Records Bureau Manager is 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) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Office are properly maintained (Penal Code § 18120).

340.7 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.

340.8 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.

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341.1 PURPOSE

The purpose of this process is to ensure that crime and other problems occurring at the short-term, intermediate, and long-term levels within the San Mateo County Sheriff's Office jurisdictions are identified and addressed quickly and effectively.

341.2 POLICY

It shall be the policy of the San Mateo County Sheriff's Office to employ the Stratified Model of Problem Solving, Analysis and Accountability (Stratified Model) as an Intelligence Led Policing (ILP) approach to crime reduction that seeks to strengthen current policing methods, while at the same time incorporating evidence-based practices.

The Stratified Model distinguishes among different types of incidents for which crime reduction strategies are implemented and designates responsibility based on the type of problem and resources necessary to address the situation.

By separating and distinguishing the types of incidents, different analysis, responses, and accountability; mechanisms are carried out by personnel within the agency which "stratifies" the workload and responsibility for problem solving and crime reduction. The word "problem" is used in its most general sense, as a problem that could be a significant incident, repeat calls for service location, a crime pattern, a hot spot, a community quality of life issue, a traffic problem, a habitual offender, etc.

341.3 TERMS AND DEFINITIONS

Terms and definitions related to this policy include:

Immediate Problems: Isolated incidents that occur and are resolved within minutes and hours, or in some cases, days. Immediate activity is broken down into two distinct categories:

- (a) **Incidents:** Individual events to which typically a deputy responds to or discovers on patrol. Incidents are citizen and deputy generated calls for service and represent the initial indicator of a potential problem. They include crime, disorder, or service related tasks such as disturbances, robberies in progress, traffic accidents, subject stops, and traffic citations that usually occur and are resolved within minutes and hours; most of the time within one shift.
- (b) **Cases of Interest:** Individual events that arise from calls for service but are deemed more serious by laws and policies of the Sheriff's Office, thus requiring additional investigation and/or a more extensive immediate response. Cases of interest are events such as homicides, sexual batteries and traffic fatalities. They occur within a short time span but may take a much longer span of time to resolve.
- (c) **Short-Term Problems:** Those that occur over several days or weeks and typically require short-term versus immediate responses. They are broken down into two distinct categories:

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1. Repeat incidents: Four or more criminal or quality of life incidents that have occurred at the same place within a 28-day period. These are related to common non-criminal disorder activity (e.g., disturbances, barking dogs, problem juveniles, or traffic crashes) or interpersonal disputes and crimes between individuals who know one another (e.g., bar fights, domestic violence, drug offenses, and neighbor disputes). Repeat incidents happen within hours, days, and in some cases, weeks of one another.
2. Patterns: A crime pattern is a group of two or more crimes reported to or discovered by police that are unique because they meet each of the following conditions:
 - (a) They share at least one commonality in the type of crime, behavior of the offenders or victims, characteristics of the offender(s) victims or targets, property taken, or locations of occurrence;
 - (b) There is no relationship between victim(s) and offender(s) (i.e. stranger-on-stranger crime);
 - (c) The shared commonalities make a set of crimes notable and distinct from other criminal activity occurring within the same general date range;
 - (d) The criminal activity is typically of limited duration, ranging from days to weeks.
 - (e) The set of related crimes is treated as one unit of analysis and is addressed through focused police efforts and tactics.
 - (f) There are four crime pattern types:
 1. Series: A group of similar crimes committed by the same individual or group acting in concert. Example: Five home invasion-style robberies involving two to three white males in their 20s wearing masks over their faces.
 2. Spree: A specific type of series characterized by high frequency of criminal activity within a remarkably short time frame, to the extent that the activity appears to be almost consistent. Example: A rash of theft from autos in a small community all within several hours.
 3. Hot Spot: A group of similar crimes committed by one or more individuals at locations within close proximity to one another. Example: Four daytime burglaries over the past two weeks in a suburban residential subdivision.
 4. Compound Problems: The the highest level problems that encompass various locations, offenders, and victims. In most cases these exist throughout an entire jurisdiction.

Crime Pattern Bulletins: These are tracked using a numbering system beginning with the year followed by the bulletin number. Example: 2016-001.

- (a) A crime pattern bulletin can be amended with additional information and will state "Amended" under the bulletin number and will reflect the date it was amended.

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- (b) A crime pattern bulletin will be updated if an additional incident or crime occurs in the identified area. A crime pattern bulletin number will be updated by the addition of a letter. Example: 2016-001A.
- (c) The 14-day period of systematic response will begin at the time of the initial dissemination and each time a crime pattern bulletin is updated with an additional incident of crime occurring in the identified area.
- (d) Successful resolution of a crime pattern generally means there were no further incidents of crime reported within the specified 14-day period of systematic response.

Long-Term Problems: Those that occur over several months, seasons, or years and stem from systematic opportunities created by everyday behavior and environment. Problems can consist of common disorder activity (i.e., loud parties or speeding in residential neighborhoods), as well as serious criminal activity (i.e., armed robbery or residential burglary). They are broken down into three distinct categories:

- (a) Problem locations: Individual addresses or types of places at which there is a concentration of problematic activity.
- (b) Problem areas: Also called hot spots, are relatively small areas (e.g., several block area) with a disproportionate amount of crime or disorder activity that is related.
- (c) Compound problems: The the highest level problems that encompass various locations, offenders, and victims. In most cases these exist throughout an entire jurisdiction.

Evidence-Based Crime Reduction Strategies: Crime patterns require immediate responses primarily at the time when the crimes in the pattern are occurring. The agency will implement an immediate and systematic response to crime patterns as follows:

- (a) Patrol:
 - 1. Crime pattern bulletin will be assigned to a Patrol Sergeant.
 - 2. Quality investigations conducted during initial responses to include, processing for evidence, neighborhood canvas, well-written police reports, etc.
 - 3. Directed marked patrol in the pattern area (car, bike, foot).
 - 4. Unmarked patrol in the pattern area (car, foot).
 - 5. Specialized unit patrol in the pattern area (conduct field contacts, surveillance).
- (b) Crime Prevention:
 - 1. Contact potential victims directly (letters, flyers, in person, reverse 911).
 - 2. Post sanitized crime pattern bulletins on the office social media accounts.
 - 3. Coordinate a media release with the public information officer.
- (c) Investigations Bureau:
 - 1. Crime pattern bulletin will be assigned to an Investigations Sergeant.
 - 2. Crimes in the crime pattern bulletin will be assigned for follow-up.

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3. Contact known offenders identified by the crime analysts.
4. Follow-up on latent prints and evidence obtained during initial investigations.
5. Follow-up on field contacts generated by directed patrol efforts.
6. Bait car/property/victim placed in the pattern area.
7. Unmarked surveillance in the pattern area (car, foot).
8. Specialized unit (conduct field contacts, surveillance, etc.).

Accountability Meeting Structure:

- (a) Daily Staff Meetings/Roll Call Briefings: Facilitate action-oriented accountability for strategies implemented for immediate and short-term problems. These are used to develop and monitor implementation of strategies for significant incidents, repeat incidents, and patterns, as well as immediately to assess the effectiveness of those strategies.
- (b) Weekly Bureau Chiefs Meetings: Meetings occur on a weekly basis and facilitate action-oriented accountability within and/or among divisions (e.g., patrol, investigations, crime analysis, crime prevention, and media relations), so that personnel can come together to develop, coordinate, and assess strategies implemented for short-term problems.
- (c) Monthly Executive ILP Meetings: Meetings occur on a monthly basis and facilitate evaluation-oriented accountability within geographic areas and support divisions, as well as across the entire agency. These meetings are used to assess whether short-term crime reduction activities are effective, whether long-term problems are emerging, and to monitor the progress of ongoing long-term crime reduction strategies.
 1. During the monthly Executive Meetings, the crime analysts will make a six-month crime pattern comparison presentation for each policing bureau based on identified crime pattern bulletins.
 2. The command staff will evaluate crime reduction efforts and identify any emerging long term problems within each area or jurisdiction.
 3. Any emerging long-term problem will be further analyzed by the crime analysts to include the following information, if applicable to the problem:
 - (a) Review the current and previous year's crime data with a focus on specific types of incidents and crimes.
 - (b) Spatial density map comparison based on specific incidents. The comparison will be based on the current and previous year's crime data.
 - (c) Review the 12-month crime trend comparison based on the specific types of incidents. The review will compare the current and previous year's crime data. The command staff will evaluate overall crime trends and evaluate percentage change.
 - (d) Review the total number of hot spot patterns during the current and previous year.

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- (e) If a long-term problem exists, a Bureau Chief will be assigned the problem.
 - (f) The Bureau Chief will be responsible for analyzing the problem and implementing evidence-based strategies to reduce the effects of the underlying causes of the problem.
 - (g) Command staff will establish goals and objectives for the long term problem.
 - (h) The long-term problem will be evaluated on a monthly basis during the Monthly Executive ILP Meetings.
 - (i) The long-term problem will be closed after responses have been implemented and crime data is favorably compared to the data used to initially assign the long term problem.
- (d) Annual Meetings: Facilitate evaluation-oriented accountability for the entire organization. These meetings are used to examine long-term trends to determine the effectiveness of the agency's overall crime reduction approach, to identify new long-term problems to be addressed over the next year or more, and to formulate agency goals and any new or modified strategies for the coming year.

341.4 PROCEDURES

Roles and Responsibilities

- (a) Sheriff and Undersheriff
 1. Formulates the Agency's Goals and Objectives.
 2. Will be aware of problem areas within the Sheriff's Office jurisdictions.
 3. Will ensure to the extent possible, the Assistant Sheriff and Bureau Chiefs have the resources necessary to address problems.
 4. Anticipate future trends and identify new crime and traffic problems.
 5. Shall make every effort to attend and lead the monthly accountability meetings.
 6. Shall attend the annual accountability meeting and the Sheriff shall lead.
 7. Will hold Bureau Chiefs accountable for results.
 8. Ensure accountability through all facets of the agency.
- (b) Operations Assistant Sheriff
 1. Coordinates the weekly and monthly meeting agendas and associated documents and products.
 2. Supervises Bureau Chiefs and Investigations.
- (c) Patrol Bureau Chiefs
 1. Supervise Patrol and hold personnel accountable for their roles in problem solving and crime reduction activities.

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2. Have ultimate responsibility for the strategies employed to address all levels of problems in their respective bureau and are accountable for the results.
 3. Assist and lead in addressing long-term problems that may require extensive organizational resources.
 4. Will attend and participate in the pre-weekly meetings to assist in developing the meeting agenda.
 5. Attend the weekly Bureau Chiefs meetings to ensure a systematic response and evidence-based strategies are being implemented to assigned short-term problems.
 6. Will attend and participate in pre-monthly Executive ILP meetings to assist in developing the meeting agenda.
 7. Will attend and assist in the monthly Executive ILP accountability meetings.
- (d) Investigations Lieutenant
1. Supervises crime analysts and holds them accountable for their role in problem solving and crime reduction activities.
 2. Will be responsible for and shall be held accountable for providing support to and coordinating/collaborating with Bureau Chiefs to assist in resolving identified problems and criminal investigations.
 3. Will be responsible to take an active role and support Bureau Chiefs in resolving different levels of problems as necessary.
 4. Will take an active role in assisting Bureau Chiefs to resolve crime patterns.
 5. Will coordinate with their respective Sergeants to make certain that they assist Bureau Chiefs and Patrol Sergeants in resolving crime patterns.
 6. Will be responsible for directing detectives to coordinate known offender and repeat offender checks within identified short-term crime patterns and long-term problem areas.
 7. Will attend and report on identified short-term problems assigned to their division for follow-up at the weekly Bureau Chiefs meetings.
 8. Shall attend and present on significant cases of interest and those requiring follow-up at the monthly Executive ILP meetings.
- (e) Crime Analysts
1. Conduct daily command briefing and distribute daily informational report of set criteria for cases of interest and on-going or developing crime patterns.
 2. Compile and distribute the Repeat Calls for Service Location lists.
 3. Primary focus and responsibility is to identify crime patterns.
 4. Create and distribute ALL Crime Bulletins and Crime Incident Maps, while ensuring they are accurate and actionable.

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5. Will identify repeat and known offenders and coordinate with detectives to conduct analysis on all intelligence provided into actionable oriented products, once a system is in place.
 6. Will identify long-term problem areas and coordinate such information with the appropriate response resources.
 7. Will identify and distribute information about long-term problems, specifically focusing on the most common serious crimes that occur within our jurisdiction.
 8. Will attend and participate in pre-weekly Bureau Chief meetings to assist staff in developing the meeting agenda.
 9. Will attend and participate in weekly Bureau Chiefs meetings.
 10. Will attend and participate in pre-monthly Executive ILP meetings to assist staff in developing the meeting agenda.
 11. Will attend and present at monthly Executive ILP meeting a set criteria of analytic products to assist in evaluating organizational crime reduction as well as emerging crime issues. They will make presentations on a six-month pattern analysis for overall trends and percent change for both county-wide and for each patrol bureau.
 12. Will attend and present at Annual meetings a set criteria of analytic products to assist in examining long-term trends in order to determine the effectiveness of the agency's overall crime reduction approach and to identify new long-term problems to be addressed over the next six months or more, as well as to formulate agency goals and any new or modified strategies for the coming year.
 13. Maintain direct channels of communication with allied agency Crime Analysis Units.
- (f) Patrol Sergeants
1. Must be aware of all types of problems occurring in the bureaus and engage in resolving those problems.
 2. Will lead briefings to inform their patrol deputies and CSOs about problems in their assigned patrol bureau and ensure their personnel are working in a coordinated manner to address those problems.
 3. Will be responsible for addressing identified short-term problems such as repeat call for service locations and crime patterns.
 4. Will take an active role in assisting deputies to address crime patterns (e.g., assist with directed patrols, conducting field interviews, and traffic stops).
 5. Will ensure that all efforts to address a pattern are documented via the Sheriff's Office intranet (SMARTFORCE™).
 6. Will hold deputies accountable for responses to crime patterns and repeat call for service locations.
 7. Will hold deputies accountable for all documentation of responses in the Sheriff's Office intranet (SMARTFORCE™).

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8. Will be invited to weekly Bureau Chiefs meetings to explain the actions they have taken when appropriate.
 9. Will be invited to monthly Executive ILP meetings to explain the actions they have taken when appropriate.
- (g) Patrol Deputies
1. Patrol personnel are the most fundamental problem solving and crime reduction resource. It is imperative that they be engaged in this entire process.
 2. Must be aware of all types of problems in their patrol zones and be engaged in resolving those problems.
 3. Will be assertive in dealing with problems in concert with other divisional resources.
 4. Patrol personnel will be responsible for responding to and resolving immediate problems occurring in their assigned patrol areas.
 5. Will take an active role and respond to crime patterns to include, but not limited to, the following responses: directed patrol, field interview cards, traffic stops, contacting known offenders, and contacting potential victims.
 6. Will document all responses conducted in crime patterns via the Sheriff's Office intranet (SMARTFORCE™).
 7. May be invited to weekly Bureau Chiefs meetings to explain the actions they have taken to give them exposure and recognition.
 8. May be invited to monthly Executive ILP meetings to explain the actions they have taken to give them exposure and recognition.

341.5 ACCOUNTABILITY

In an effort to ensure this strategy is successful the following responsibilities are assigned:

Daily Briefings

- (a) Command Staff Briefings
1. Crime analysts conduct daily command briefings and distribute a daily informational report of set criteria for cases of interest and on-going or developing crime patterns.
 2. In the command staff briefing, as appropriate, discuss crime pattern bulletins requiring immediate attention due to severity in terms of the number of offenses, type of offense, or the on-going nature (such as bulletins that have updates with additional crimes) and significant cases of interest.
 3. Any cases of interest listed on the daily informational report will be assigned to the Investigations Bureau for investigative follow-up and added to the monthly Executive ILP meeting agenda for accountability purposes.

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4. Any crime pattern identified and listed on the daily informational report will be assigned to command staff members for a systematic response and added to the weekly Bureau Chiefs meeting agenda for accountability purposes.
- (b) Patrol Briefings
 1. In the patrol shift briefings, discuss current problems (all levels) and responses to be implemented on that shift for all types of problems.
 2. Patrol Sergeants will hold deputies accountable for all documentation of responses in the Sheriff's Office intranet (SMARTFORCE™).

Weekly Bureau Chiefs Meetings

- (a) Operations Assistant Sheriff will facilitate and lead the meeting.
- (b) Bureau Chiefs and crime analysts will attend the meetings and report out.
- (c) Discussion will cover the time period from meeting to meeting.
- (d) The meeting is action-oriented and collaborative; discussions will focus on collaboration between bureaus, information sharing, strategy development, resource coordination and deployment, and accountability for crime reduction of all levels of problems.
- (e) Bureau Chiefs will report on their efforts to resolve assigned short-term problems. More specifically, the systematic responses utilizing evidence-based strategies implemented by their assigned personnel.
- (f) Bureau Chiefs will only report on specifically assigned follow-up action items. This allows for the meeting to remain both focused and efficient.
- (g) Short-term problems such as crime patterns and repeat incidents that are successfully resolved and not updated at the weekly Bureau Chiefs meetings will not be added to the monthly Executive ILP meeting agenda. Successful resolution of a short-term problem such as a crime pattern means there were no further incidents reported within the 14-day period of the problem being identified.
- (h) Any crime pattern that is updated by the crime analysts with additional reported crimes will be automatically added to the monthly Executive ILP meeting agenda for follow-up and evaluation.
- (i) Minutes from the weekly Bureau Chiefs Meeting will be added to the roll call briefing presentation in order to provide Patrol Sergeants and deputies with newly assigned action items and the results of their efforts within identified short-term problems.
- (j) Minutes will be taken by the Operations Administrative Secretary and reviewed by the Operations Assistant Sheriff before dissemination.

Monthly Executive ILP Meetings

- (a) The Operations Assistant Sheriff or his/her designee will facilitate and lead the meeting.
- (b) The Assistant Sheriff will evaluate the crime reduction efforts of the entire command staff to include the Bureau Chiefs, as well as across the entire agency.

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- (c) This meeting is used to assess whether short-term crime reduction activities are effective, whether long-term problems are emerging, and to monitor the progress of ongoing long-term crime reduction strategies.
- (d) Assistant Sheriff, Bureau Chiefs, Bureau Lieutenants, crime analysts, and invited personnel will attend.
- (e) Discussion will cover the period from meeting to meeting, not necessarily calendar month.
- (f) Command staff members will not deviate from the agenda.
- (g) Minutes will be taken and disseminated by the Operations Administrative Secretary.
- (h) Crime analysts:
 - 1. Shall attend and present at the monthly Executive ILP meeting a set criteria of analytic products to assist in evaluating organizational crime reduction as well as emerging crime issues.
 - 2. Will make 12-month crime trend comparison presentations based on the most significant agency-wide identified crime issues. The presentation will compare the current and previous year's crime data. The command staff will evaluate overall crime trends and monitor percentage change.
 - 3. Will make six-month crime trend comparison presentations for each patrol bureau based on the most significant identified crime issues. The presentation will compare the current and previous year's crime data. The command staff will evaluate overall crime trends and monitor percentage change.
 - 4. Will make a six-month crime pattern comparison presentation for each patrol bureau based on identified crime pattern bulletins. The command staff will evaluate the identified patterns to evaluate crime reduction efforts and identify any emerging long-term problems within each bureau.
- (i) Bureau Chiefs:
 - 1. Shall attend and present on both short-term and long-term problems occurring in their respective bureaus and that require follow-up. Presentations will include the following, as appropriate:
 - (a) New crime patterns occurring in their respective bureaus.
 - (b) Crime patterns that were updated and unresolved at weekly Bureau Chiefs meetings will be assigned to the monthly Executive ILP meeting agenda.
 - (c) Evidence-based policing strategies and their results to include directed patrol hours, field interviews, traffic stops, known offender checks, investigative follow-up and crime prevention efforts.
 - (d) Repeat Incident/Problem Locations.
 - (e) Locations that have been identified as long-term crime, disorder, traffic problems, and repeat incident locations to include traffic. Depending on the stage in the problem solving process, the presentation will focus either on the analysis, response, or evaluation of the problem location.

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- (f) Long-Term Community Problems:
 - 1. Each long-term problem will be assigned to a Bureau Chief, as appropriate. This will be dependent upon the stage in the problem solving process, on the analysis, response, and/or evaluation.
 - 2. These problems may include countywide crime problems, quality of life, disorder, and/or traffic related issues.

- (j) Investigations Lieutenant:
 - 1. Shall attend and present on cases of interest and those requiring follow-up.
 - 2. Action items will be assigned and followed up prior to the next monthly meeting.
 - 3. Cases will be presented until resolved (may be discussed for several meetings).

- (k) Cases of Interest/Repeat/Problem Offenders:
 - 1. The Investigations Lieutenant will present on significant cases of interest and those requiring follow up.
 - 2. Cases will be presented until resolved (may be discussed for several meetings).
 - 3. Presentations will focus on:
 - (a) Identification of offenders.
 - (b) Enforcement efforts and results.
 - (c) Include information about nature of and responses employed to address gangs, narcotics activity, and homeland security issues, as appropriate.
 - (d) Any other specific law enforcement and/or community issues or concerns.

Briefing Training

342.1 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 personnel 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) Reviewing SMARTFORCE™ (see Intelligence Led Policing Lexipol Policy for responsibilities).
- (c) Notifying deputies of changes in schedules and assignments.
- (d) Notifying deputies of new policies, Special Orders or changes in Special Orders.
- (e) Reviewing recent incidents for training purposes.
- (f) Providing training on a variety of topics.
- (g) Scheduling i.e., vacations, training and ensuring shifts are appropriately staffed.
- (h) Assigning warrants for service (due diligence).
- (i) Assigning vehicles and equipment.

342.2 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 his or her absence or for training purposes.

342.2.1 DOCUMENTATION

Documentation will be completed after each Briefing by the Supervisor.

342.3 INFORMATION SHARING WITH STAFF WORKING AND NOT ATTENDING A FORMAL BRIEFING

The supervisor is responsible for making sure that information is shared with all members of their team who may not attend a standard briefing i.e., a deputy who arrives at noon and works till midnight may not have a formal briefing. This can be accomplished by having the deputies meet with the Sergeant and/or Beat partner.

Emergency Vehicle Operation

343.1 POLICY

The California Vehicle Code exempts emergency vehicles from the "Rules of the Road" when in response to an emergency call, involvement in a rescue operation or in the pursuit of a suspected violator of the law. While operating an emergency vehicle, deputies shall respond with due regard for public safety including the well being of the deputy(s) involved. Deputies should not rely on red/blue lights and siren to protect them and others from injury or damages.

343.2 TYPES OF VEHICLE OPERATION

The San Mateo County Sheriff's Office recognizes only two ways to operate a vehicle when responding to calls for service: Non-Emergency and Emergency (Code 3).

- A. **Non-Emergency:** Except as provided by this policy, when proceeding to a call, other than Code 3, deputies shall obey all traffic laws and not use sirens unless permitted by California Vehicle Code § 21055.
- B. **Emergency Vehicle Operation:** During an emergency response, a deputy's first responsibility is to arrive at the emergency in a safe manner. The use of the Code 3 procedure is discretionary and requires careful consideration of whether the deputy's expeditious arrival is necessary for the emergency situation. The Deputy is responsible for complying with the provisions of Vehicle Code Sections § 21055 and 21056. The following additional procedures are adhered to when operating a vehicle in an emergency manner. The decision whether to respond Code 3 shall be made pursuant to Section 345.3 should include factors such as:
 - Type and nature of incident;
 - Traffic and pedestrian congestion;
 - Time of day;
 - Road and weather conditions.

All of the equipment on the emergency vehicle must be used in a rational and legal manner.

Maximum speed is not determined by posted speed limits but by the traffic, weather, road conditions and safe and prudent operation. Vehicles should be driven at speeds where drivers may avoid the unexpected actions of other motorists and pedestrians.

343.3 CODE 3 (EMERGENCY RESPONSE)

A Code 3 response may be initiated by a field supervisor, or primary deputy, whenever sufficient knowledge or cause is known to exist for the timely protection of life or reduction of injury.

If responding Code 3, the deputy shall notify the Communications dispatcher who will seek acknowledgment from the field supervisor.

Deputies requesting Code 3 backup should use the radio code, "Code 3 Cover" and if feasible specify the number of units needed to respond Code 3.

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A Code 3 response is inherently dangerous and secondary Deputies should not self-deploy Code 3 unless directed to by a Sergeant or a Sergeant is not reasonably available. The Deputy and Sergeant should consider when a reasonable number of units are already enroute to the scene.

Once units on-scene are Code 4, Deputies should notify dispatch as soon as possible to have all other units discontinue their Code 3 response.

In determining whether to respond to a Code 3 cover call, only deputies within a reasonable distance shall respond considering the below factors:

- The distance to the location.
- Traffic and pedestrian congestion.
- Time of day and weather conditions.
- Proximity / Location of other units.

Units that are at excessive distances from the Code 3 cover scene will advise the Communications Center of their location and respond as directed by the field supervisor.

An accident (11-83) with unknown injuries i.e., lacking additional details may not be considered in need of a Code 3 response.

343.4 EMERGENCY RESPONSE DRIVING TACTICS

Each deputy operating a vehicle "Code 3" should use proper defensive driving practices.

When driving Code 3, do not expect the right of way. Before pedestrians or motorists can yield the right of way they must be afforded the opportunity to do so.

Emergency vehicles should proceed slowly enough to safely negotiate through all intersections. When emergency vehicles must use the center of the road or on-coming lanes to approach intersections on surface streets, they should travel at a speed that may allow the vehicle to stop without getting involved in a collision while proceeding through the intersection. Stopping may be required at intersections, depending upon the sight distances, traffic, time of day, weather and other factors.

Deputies should broadcast the location they are responding from and be aware of and coordinate their response with other emergency vehicles that may be responding Code 3 in the area.

Deputies should drive in the furthest left lane for traffic moving in the same direction. Deputies should not follow other emergency vehicles too closely. A motorist may yield to the first emergency vehicle and then pull in front of another.

Passing on the right should be avoided unless there is no other safe way to continue. If there is not, pass at a safe speed after reasonably assuring the vehicle being passed will not yield to the right.

Emergency Vehicle Operation

343.5 RESPONSIBILITIES OF RESPONDING DEPUTY(S)

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

The decision to continue a Code-3 response is at the discretion of the deputy. 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 San Mateo County Public Safety Communications. A deputy shall also discontinue the Code-3 response when directed by a sergeant or higher ranking sworn personnel.

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

343.6 SUPERVISORY RESPONSIBILITIES

Upon becoming aware that a Code-3 response has been initiated, the on-duty sergeant 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

The on-duty sergeant 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 sergeant's judgment, the circumstances require additional units to be assigned a Code-3 response, the sergeant may do so.

It is a supervisory responsibility to terminate a Code-3 response that, in their judgment is inappropriate due to the circumstances.

When making the determination that the proper response has been initiated the sergeant should consider the following:

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

343.7 TRAFFIC COLLISIONS DURING "CODE 3"

If a collision occurs during a Code 3 response resulting in potential injury of any person, deputies should remain at the scene. Depending on the circumstances deputies should request another unit to respond to the original incident, notify a supervisor and the appropriate law enforcement agency and render assistance to those injured.

Emergency Vehicle Operation

343.8 MOBILE FIELD FORCE PLATOON OPERATIONS

When responding to an emergency during Mobile Field Force (MFF) Platoon operations, with the approval of a supervisor who has direct knowledge of the emergency, marked and unmarked vehicles equipped with emergency lights and siren, may respond Code 3, whether as individual units or in caravans. If it is deemed necessary for a caravan to respond Code 3 to an emergency event, all vehicles in the caravan, including those used to block traffic at intersections, shall use the emergency lights at all times and siren as necessary.

When Mobile Field Force caravans are responding to non-emergency situations, including MFF training, it may be necessary to use marked patrol vehicles to block intersections to maintain the integrity of the caravan. Units entering intersections to block traffic shall use the emergency lights and siren activated simultaneously until the traffic block has been established. Once the traffic block has been established the emergency lights shall remain turned on and the siren may be used as necessary.

343.9 FUNERAL PROCESSIONS

The San Mateo County Sheriff's Office recognizes funeral procession caravans as special non-emergency events. All San Mateo County Sheriff's Office vehicles participating in the procession should obey posted speed limits. However, the San Mateo County Sheriff's Office authorizes the use of emergency lights and the use of sirens as necessary. It may be necessary to use marked patrol vehicles or motorcycle units to block intersections to maintain the integrity of the caravan. Units entering intersections to block traffic shall use the emergency lights and siren activated simultaneously until the traffic block has been established. Once the traffic block has been established the emergency lights shall remain turned on and the siren may be used as necessary.

343.10 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 on-duty sergeant and San Mateo County Public Safety Communications of the equipment failure so that another unit may be assigned to the emergency response.

Pharmaceutical Drug Collection/Disposal Program

344.1 PURPOSE AND SCOPE

This policy is designed to establish guidelines for the proper collection, handling, and disposal of unused medications in accordance with the County of San Mateo Safe Medicine Disposal Ordinance (SMDO). The drug collection and disposal program provides a safe disposal location for citizens to properly dispose of unused prescriptions medications.

344.2 OPERATING PROCEDURES

This program provides an environmentally safe alternative to disposing of medications in a landfill or sewer system, which may later negatively affect the environment. This program encourages residents to remove unneeded medications from their homes. This reduces access to addictive medications from accidental or intentional misuse by children in the home.

The San Mateo County Sheriff's Office will host a steel mailbox style collection box in which residents may deposit these medications.

- The collection boxes will be provided by a vendor in accordance with the SMDO. They shall be clearly marked with what medications are allowed to be placed inside.
- Collection boxes shall be locked and securely mounted to prevent removal of the box or retrieval of medications from within the box without a key
- Residents may place their unused medications/drugs into the collection box anonymously.
- Medications can be placed into plastic bags or the entire prescription bottle can be placed into the drop box.
- Syringes/sharps will not be accepted.

344.3 EMPLOYEE HANDLING PROCEDURES

The San Mateo County Sheriff's Office Property Officers (PO), and/or Property Manager (PM), and/or designee will be the sole possessors of the keys to the collection box.

- Staff will not have access to the contents of the collection boxes.
- Administrative staff may monitor the collection of the drop box contents with the Property Officers (PO), and/or Property Manager (PM), and/or designee. This allows administration the ability to survey the kinds of drugs and medications that are being disposed of. This information can be used for evaluation and decisions regarding the program.
- The Property Officers (PO), and/or Property Manager (PM), and/or designee will document each collection on a log. This allows for tracing of data to monitor the program benefits.

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Pharmaceutical Drug Collection/Disposal Program

- The Property Officers (PO), and/or Property Manager (PM), and/or designee will arrange for pick up of the deposited drugs on a frequency deemed necessary, based on usage.
- The Property Officers (PO), and/or Property Manager (PM), and/or designee will open the collection box and witness the vendor remove and seal the inner collection box.
- The Property Officers (PO), and/or Property Manager (PM), and/or designee will place the sealed inner box in a secure area.
- The Property Officers (PO), and/or Property Manager (PM), and/or designee will release the sealed box to the approved shipping service as arranged by the vendor.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intra organizational cooperation and information sharing.

400.2 POLICY

The San Mateo County Sheriff's Office 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 office members.

400.3 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Office should be shared among all divisions 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 divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with office policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.3.1 PATROL BUREAU MANUAL

Deputies are encouraged to review and utilize the resources of the Patrol Bureau Manual for a detailed outline of policies and procedures.

400.4 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.

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Patrol Function

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.

400.5 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of San Mateo 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.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the San Mateo County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on 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).

401.2 POLICY

The San Mateo County Sheriff's Office 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 office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 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.

401.3.1 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.

Bias-Based Policing

401.4 MEMBER RESPONSIBILITIES

Every member of this office 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 supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 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.

401.4.2 REPORTING OF STOPS

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 San Mateo County Sheriff's Office is the primary agency, the San Mateo County Sheriff's Office 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 (11 CCR 999.227).

401.5 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

- (a) All sworn members of this office will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this office are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this office 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, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

Bias-Based Policing

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Bureau Lieutenant 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 or designee for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). (See the Records Bureau Policy.)

Supervisors should ensure that data stop reports are provided to the Records Manager or designee for required annual reporting to the DOJ (Government Code § 12525.5). (See the Records Bureau Policy).

Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the San Mateo County Sheriff's Office 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.

402.3 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 another deputy or a supervisor.

402.4 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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Crime and Disaster Scene Integrity

402.5 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.

402.5.1 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.

402.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this office 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).

Special Weapons and Tactics / Crisis Negotiation Unit

403.1 PURPOSE AND SCOPE

Recognizing that the presence of a highly trained, highly skilled law enforcement tactical unit has been shown to substantially reduce the risk of injury or loss of life to citizens, deputies and suspects; and recognizing that a well-managed “team” response to critical incidents usually results in successful resolution of critical incidents, it is the intent of the San Mateo County Sheriff’s Office Special Weapons and Tactics Team (SWAT) to provide a highly trained and skilled tactical team as a resource for the San Mateo County Sheriff’s Office in the handling of critical incidents. The Crisis Negotiation Unit (CNU) is a part of the SWAT Team organizational structure.

See San Mateo County SWAT/CNU Policy and Procedure Manual for unit specific guidelines.

403.1.1 SWAT TEAM DEFINED

A SWAT Team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. Incidents of this nature include, but not limited to hostage taking, barricaded suspects, maritime operations, vehicle take downs, dignitary protection, open area searches, snipers, terrorist acts and other high-risk incidents. As a matter of office policy, such a unit may also be used to serve high-risk warrants (search and arrest), where public and officer safety issues warrant the use of such a unit.

403.2 POLICY

It shall be the policy of this organization to maintain a SWAT Team and to provide the equipment, staffing and training necessary to maintain such. The SWAT Team shall develop sufficient resources to perform basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of team personnel, team administrators and potential Incident Commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to exigency of the circumstances; with the intent of the preservation of innocent human life being paramount.

403.2.1 POLICY CONSIDERATIONS

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A needs assessment is recommended to determine the type and extent of SWAT missions and operations appropriate to the organization. The assessment should consider the team's capabilities and limitations, being annually reviewed by the SWAT Commander or their designee.

403.2.2 ORGANIZATIONAL PROCEDURES

The Sheriff's Office shall develop a separate written set of organizational procedures which shall address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing
- (b) Team organization and function
- (c) Personal selection and retention criteria
- (d) Training and required competencies
- (e) Activation and deployment procedures
- (f) Command and control issues, including a clearly defined structure
- (g) Multi-jurisdictional response
- (h) Out-of-jurisdiction response
- (i) Specialized functions and supporting resources

403.2.3 OPERATIONAL PROCEDURES

The Sheriff's Office shall develop a separate written set of operational procedures in accordance with the determination of their level of capacity, using sound risk reduction practices. The operational procedures shall be patterned after the National Tactical Officers Association Suggested SWAT Best Practices; because such procedures are specific to SWAT Team members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures shall include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational and/or tactical plan prior to, and/or during SWAT operations (time permitting).
 - 1. All SWAT Team members shall have an understanding of operational planning.
 - 2. SWAT Teams shall incorporate medical emergency contingency planning as part of the SWAT operational plan.
 - 3. SWAT Team training shall consider planning for both spontaneous and/or planned events.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation shall be developed which may include relief, rotation of personnel and augmentation of resources.

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- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and/or resources necessary, including the deployment of SWAT.
- (e) The appropriate role of the negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how to best serve high-risk warrant(s) with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
 - 1. Documentation of the incident
 - 2. Transition to investigations and/or other units
 - 3. Debriefing of SWAT Team members after every deployment of the SWAT Team.
 - 4. After-action team debriefing provided evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
 - 5. Such debriefing should not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
 - 6. In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - 7. When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of deployed equipment.

403.3 TRAINING NEEDS ASSESSMENT

The SWAT Team Commander, or designee, shall conduct an annual SWAT Team Training needs assessment; preparing a training matrix to ensure training is conducted within team capabilities, Sheriff's Office Policy and Procedures and Sheriff's Office Training guidelines established by POST (11 C.C.R. 1084).

403.3.1 INITIAL TRAINING

SWAT Team Sergeants, Team Leaders and operators should not be deployed until successful completion of the Basic POST SWAT course or its equivalent.

- (a) To avoid unnecessary and/or redundant training, previous training completed by members may be considered equivalent, when the hours and content meet and/or exceed organizational requirements and/or POST standardized training recommendations.

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403.3.2 UPDATED TRAINING

Appropriate team training for specialized SWAT Team functions and other supporting resources should be completed prior to full team deployment.

SWAT Team Sergeants, Team Leaders and Operators should complete updated or refresher training annually as recommended and in accordance with POST standards.

403.3.3 SUPERVISION AND MANAGEMENT TRAINING

The SWAT Team Commander shall attend a POST certified Commander or Tactical Commander Course or its equivalent. The SWAT Team Tactical Team Leader(s) shall attend a POST certified SWAT Team Leader Course or its equivalent.

403.3.4 SWAT TRAINING SCHEDULE

The SWAT Tactical Team should generally consist of two training days per month. The Sniper Team should conduct an average of six hours of specialized training per month. All training is mandatory, with exceptions for excused absences, as defined in Policy.

- (a) Each SWAT Team member shall perform a quarterly physical fitness test. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT Team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team sergeant and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30 day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly, each SWAT Team member shall perform the mandatory qualification course(s) for their SWAT assigned weapons to include handgun, rifle and specialty weapons. Failure to qualify will require remedial training from a team range master approved by the SWAT commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Any team member who does not meet quarterly qualifications will be placed on inactive status while on the team, until such time the team member meets the minimum standards of said qualification(s); i.e., physical fitness or firearms.

403.3.5 TRAINING SAFETY

A designated Safety Officer shall be assigned for all tactical training.

403.3.6 SCENARIO BASED TRAINING

SWAT Team members shall participate in scenario-based training that simulates a tactical operational environment. Such training shall be an established method for improving performance during an actual deployment.

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403.3.7 TRAINING DOCUMENTATION

All SWAT Team training shall be documented in a Training Summary Form and retained within the SWAT Team Training Files.

403.4 UNIFORMS, EQUIPMENT AND FIREARMS

403.4.1 UNIFORMS

SWAT Team members will wear appropriate designated utility uniforms and footwear of an approved color and pattern. Uniforms shall utilize visible and identifiable placards, patches and lettering that clearly identifies the member as a law enforcement officer. It is recognized that certain tactical conditions may require covert movement and attire may be selected appropriate to the specific mission. The SWAT Team Commander shall approve all other personal attire and/or equipment.

403.4.2 EQUIPMENT

SWAT Team members shall be adequately equipped to meet the specific needs of the mission identified by the organization.

403.4.3 FIREARMS

Weapons and equipment utilized by SWAT Team members, including specialized weapons and supporting resources, shall be issued and approved by the organization; including any modifications, additions and/or attachments.

403.5 MANAGEMENT / SUPERVISION OF SWAT TEAM

The SWAT Team Commander shall be selected by the Sheriff upon the recommendation of staff.

403.5.1 UNIT MANAGEMENT

Under the direction of the Sheriff, through an assigned Captain, the SWAT/CNU Teams shall be managed by a lieutenant.

403.5.2 TEAM SUPERVISORS

The SWAT Tactical Team will have one or more Sheriff's Sergeants designated as Team Leaders.

403.6 CRISIS NEGOTIATION UNIT (CNU) ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Unit (CNU) has been established to provide skilled verbal communicators to be utilized in an effort to de-escalate and effect surrender in critical situations, in which suspects have taken hostages, barricaded themselves and/or have suicidal tendencies.

403.6.1 SELECTION OF PERSONNEL

Interested sworn personnel shall submit a letter of interest to the CNU Commander. Qualified applicants will be invited to an oral interview. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.

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- (b) Demonstrated good judgment and understanding of critical role of a negotiator and the negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

403.6.2 TRAINING, EVALUATION AND RETENTION OF CNU NEGOTIATORS

Individuals selected as members of the CNU shall attend a Basic Negotiators Course as approved by the Peace Officer Standards and Training (POST) prior to primary use in a crisis situation. Additional training will be coordinated by the team sergeants.

CNU members shall train 60 hours annually to provide the opportunity for scenario role playing and situational exercises necessary to maintain proper skills. This will be coordinated by the team sergeant. The team sergeant will coordinate the creation of an annual Training Matrix and Training Summary Report to document each training session.

Continual evaluation of CNU Team member's performance and proficiency, as it relates to the positive operation of the unit shall be conducted by the team sergeants. Performance and proficiency levels, established by the team sergeants, will be met and maintained by all team members. Any member of the negotiation team who performs or functions at a less than satisfactory shall be subject to dismissal from the unit.

403.7 SPECIAL WEAPONS AND TACTICS (SWAT) ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and specialized trained team which may be deployed to incidents and/or events requiring specialized tactics including but not limited to; hostage situations, barricaded subjects in a prolonged and/or predictable situation in which the person is armed and/or suspected of being armed and poses a danger to himself and/or others.

403.7.1 SELECTION OF PERSONNEL

To establish minimum entry level standards and a testing process for applicants interested in becoming members of the Sheriff's SWAT Team.

The San Mateo County Sheriff's Office SWAT Team will fill vacancies from the ranks of the Sheriff's Office by selecting qualified candidates. Qualified peace officers from participating departments within San Mateo County may become members of the Sheriff's SWAT Team.

- (a) Peace officers from San Mateo County jurisdictions must meet all standards, qualifications, and training required of Sheriff's deputies who are selected for SWAT.
- (b) A Memorandum of Understanding must be in place between the County and the City for which the peace officer is employed.
- (c) The needs of the SWAT Team and the overall needs of the Sheriff's Office will govern selection and testing of Team Members.

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- (d) A minimum standard will be used for candidates interested in the SWAT Team.

The order of the tests will be given at the discretion of the CRU Commander. The testing process will consist of an oral board, physical agility, psychological, and team evaluation.

Applicants will be evaluated by the following criteria:

- (a) Oral board: The oral board will consist of personnel selected by the SWAT Commander.
- (b) Physical Agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT related duties. The test and scoring procedure will be established by the SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position
- (c) Psychological Examination: Candidates will be interviewed by a licensed psychologist to determine their suitability to be member of the SWAT Team.
- (d) Team Evaluation: Current team members will evaluate each candidate on their field tactical skills, teamwork, ability to work under stress, judgment, and any special skills that could benefit the team.

403.7.2 SWAT TEAM EVALUATION

Continual evaluation of all SWAT Team members' performance and proficiency, as it relates to the positive operation of the unit, shall be conducted by the SWAT Team Commander. The performance and proficiency level, as established by the SWAT Team sergeants, will be met and maintained by all SWAT Team members. Any SWAT Team member who performs or functions at a less than satisfactory level shall be subject to dismissal from the team.

403.8 OPERATIONAL GUIDELINES FOR SWAT TEAM

The following procedures serve as guidelines for the operational deployment of the SWAT Team.

Routinely, the SWAT Team and CNU Team will be activated in conjunction of one another. It is recognized that the SWAT team may be situational, thus not requiring the physical presence of CNU (i.e.: warrant services). This determination shall be made at the discretion of the SWAT Team Commander.

403.8.1 OPERATIONAL GUIDELINES FOR SWAT TEAM

403.8.2 ON-SCENE DETERMINATION

The supervisor in charge, on scene of a critical incident and/or event, will assess whether the SWAT Team activation is necessary. Upon final determination by the Watch Commander, they will request the activation of the SWAT Team via the chain of Command.

403.8.3 APPROPRIATE SITUATIONS FOR SWAT AND CNU

Any Division or Bureau within the Sheriff's Office may request the assistance of the SWAT Team in planning or conducting appropriate operations. The supervisor of the requesting Division or Bureau or their designated representative shall contact the SWAT Team Commander with the

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request for activation. The SWAT Team Commander, upon approval of request, will then follow the designated process for SWAT/CNU Team activation.

403.8.4 OUTSIDE AGENCY REQUESTS

The Sheriff's Office SWAT Team is available to any requesting law enforcement agency. When a request for the SWAT Team is received, it shall be immediately forwarded to the SWAT Team Commander; who will determine if in fact the situation and/or incident warrants the activation of the SWAT Team. The SWAT Team Commander will then contact the Division Commander and request an activation of the SWAT Team. Once approval is granted, the activation will follow standard procedures; i.e, written request and completion of a decision/threat matrix.

403.8.5 MULTI-JURISDICTIONAL SWAT OPERATIONS

The Sheriff's Office SWAT Team, including relevant specialized units and supporting resources, shall develop protocols and/or working standard operating procedures to support multi-jurisdictional and/or regional responses.

- (a) If it is anticipated that a multi-jurisdictional SWAT operation will be conducted regularly; SWAT Team multi-jurisdictional and multi-disciplinary joint training exercises are recommended.
- (b) Sheriff's Office SWAT Team members shall operate under the governing policies, procedures and command of the San Mateo County Sheriff's Office when working in a multi-jurisdictional situation.

403.8.6 ON-SCENE SWAT COMMAND RESPONSIBILITIES / COMMAND AND CONTROL STRUCTURE

Upon SWAT Team activation, the SWAT Team Commander shall report directly to the Incident Commander and/or the on scene supervisor of any incident. The SWAT Team Commander is responsible for the deployment of the SWAT Team, tactical decision making and tactical resolution of the incident. The SWAT Team Commander is subordinate to the Incident Commander, *only in instances where the SWAT Team Commander does not assume the role of Incident Commander*. In those incidents, the SWAT Team Commander shall only be subordinate to the Incident Commander when and if a tactical option will be initiated; however not on the tactical option's implementation.

The SWAT Team Commander will operate within the Operations Section of any ICS/SEMS/NIMS incident command structure with the SWAT Team functioning at the group or task force level.

403.8.7 COMMUNICATION WITH CNU PERSONNEL

Operations require the utmost in concentration by all involved personnel; given such, no one shall interrupt and/or communicate with CNU personnel directly. All individuals who are non-CNU personnel shall refrain from any non-emergency communication and/or interference with any member of CNU during any/all on-going negotiations. All non-emergency communications shall be channeled through the CNU sergeants, CNU Commander and/or designee.

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403.9 SNIPER TEAM PROFICIENCY STANDARDS AND TESTING

Sniper/Observers will be a qualified Sheriff's Office employee selected from the Sheriff's SWAT Team based on demonstrated skills and ability.

403.10 SNIPER/OBSERVER - ADMINISTRATIVE STANDARDS

- (a) During critical incidents the Sniper/Observers have primary responsibility for gathering and reporting information to the Tactical Command Post.
- (b) In critical events the Sniper/Observer may be required to utilize deadly force on command to prevent the loss of innocent life.

403.11 SNIPER/OBSERVER - OPERATIONAL GUIDELINES

Sniper/Observer Teams may be deployed to positions of greatest advantage during critical incidents, while recognizing they may be required to utilize deadly force under office guidelines.

Ride-Along Policy

404.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

404.1.1 ELIGIBILITY

The San Mateo County Sheriff's Office 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 and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

404.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Executive Team, Division Captain, Lieutenants or Sergeants.

404.2 PROCEDURE TO REQUEST A PATROL RIDE-ALONG

Generally, ride-along requests will be scheduled by the Headquarters Administrative Sergeant. The participant will complete a ride-along waiver form. 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 Ride-Along Form.

The Headquarters 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 Shift Supervisor as soon as possible for their scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Sheriff's Office will contact the applicant and advise their of the denial.

404.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, SVIPs, Chaplains, Reserves, sheriff's applicants, and all others with approval of the Shift Supervisor.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

Ride-along requirements for Sheriff's Explorers are covered in Policy Manual § 1048, "Sheriff's Explorer Program."

404.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the sheriff's vehicle. The Shift Supervisor or field supervisor may refuse a ride along to anyone not properly dressed.

404.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty Sheriff's employees or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the expressed consent of the Shift Supervisor. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

404.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants 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 with a law enforcement officer (provided that the ride-along is not an employee of the San Mateo County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

404.3 DEPUTY'S RESPONSIBILITY

Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation. The ride-along may be continued or terminated at any time.

The Headquarters Administrative Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Headquarters Administrative Sergeant with any comments which may be offered by the deputy.

404.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct them in 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 sheriff's 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) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy over the objection of the resident or other authorized person

Hazardous Material Response

405.1 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 office.

405.1.1 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.

405.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. 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 the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

405.3 REPORTING EXPOSURE(S)

Sheriff's Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to an immediate supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Division Captain. 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.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, they shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Sheriff's Office will be obtained through the Fire Department.

Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- (b) Unlawfully held against his/her will under threat or actual use of force.

406.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, San Mateo County Sheriff's Office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.3.1 EMERGENCY COMMUNICATIONS

Only a deputy who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The deputy reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- (b) The deputy reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- (c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- (d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- (e) The contents of any oral communications overheard are recorded on tape or other comparable device.

406.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a sergeant respond as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving sergeant of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
 - (b) Ensure the completion of necessary first responder responsibilities or assignments.
 - (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
 - (d) Establish a command post location as resources and circumstances permit.
 - (e) Designate assistants who can help with intelligence information and documentation of the incident.
 - (f) If it is practicable to do so, arrange for video documentation of the operation.
 - (g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Office obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or San Mateo County Public Safety Communications.
- (i) Identify a media staging area outside the outer perimeter and have the office Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

406.6 SWAT RESPONSIBILITIES

The Incident Commander will decide, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the primary unit assigned to the incident is responsible for completion and/or coordination of Sheriff's Office incident reports and will support the ICS related Incident Action Reporting as possible.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist deputies of the San Mateo County Sheriff's Office 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.

For the purpose of this section, explosive device includes but is not limited to any explosive material, military ordnance or modified pyrotechnic devices.

407.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 BOMB THREAT RESPONSE PROTOCOL

The San Mateo County Sheriff's Office Bomb Squad provides trained personnel to respond to and render explosive devices safe.

407.3.1 PROCEDURES

(a) Call-Outs:

1. A current call-out list of Bomb Squad personnel shall be maintained within the CAD System and with County Communications.
2. Anytime a suspected device is found, the Bomb Squad shall be called out.
3. Call-out Sequence:
 - (a) The on call Bomb Technician on standby shall be notified first by the County Communications to determine if a call-out is necessary.
 - (b) Additional Bomb Technicians may be requested by any on-scene Bomb Technician.
4. Call-out Responsibility:
 - (a) When the Bomb Squad is called out for an explosive incident in the Sheriff's jurisdiction, the on-duty patrol sergeant and Bomb Squad Sergeant shall be notified.

(b) Outside Agency Call-out:

1. The San Mateo County Bomb Squad will respond to all incorporated cities in San Mateo County as well as the unincorporated areas.

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407.3.2 OPERATIONAL GUIDELINES

- (a) Operations involving actual or suspected explosive devices require highly trained and skilled personnel to render them safe. To assist the Bomb Squad in successfully completing their task, initial patrol units at the scene of a bomb threat or suspected device shall use the following guidelines:
1. An initial patrol unit(s) shall be dispatched to determine if the call is a bomb threat or an actual suspected explosive device.
 2. Responding units should be aware of the possibility of secondary devices.
 3. Responding units should restrict radio traffic and advise of their arrival several blocks prior to arriving.
 4. If the call is a bomb threat, ascertain from the owner or representative of the business if they are going to conduct a search and/or evacuation of the premises. It is the decision of the owner or their representative to evacuate whenever there is a bomb threat. Persons working on the premises are more familiar with their surroundings and will recognize any item that is out of place. Therefore, employees of the facility should be questioned concerning any suspicious packages or the nature of the proposed bomb threat. Request the Bomb Squad for any bomb threat where a search is required and explosive detection canines will be dispatched as well. An assigned Bomb Squad explosive detection canine will not search an area unless a certified Bomb Technician is present.
 5. The Bomb Squad is available for VIP and high-risk vehicle searches. The Bomb Squad is responsible to render a device or suspected item safe, and conduct a search for secondary devices.
 6. When a suspected explosive device or a suspicious object is located, the patrol unit will isolate the device, evacuate the surrounding area and establish a perimeter. The safe distance for evacuation is a position of at least a radius of 100 yards (300 feet) from the device.
 7. Notify the County Communications as soon as possible that a suspected device has been located. If possible, notification should be made using a telephone (not cellular phone) rather than your Sheriff's radio.
 8. Notify the on-duty supervisor.
 9. Request the Bomb Squad.
 10. Locate a suitable site for a command post and advise dispatch of its location.
 11. Locate a staging area for ambulance and fire.
 12. Notify the County Communications of a safe direction of egress for responding public safety units to approach. Advise County Communications to have all responding public safety units restrict radio traffic in the surrounding area.
 13. Any kind of barricading and or any other objects shall not be placed on or near the suspected device. No attempt shall be made to move, touch and/or examine any suspected explosive device or suspicious package.

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14. Upon arrival, the Bomb Squad personnel will establish an inner perimeter and assume control of the suspected device. Sheriff's Deputies on-scene shall maintain the outer perimeter until released by Bomb Squad personnel.
15. If an explosive device has exploded, the Bomb Squad shall be notified as soon as possible. All emergency actions shall be taken to preserve life and property. An effort shall be made not to disrupt or contaminate the crime scene.

407.3.3 RESPONSIBILITIES

(a) Initial Patrol Units:

1. The patrol vehicle's radio has the potential of setting off a radio controlled or electrically initiated explosive device. Prior to arriving at the scene of a suspicious object or suspected explosive device, advise County Communications of your arrival and that you will not be in radio contact. Conduct all communication over landline telephone. Do not use a cellular phone.
2. If the call is a bomb threat, ask the owner of the property or his representative if they would like to evacuate or to shelter in place. It is their decision to make, prior to the location of any suspicious device. The owner or their representative is not responsible for conducting and / or coordinating the search of the premises. The Bomb Squad will be dispatched along with explosive detection canines Sheriff's Deputies may assist in the search if accompanied by a representative of the business.
3. If a device or suspicious object is located, evacuate and establish a perimeter. Use a minimum radius of 100 yards (300 feet).
4. Attempt to locate witnesses and have them remain at the scene until the Bomb Squad releases them.
5. When the Bomb Squad arrives, maintain the outer perimeter. Do not enter the inner perimeter unless directed to do so by a Bomb Technician.
6. A crime report shall be written to document the incident.

(b) On-Duty Patrol Sergeant:

1. Supervise the evacuation of the area, and the establishment of an outer perimeter.
2. Adhere to the San Mateo County Police Chiefs & Sheriff Association's Incident Command Post (ICP) Protocol for San Mateo County law enforcement agencies to establish Incident Command Post and incident management procedures; that protocol is incorporated by reference herein.

(c) Bomb Squad:

1. Ensure that the outer perimeter is established and far enough away from the device.
2. Assume control of the inner perimeter and the area surrounding the suspected explosive device.

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3. Coordinate with the command post if additional equipment or manpower is needed.
4. Only a Bomb Technician shall determine action necessary to render the device safe. When rendering a device safe, the preservation of life is paramount. The protection of property shall be secondary.
5. Request an ambulance and fire unit stand by in the event of a fire or an accidental detonation of the device. Establish a line of communications with the fire department and ambulance personnel. At the conclusion of the incident, ensure that the ambulance and fire units are released as soon as they are no longer needed.
6. At the completion of the incident, advise the PIO, Operations Section Chief and on-duty patrol sergeant of any pertinent information for the press release.
7. Prepare an after action report documenting the Bomb Squad's call-out.
8. When responding to assist other allied agencies, the above procedures will be followed.

407.4 RECEIPT OF BOMB THREAT

Any San Mateo County Sheriff's Office member 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 San Mateo County Sheriff's Office evidence procedures.

The member receiving the bomb threat should ensure that the on-duty Shift Supervisor is immediately advised and informed of the details. This will enable the on-duty Shift Supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

407.5 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.5.1 SHERIFF'S FACILITY

If the bomb threat is against the San Mateo County Sheriff's Office facility, the on-duty Shift Supervisor will direct and assign deputies as required for coordinating a general building search or evacuation of the San Mateo County Sheriff's Office facility, as they deem appropriate.

407.5.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the San Mateo County Sheriff's Office that is not the property of the San Mateo County Sheriff's Office, the

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appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the on-duty Shift Supervisor deems appropriate.

407.5.3 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.

407.6 PRIVATE FACILITY OR PROPERTY

When a Sheriff's Office employee receives notification of a bomb threat at a location in the County of San Mateo County, the employee receiving the notification should obtain as much information as reasonably possible from the notifying individual, 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 employee receiving the bomb threat information should ensure that the on-duty Shift Supervisor is immediately notified so that they can communicate with the person in charge of the threatened facility.

407.6.1 ASSISTANCE

The on-duty Shift Supervisor should be notified when sheriff's assistance is requested. The on-duty Shift Supervisor will make the decision whether the Office 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.

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Should the on-duty Shift Supervisor determine that the Office will assist or control such an incident, they will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) 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.
 - 2. The safety of all participants is the paramount concern.
- (e) 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.

407.7 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 bomb squad 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 appropriate bomb squad 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.
- (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.

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- (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 Shift Supervisor 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.

407.8 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.

407.8.1 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.

407.8.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- On-duty Shift Supervisor

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- 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

407.8.3 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.

407.8.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The on-duty Shift Supervisor 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.

Mental Illness Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

408.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

408.3 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

408.3.1 MENTAL HEALTH DOCUMENTATION

The deputy will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The deputy will retain a copy of the 72-hour evaluation for inclusion in the case report. The deputy shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

408.3.2 CIVIL COMMITMENT OF MINORS

Civil Commitment of Minors is governed by a separate statute, Section 5585, et seq. of the Welfare Institutions Code.

Section 5585.50 provides, in pertinent part that:

"When any minor, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled and authorization for voluntary treatment is not available, a peace officer...may, upon probable cause, take, or cause to be taken, the minor into custody and place him or her in a

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facility designated by the county and approved by the State Department of Health Care Services as a facility for 72-hour treatment and evaluation of minors."

A minor is gravely disabled, if "as a result of a mental disorder, [the minor] is unable to use the elements of life that are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others." And, "[i]ntellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder."

Before taking a minor into, custody, Sheriff's Office personnel should, if both appropriate and feasible under the circumstances, contact the minor's parent or guardian to determine whether the parent or guardian will authorize voluntary treatment.

408.4 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting deputy should have San Mateo County Public Safety Communications notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. 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, Shift Supervisor approval is required before transport commences.

408.4.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

- (a) Whenever the handling deputy has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Psychiatric Emergency Response Team (PERT) Coordinator who shall be responsible in conjunction with County Counsel for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Sheriff's Office 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 Sheriff's Office shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or 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(s).
- (c) If no petition is initiated within the above period, the Sheriff's Office shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Office may file a petition for an order of default.

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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.
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Office 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).

408.5 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.

Cite and Release Policy

409.1 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.

409.2 POLICY

It is the policy of the San Mateo County Sheriff's Office 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 Office'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.

409.3 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 persons 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.

409.3.1 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.

409.3.2 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. All bookings shall be approved by the Shift Supervisor or the authorized designee.

409.4 NON-RELEASE

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409.4.1 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) Rape of a spouse (Penal Code § 262)
- (f) 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)
- (g) Stalking (Penal Code § 646.9)
- (h) 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)

409.4.2 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 Shift Supervisor 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 Office 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 he/she could be a danger to him/herself 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 his/her own safety
 1. The San Mateo County Sheriff's Office 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 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) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

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- (e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).
- (f) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (g) 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.
- (h) 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.
- (i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (j) 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. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:
 - (a) Previous failure to appear is on record
 - (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

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 Shift Supervisor for approval and included with the case file in the Records Bureau.

409.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Shift Supervisor approval, 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 (deputy).
- (e) The person arrested is a danger to him/herself 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 his/her own safety.
- (g) The person has other ineligible charges pending against him/her.
- (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.

409.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the San Mateo County County codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Detective Bureau for further action including diversion.

409.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that employees of the San Mateo County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.1.1 PENAL CODE 834C

Penal Code section 834c provides that every peace officer, upon arrest and booking or detention for more than two hours of a known or suspected foreign national, shall advise the foreign national that they have a right to communicate with an official from the consulate of their country. If the foreign national chooses to exercise that right, the peace officer shall notify the pertinent official in their agency of the arrest or detention and that the foreign national wants their consulate notified. The notification required by Penal Code section 834c is based on an international treaty, the Vienna Convention on Consular Relations (Article 36 of the Vienna Convention on Consular Relations).

410.2 POLICY

The San Mateo County Sheriff's Office 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.

410.3 CLAIMS OF IMMUNITY

If a deputy comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the deputy should, without delay:

- (a) Notify an on-duty sergeant.
- (b) Advise the person that their claim will be investigated and they 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.

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- (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.

410.4 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:
 - (a) International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - (b) Support staff of missions to international organizations
 - (c) Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - (d) Honorary consular officers.

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- (e) 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.

410.5 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.

410.6 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

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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
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.

Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

411.1.1 SAN MATEO COUNTY VIOLENT INTRUDER / ACTIVE SHOOTER PROTOCOL

Deputies are encouraged to review and utilize the resources of the County Violent Intruder / Active Shooter Protocol for additional guidelines.

411.2 POLICY

The San Mateo County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

411.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.

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- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or crisis negotiation unit response).

411.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.5 PLANNING

The Operations Assistant Sheriff or designee should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

Rapid Response and Deployment

411.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - 1. This should include the POST terrorism incident training required for deputies assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Mexican Consulate Identification Cards

412.1 PURPOSE AND SCOPE

The purpose of this order is to identify areas within the Sheriff's Office on the acceptance of the "Matriculas Consulares" or also referred to as Matricula Cards, as proper forms of identification for specific areas of operation.

The card is made of green security paper, with a special security pattern. The card has an "Advantage Seal" with a Mexican official seal, which appears over the bearer's picture. The ID card changes color from green to brown when viewed in natural light. The card has a digitized photograph with a magnetic band, similar to a California driver license, and a holographic image with the letters SRE (Secretaria de Relaciones Exteriores) imprinted on the front. The issue and expiration date of the card is located on the lower right side of the card.

412.2 POLICY

The Matricula Card will be accepted in the following areas:

The Records Bureau will accept a Metricula card for the following transactions:

- (a) Vehicle Releases (determining the registered owner only, they would still need a valid driver present)
- (b) Releasing reports
- (c) Releasing Clearance letters
- (d) Releasing Booking Chronologies

Correctional facilities will accept the Metricula card for the following reasons:

- (a) Visiting
- (b) Placing money on an inmate's books
- (c) Vehicle Releases (after hours)

Patrol and Investigations will accept the Matricula Card as a proper form of identification but cannot supplant a driver license.

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the San Mateo County Sheriff's Office relating to immigration and interacting with federal immigration officials.

413.1.1 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.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

413.2 POLICY

It is the policy of the San Mateo County Sheriff's Office 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 office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

It is also the policy of the San Mateo County Sheriff's Office to comply with state law, including but not limited to the Truth Act and the California Values Act, governing law enforcement's ability to interact and cooperate with federal immigration officers.

413.2.1 CORRECTIONS DIVISION POLICY

See Corrections Division Policy 4.09 for information regarding Corrections.

413.3 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 without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

413.4 IMMIGRATION INQUIRIES PROHIBITED

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

Emergency Utility Service

414.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by this office should be handled in the following manner.

414.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The resident can normally accomplish this.

414.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

414.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

414.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by San Mateo County Public Safety Communications.

414.2 TRAFFIC SIGNAL MAINTENANCE

The County of San Mateo County contracts with a private maintenance company to furnish maintenance for all traffic signals within the County, other than those maintained by the State of California.

414.2.1 DEPUTY'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the deputy will advise the San Mateo County Public Safety Communications of the location and problem with the signal.

Aircraft Accidents

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office 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.

415.1.1 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.

415.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 ARRIVAL AT SCENE

Deputies 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.
- (f) Consider implementation of an Incident Command System (ICS).

415.4 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.

Aircraft Accidents

415.5 NOTIFICATIONS

When an aircraft accident is reported to this office, 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:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency Medical Services (EMS)

415.6 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.
- (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 office 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 office supervisor should ensure the accident is still appropriately investigated and documented.

415.7 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.

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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION

All aircraft accidents occurring within the County of San Mateo County 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 SMSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

415.8.1 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.

415.8.2 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.

415.9 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

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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.

Field Training Officer Program

416.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the San Mateo County Sheriff's Office.

It is the policy of this office to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

416.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

416.3 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training, and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

416.3.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of two years of experience, one of which shall be with this office
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

416.3.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

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416.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Assistant Sheriff or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed
- (d) Maintain, update, and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Maintain liaison with academy staff on recruit performance during the academy
- (i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

416.5 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the San Mateo County Sheriff's Office who has successfully completed a POST approved Basic Academy.

416.6 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience. A lateral deputy may be exempt from the Field Training Program requirement if the deputy qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

416.6.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the San Mateo County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

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The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the San Mateo County Sheriff's Office.

416.7 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

416.7.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

416.7.2 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

416.7.3 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

416.8 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Obtaining Air Support

417.1 PURPOSE AND SCOPE

The use of Air Support can be invaluable in certain situations. This policy specifies potential situations where the use of Air Support may be requested and the responsibilities for making a request.

417.2 REQUEST FOR AIR SUPPORT

If an on-duty sergeant or deputy in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

417.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

Sheriff's Office and outside agency missions must be authorized through the Sheriff's Office. The primary point of contact for this authorization will be the Sheriff's Office Air Squadron Liaison, Emergency Services Bureau (ESB) Sergeant or their designee. In most cases, this designee will be an On-Call ESB Law Liaison (OESL) or the NTF Administrative Sergeant or designee.

417.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Air Support may be requested under any of the following conditions:

- (a) When the air support is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of air support may reduce such hazard
- (c) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- (d) When air support is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- (e) Vehicle pursuits

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for deputies on the ground.

Criminal Organizations

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the San Mateo County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

418.2 POLICY

The San Mateo County Sheriff's Office 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 office to collect and share relevant information while respecting the privacy and legal rights of the public.

418.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office 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.

418.3.1 REPORT TO THE CALIFORNIA DEPARTMENT OF JUSTICE

The Investigation Lieutenant or the authorized designee shall ensure that the annual report of information submitted to a shared gang database as required by Penal Code § 186.34 is submitted to the California Department of Justice.

418.4 INFORMATION RECOGNITION

Office 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.

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- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

418.5 RELEASE OF INFORMATION

Office 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 office 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.

418.6 CRIMINAL STREET GANGS

The Detective Bureau supervisor should ensure that there are an appropriate number of office 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.

418.7 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the deputy's belief that the incident may be related to the activities of a criminal street gang.

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- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) A specific request to that a copy of the report be routed to the Gang Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

Mobile Data Terminal Use

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) 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 Sheriff's Office personnel and San Mateo County Public Safety Communications.

419.2 PRIVACY EXPECTATION

Sheriff's Office employees forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

419.3 POLICY

San Mateo County Sheriff's Office employees using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

419.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Employees shall not access the MDT system if they have not received prior authorization and the required training. Employees shall immediately report unauthorized access or use of the MDT by another employee to their supervisors or Shift Supervisors.

Use of the MDT 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 Office. In the event that an employee has questions about sending a particular message or accessing a particular database, the employee should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT 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 employee's name or to use the password of another employee to log in to the MDT system unless directed to do so by a supervisor. Employees are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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419.4.1 USE WHILE DRIVING

Use of the MDT 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.

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.

419.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by a supervisor or other Office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the employee'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 employee shall document it via the MDT.

419.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT 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 MDT when the vehicle is not in motion.

419.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the deputy 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 deputy. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Deputies should ensure the Shift Supervisor is notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

419.6 EQUIPMENT CONSIDERATIONS

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419.6.1 MALFUNCTIONING MDT

Whenever possible, deputies will not use vehicles with malfunctioning MDTs. Whenever deputies must drive a vehicle in which the MDT is not working, they shall notify San Mateo County Public Safety Communications.

419.6.2 BOMB CALLS

When investigating reports of possible bombs, deputies should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Automated License Plate Readers (ALPRs)

420.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish policy and procedures for the use and oversight of the San Mateo County Sheriff's Office Automated License Plate Reader (ALPR) technology.

420.1.1 DEFINITIONS

Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to compare digital images of license plates to existing law enforcement inquiries and/or investigations lists.

Detection: An ALPR read of a license plate within public view, including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the ALPR at the time the data was obtained.

Hit: An alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen vehicle, wanted person(s), missing person(s), domestic violence protective order, registered sex offender or terrorist-related activity.

Hotlist: License plate(s) associated with existing law enforcement investigations.

Plate of Interest: A license plate appearing on a hotlist or that has been entered into the ALPR database and is believed to be associated with criminal activity and/or a vehicle/person of interest.

420.2 POLICY

It is the policy of the San Mateo County Sheriff's Office (SMCSO) to utilize ALPR technology only for official and legitimate law enforcement purposes, with the goal being to increase the efficiency and effectiveness of its public safety efforts in a manner that safeguards the legitimate privacy concerns of law abiding citizens. Consistent with Civil Code 1798.90.55, the Sheriff's Office shall provide the opportunity for public comment at a regularly scheduled meeting of the governing body of any area prior to the installation of any fixed ALPR camera.

Office personnel may use the ALPR system for official use only. Any matches received from the ALPR must be verified before enforcement action is taken unless exigent circumstances exist. ALPR data that is not considered intelligence and investigative information shall be retained for a maximum of one (1) year unless the information is from an ALPR device deployed within an area wherein the local government has requested a different retention period.

420.3 GENERAL

- (a) ALPRs shall be used only by authorized employees of this Office who have been trained and certified in the use of the equipment pursuant to SMCSO

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requirements. Training shall consist of policy review and an examination via the Learning Management System (LMS).

- (b) No civilian or sworn member shall use or authorize the use of any ALPR system or any ALPR database information for any reason other than official law enforcement purposes.
- (c) A positive Hit within the ALPR Program does not establish probable cause unless other significant factors for a detention exist. Absent exigent circumstances, or other information that helps to establish probable cause for a detention, the Hit information/data must be confirmed prior to taking any related law enforcement action.

420.4 ROLES AND RESPONSIBILITIES

(a) General Use

1. ALPR systems shall be deployed solely for official law enforcement purposes, including, but not limited to:
 - (a) Locating stolen vehicles, carjacked vehicles, stolen license plates, wanted or missing persons, or vehicles on the Hotlist;
 - (b) Canvassing areas surrounding recent crimes to capture license plates that may be connected to the crime event; and

(b) ALPR Administrator

1. The ALPR Administrator duties and Official Custodian duties are the responsibility of the Administrative Sergeant or designee for the applicable area.
2. The ALPR Administrator shall ensure all ALPR system equipment is inspected, at a minimum, on a quarterly basis.
3. The ALPR Administrator shall coordinate all training for use of the ALPR systems and related technologies.
 - (a) No member of the Office shall operate ALPR equipment or access ALPR data without first completing department-approved training.
 - (b) The following classifications are authorized to be trained in the use of the ALPR system:
 1. Duly sworn peace officers.
 2. Professional staff whose duties require or call for the use of the system or data, for example, Community Service Officers assigned to investigative positions or Crime Analysts.
 - (c) Training in the use of the system shall consist of:
 1. Privacy and civil liberties protections.
 2. Legal authorities, developments and issues involving the use of ALPR data and technology.
 3. Current Office policy regarding appropriate use of ALPR systems.

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4. Technical, physical, administrative and procedural measures to protect the security of ALPR data against unauthorized access or use; and
 5. Practical exercises in the use of the ALPR system.
4. The ALPR Administrator shall submit an ALPR quarterly report to the Area Commander of any deployment of ALPR technology:
 - (a) The report will include at a minimum, total detections and hits generated from the ALPR equipment and a confirmation that there is no data in the system older than is permitted by this policy.
 5. The Sheriff's Office will give an annual report to the Governing Bodies on the number of license plates captured in any given time period, number of times the data was accessed by law enforcement, including but not limited to, a report from the law enforcement agency as to how many of the license plates included in the data accessed were Hits on an active wanted list, the number of inquiries made by law enforcement personnel by agency relative to the data, the justification(s) for those inquiries, and information on any data retained beyond retention periods (maximum of 12 months) and the reasons for such retention.
 6. The ALPR Administrator shall conduct periodic audits of user queries as well as update access to the database. This includes eliminating access to persons separated from the organization for any reason.
- (c) ALPR Operators
1. Shall ensure the ALPR cameras are properly affixed to the assigned Sheriff's patrol vehicle prior to starting their shift; inspecting units for damage or excessive wear.
 2. Upon discovery of any ALPR equipment that is inoperable or damaged in any way, the Operator shall:
 - (a) Immediately notify the ALPR Administrator in writing.
 - (b) Document the damage/issue on the County Vehicle Damage form.
 3. Shall start the ALPR system software to activate the system and receive the automatic updated Hotlist at the beginning of each shift.
 - (a) ALPR units installed on marked Sheriff's patrol vehicles shall be activated and used at all times unless the operator of the vehicle has not been trained and certified to use the system.
 - (b) Staff assigned unmarked Sheriff's vehicles equipped with an ALPR system may use their discretion on removing the external ALPR cameras based on mission needs.
 4. Shall ensure that the ALPR system software, hardware, and GPS are fully operational.
 5. Shall not attempt to repair defective or inoperable ALPR equipment.
- (d) ALPR Hits

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Automated License Plate Readers (ALPRs)

1. When an alarm is received alerting operators of a positive Hit from the Hotlist database, a digital image of the license plate will be displayed on the mobile data computer screen.
2. Absent exigent circumstances, or other information to establish probable cause for a detention, ALPR operators shall compare the digital image of the license plate to the Hotlist information to verify the Hit for both the state in which the license plate was issued and characters on the plate. ALPR systems will alert based on the alpha numeric characters displayed for license plates issued and false positives are possible based on license plates with the same numbers from other states. ALPR systems may also misread letters and numbers of similar shapes. This is the primary reason that, absent exigent circumstances, all positive Hits must be confirmed prior to taking law enforcement action.
3. Absent exigent circumstances, or other information to establish probable cause for a detention, ALPR operators shall confirm the ALPR information by radio or mobile data computer to immediately confirm the Hit prior to taking enforcement or any other type of action.

420.5 ALPR DATA

(a) Internal Data

1. All ALPR data downloaded to the server will be stored for one year or the length of time approved by the jurisdiction in which it is deployed. After that time has elapsed, the data will be purged. If the applicable data has become, or it is reasonable to believe will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records, it should be downloaded from the server onto portable media and booked into evidence.

(b) Sharing Data

1. Detection data generated from SMCSO ALPR systems will be shared with requesting law enforcement agencies only after it is determined that the request is for official and legitimate law enforcement purposes.

(c) Hotlists

1. State and/or national standing Hotlists will be automatically downloaded into the ALPR database a minimum of once a day with the most current data overwriting the old data.

- (a) The Hits from these data sources should be viewed as informational; created solely to bring to law enforcement's attention the specific license plates that have been, or may have been, associated with criminal activity.

(d) Plates of Interest

1. License plate data added to the database will have an expiration date of no longer than 30 days.
2. Plates entered into the ALPR database will contain the following information as a minimum:

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- (a) Entering Deputy's name and contact information.
- (b) Corresponding SMCSO event number.
- (c) Short synopsis of the reason why the plate has been entered into the system. This information should be as descriptive as reasonable under the circumstances.

420.6 PROHIBITED USE

- (a) ALPR usage is prohibited from invading the privacy of individuals or looking into private area or areas where a reasonable expectation of privacy exists, nor shall they be used to harass, intimidate or discriminate against any individual or group, nor for any purpose not specifically authorized by this policy.
- (b) Unauthorized access, possession or release of data is a violation of policy and various federal and state criminal statutes. Any employee who accesses, possesses or releases data from the ALPR database without authorization or in violation of this policy and such additional policies established by this Office, may face discipline up to and including termination, criminal prosecution and/or civil liability.

420.7 REFERENCES

- (a) Vigilant Solutions Car Detector User Manual
- (b) Civil Code § 1798.90.51; Civil Code § 1798.90.53

Body Worn Cameras/Video Recorders

421.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of Body Worn Cameras (BWC) and video recording devices by members of the San Mateo County Sheriff's Office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any San Mateo County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

421.2 POLICY

The San Mateo County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the San Mateo County Sheriff's Office by accurately capturing contacts between members of the San Mateo County Sheriff's Office and the public.

421.3 COORDINATOR

The Sheriff or the authorized designee shall appoint a member of the San Mateo County Sheriff's Office to coordinate the use and maintenance of portable video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable video recording devices.
- (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 and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

421.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any San Mateo County Sheriff's Office issued device at any time, and any recording made while acting in an official capacity for the San Mateo County Sheriff's Office, regardless of ownership of the device it was made on, shall remain the property of the San Mateo County Sheriff's Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

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421.5 MEMBER RESPONSIBILITIES

Before going into service, members issued a body worn camera will be responsible for making sure that he/she is equipped with a portable recorder issued by the San Mateo County Sheriff's Office, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, San Mateo County Sheriff's Office identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members shall document the existence of a recording that is evidence by making an evidence entry in accordance with the Property and Evidence Policy. For purposes of this section, "evidence" refers to videos of an incident or encounter that could prove useful for investigative purposes, including, but not limited to, a crime, an arrest or citation, a search, use of force incident, or a confrontational encounter with a member of the public. Members shall also document any instance where the recorder malfunctioned or the member deactivated the recording including the reason for deactivation.

421.5.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable video recording device as soon as practicable when the device have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

421.6 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations

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- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify San Mateo County Public Safety Communications
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

421.6.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Members of the San Mateo County Sheriff's Office may surreptitiously record any conversation during the course of a criminal investigation in which the deputy reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another San Mateo County Sheriff's Office member without a court order or unless lawfully authorized by the Sheriff or the authorized designee.

421.6.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped to protect tactical or confidential discussions, or during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

421.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

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421.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty. Members shall not duplicate or distribute such recordings, except for authorized legitimate Office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned Body Worn Camera recording devices while on-duty.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

421.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report or other record of the contact. The recording should be downloaded to the Digital Evidence Management System (DEMS) database before the end of shift.

A member should transfer, tag or mark 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 officer or confidential informant.

Any time 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.

421.9 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incident involving use of force by a deputy
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against a deputy or the San Mateo County Sheriff's Office

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Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

421.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

421.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- (e) For use when preparing reports or statements.
- (f) To assess proper functioning of BWC systems
- (g) By investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.
- (h) By a deputy who is captured or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment.
- (i) By court personnel through proper process or with permission of the Sheriff or the authorized designee.
- (j) To third parties to the extent required by law or at the discretion of the Sheriff or Sheriff's authorized designee where appropriate.

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- (k) To assess possible training value.
- (l) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, their objection will be submitted to the Captain of Support Services to determine if the training value outweighs the deputy's objection.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). 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.

421.11 REQUESTS FOR DELETION OF ACCIDENTAL RECORDINGS

In the event of an accidental or sensitive recording where the resulting recording(s) are of no investigative or evidentiary value, the recording member may request that the file be deleted by submitting a signed "Request for Deletion" form to their supervisor who will forward the request to the Sheriff or designee. The Sheriff or designee shall be responsible for approving or disapproving the deletions of recording(s). If the member requests that the video only be reviewed in his/her presence, the Sheriff will give due consideration to the request. However, only individuals who have a need to review such video shall have the right to review it. In addition, upon a determination that the video should be deleted, the video will either be removed from the system or blocked so that it cannot be viewed and the video will be permanently deleted sixty days after the recording is made unless prohibited by law. In addition, upon deletion the San Mateo County Sheriff's Office will provide confirmation of the deletion.

421.12 TRAINING

All personnel who utilize the BWC system shall receive the training necessary to properly operate system.

Mobile Audio/Video

422.1 PURPOSE AND SCOPE

The San Mateo County Sheriff's Office has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio/Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

422.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the office's mission and to ensure these systems are used securely and efficiently.

422.3 DEPUTY RESPONSIBILITIES

To ensure the effective use of our in-car cameras, all deputies and other Sheriff's Office staff who drive fleet vehicles outfitted with in-car cameras will follow the processes below:

- (a) At the start of every shift, a deputy will log into the in-car video system before leaving the Office premises.
- (b) Deputy shall place the microphone on their person and in a place where audio can be captured and will activate when in-car camera is operating.
- (c) When done capturing video, whether started by an auto-trigger or started manually, the deputy will stop the video capture and choose the appropriate category from the category drop-down list to tag the video.
- (d) When "tagging" the video the deputy will use the incident or case number as provided by San Mateo County Public Safety Communications.
- (e) At the end of every shift, the deputy will drive to one of our four video upload locations and upload their daily video captures. The four locations are as listed below:

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1. Redwood City Campus – Basement Level Garage
 2. San Carlos Station – Basement Level Garage
 3. Millbrae Station – Patrol Vehicles Parking Lot
 4. Moss Beach Station – Patrol Vehicles Parking Lot
- (f) Before ending their shift, deputies will log out of the in-car video system.
- (g) Deputies will review their in-car video captures for the day and determine which in-car video (if any) should be marked as evidence.

422.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the vehicles light bar is activated, vehicle speed exceeds 80 Mph, the belt microphone is activated or the G-Sensor is activated. The system remains on, indicated by a red light, until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever the camera is active. When audio is being recorded, the video will also record.

422.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or reasonably anticipated criminal conduct within video or audio range:
1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 2. Priority responses
 3. Vehicle pursuits
 4. Suspicious vehicles
 5. Arrests
 6. Vehicle searches
 7. Physical or verbal confrontations or use of force
 8. Pedestrian checks
 9. DWI/DUI investigations including field sobriety tests
 10. Consensual encounters
 11. Crimes in progress

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12. Responding to an in-progress call
 - (b) All self-initiated activity in which a deputy would normally notify San Mateo County Public Safety Communications
 - (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 1. Domestic violence calls
 2. Disturbance of peace calls
 3. Offenses involving violence or weapons
 - (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
 - (e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate

422.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

422.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal investigation.

422.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of San Mateo County Public Safety Communications.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
 1. The tracking number of the MAV system media.

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2. The date it was issued.
 3. The law enforcement operator or the vehicle to which it was issued.
 4. The date it was submitted.
 5. Law enforcement operators submitting the media.
 6. Holds for evidence indication and tagging as required.
- (c) The operation of MAV systems by employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, death in custody, officer-involved collisions resulting in death or serious bodily injury), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media consistent with Officer training.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a deputy.

422.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Office. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) To assess proper functioning of MAV systems
- (d) By investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (e) By sworn employees who request to review recordings
- (f) By a deputy who is captured or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (g) By court personnel through proper process or with permission of the Sheriff or the authorized designee

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- (h) To third parties to the extent required by law or at the discretion of the Sheriff or Sheriff's authorized designee where appropriate
- (i) To assess possible training value
- (j) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, their objection will be submitted to the Professional Standards Bureau Lieutenant to determine if the training value outweighs the deputy's objection

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the Administrative Patrol Sergeant.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

422.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

422.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

422.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

422.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the San Mateo County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

422.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
- (b) The MAV system should be configured to record for 30 seconds prior to an event.

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- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (e) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (f) Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (g) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

422.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secure location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
 - 1. Pursuant to a court order.
 - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
 - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

422.10 TRAINING

All personnel who may drive a fleet vehicle outfitted with an in-car camera system shall receive the training necessary to properly operate the in-car camera system.

Public Recording of Law Enforcement Activity

423.1 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 Office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

423.2 POLICY

The San Mateo County Sheriff's Office recognizes the right of persons to lawfully record members of this Office who are performing their official duties. Members of this Office 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 should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

423.3 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.

423.4 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.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual 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.

If an arrest or other significant enforcement activity is taken as the result of a recording 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.

423.5 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.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Office members, such as how and where to file a complaint.

423.6 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 the person.
 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.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. 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

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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 the Property and Evidence Policy.

Crisis Intervention Incidents and Crisis Intervention Team

424.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

424.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage their behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

424.2 POLICY

The San Mateo County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

424.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

424.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Assistant Sheriff to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide Office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

424.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

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- (k) If circumstances reasonably permit, consider and employ alternatives to force.

424.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions
- Introduce themselves and attempt to obtain the person's name
- Be patient, polite, calm, courteous and avoid overreacting
- Speak and move slowly and in a non-threatening manner
- Moderate the level of direct eye contact
- Remove distractions or disruptive people from the area
- Demonstrate active listening skills (e.g., summarize the person's verbal communication)
- Provide for sufficient avenues of retreat or escape should the situation become volatile

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive
- Allow others to interrupt or engage the person
- Corner a person who is not believed to be armed, violent or suicidal
- Argue, speak with a raised voice or use threats to obtain compliance

424.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take their medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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424.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Assistant Sheriff.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

424.9 CRISIS INTERVENTION TEAM (CIT)

424.9.1 PURPOSE AND BACKGROUND

The purpose of this policy is to provide guidelines and directions for the use of Crisis Intervention Team (CIT) personnel and establish policies and procedures for Crisis Intervention Team response.

The San Mateo County Sheriff's Office has certified personnel who are trained to intervene and assist citizens suffering from mental disorders. The same response and service applies to individuals who pose a risk to themselves, others, or who are in psychological or emotional crisis. The program is called the Crisis Intervention Team (CIT). CIT trained personnel attend a 40-hour training program where they learn about mental illness, the basics of crisis intervention and community resources. The CIT program has five primary goals: to de-escalate crisis situations, to reduce the necessity for the use of force, to decrease recidivism among criminal offenders, to create a working collaboration with community agencies, and to increase lawful self-reliance and health enhancing behaviors. The CIT program enables law enforcement personnel to deal more effectively with individuals suffering from mental disorders.

424.9.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to utilize, whenever possible, CIT personnel to respond to calls for service involving individuals experiencing mental health emergencies. The use of CIT trained personnel is not limited to situations or calls involving the mentally ill, but extends to any circumstance wherein an individual is in need of crisis intervention due to a psychological/emotional crisis, and/or when the individual(s) is a danger to himself/herself or others.

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424.9.3 RESPONSE

- (a) Automatic Dispatch of CIT: Trained personnel will be dispatched automatically by San Mateo County Public Safety Communications based on the following criteria:
 - 1. Calls involving active threats from a suicidal subject (jumper, etc.).
 - 2. Calls involving a violent 5150.
 - 3. An incident involving a mentally ill subject with weapons.
 - 4. Hostage situations or barricaded subjects. (CIT will not supplant the use of CNU or SWAT).
- (b) Dispatch/Field Unit Requests: In situations other than those specified under the guidelines established for automatic dispatch protocol, call takers, dispatchers and field units can request the response of a CIT trained member of the Sheriff's Office pending approval of a supervisor. Such situations may include:
 - 1. Calls for service when it becomes known that a subject may benefit from a CIT consultation/intervention.
 - 2. A family disturbance call when it is determined that an individual suffers from a mental illness.
 - 3. An on-scene field unit determines that a trained CIT member is required.

424.9.4 PROTOCOL

- (a) Dispatch/Response: When there is an automatic dispatch of CIT, the following protocol will be adhered to:
 - 1. The call will be dispatched with the appropriate Beat assignment.
 - 2. San Mateo County Public Safety Communications will dispatch the closest CIT unit to the call (All CIT trained personnel are so denoted in the CAD system).
 - 3. If no CIT unit is available on the originating Beat, the nearest CIT unit will be dispatched.
 - 4. San Mateo County Public Safety Communications will ensure the sergeant is aware of the call.
 - 5. If no CIT unit is available, San Mateo County Public Safety Communications will notify the assigned units that "No CIT unit is available."
 - 6. Patrol supervisors may elect to override the dispatch of a CIT unit after the fact. However, San Mateo County Public Safety Communications is required to dispatch a CIT unit on all calls for service that meet the automatic CIT dispatch criteria.
 - 7. CIT units will volunteer to respond to calls that meet the CIT criteria.
 - 8. Dispatchers will flag CIT related calls for data tracking purposes.
- (b) Requests for CIT Response: Any deputy who determines that it would be beneficial to have a CIT trained unit assist on a call may request a CIT unit via San Mateo County Public Safety Communications.

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- (c) Call Disposition: The on-scene CIT units are responsible for applicable crisis intervention duties and responsibilities including 5150 evaluations, reporting and appropriate referrals (S.M.A.R.T. Unit; transportation to the mental health facility).
 - 1. CIT units are responsible for completing all appropriate reports when dispatched to a CIT call within their assigned Beat.
 - 2. CIT units dispatched to a CIT call off their Beat are responsible for 5150 evaluations and reports. The Beat deputy will be responsible for all associated crime reports and bookings).
 - 3. Beat deputies may request the assistance of a CIT unit when any call involves a mentally ill victim/suspect.
 - 4. CIT personnel are responsible for completing a 5150 hold form (if Applicable) and attaching a crime report and forwarding them to the CIT Coordinator or Psychiatric Emergency Response Team (PERT) detective by the end of shift.

424.10 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Office reporting procedures or other official mental health or medical proceedings.

424.10.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

424.11 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, they should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to themselves or others, a deputy should be promptly summoned to provide assistance.

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424.12 EVALUATION

The Assistant Sheriff designated to coordinate the crisis intervention strategy for this Office should ensure that a thorough review and analysis of the Office response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

424.13 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This Office will endeavor to provide Peace Officer Standards and Training (POST) approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

Suspicious Activity Reporting

425.1 PURPOSE AND SCOPE

PURPOSE:

To establish reporting procedures for the Terrorism Liaison Officer (TLO) program, Suspicious Activity Reports (SARs), terrorism-related information and terrorism-related criminal intelligence.

425.1.1 DEFINITIONS

Information: Individual items of information which may be related to terrorism. Such information can be derived from many sources, including, but not limited to: the media, official reports, databases, exchanges of information at formal and informal meetings, citizens and public safety/law enforcement personnel, and dissemination of information to and between local, regional, state, federal and international agencies focused on addressing the issue of terrorism. Information may be factual and/or derived from opinions and/or observations.

Terrorism Intelligence: The end product to a process that converts individual items of information which may be related to terrorism either into evidence, insights, conclusions or assessments. This information can then form the basis for the development of law enforcement strategies, priorities, policies or investigative tactics regarding specific crime(s), suspect(s) and/or criminal organization(s) who or which might be involved in terrorism. The intelligence process includes systematic collection of raw information which, after collation, evaluation and analysis, is disseminated to the appropriate personnel, units, task forces or agencies.

Northern California Regional Intelligence Center (NCRIC): A joint venture between San Mateo County and fourteen other Counties in the Northern District of California. NCRIC is a local, state and federal cooperative public safety and private sector information fusion center. The Center provides a central location for the collection, evaluation, analysis and dissemination of terrorism, homeland security, narcotics, gangs, organized crime and public safety related information. The Center produces and disseminates intelligence products, conducts training and establishes and maintains liaison with public safety agencies and private sector organizations operating in the Bay Area.

Suspicious Activity Report (SAR): Suspicious Activity Reports (SAR) include possible terrorism-related information, tips or leads; as well as regional crime trends and officer safety information. Suspicious behavior is described as observed behavior that may be indicative of intelligence gathering or pre-operational planning related to terrorism, criminal activity or other illicit intention. By documenting the activity, through the SAR process, patterns and relationships can be analyzed which may identify terrorism-related activity in the planning, pre-operational, or operational stage. SARs are reported to the NCRIC via their website, www.ncric.org.

National SAR Initiative (NSI): The San Mateo County Sheriff's Office & NCRIC follows the guidelines of the National SAR Initiative (NSI) that provides a framework for the intake of suspicious incident reports that may be involved with one or more of the Pre-incident Indicators (PII) of terrorism. These include: target selection; acquiring material support and funding;

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surveillance; testing of security / probes; acquisition of attack materials; dry runs / rehearsals; pre-attack positioning / suspicious persons and execution of attack.

Terrorism Liaison Officer (TLO): “A TLO is any peace officer, firefighter, state investigator, federal agent, military investigative personnel, or anyone working closely within the public safety / homeland security community, who has been properly certified by the appropriate Regional Fusion Center.” (California STAS TLO Guidelines) TLOs serve as a principal point of contact for the San Mateo County Sheriff’s Office in matters related to terrorism information and intelligence. The TLO position is an ancillary assignment, which falls within the spectrum of an employee’s full-time duties.

(SMSO) Terrorism Liaison Officer Coordinator (TLO-C) / Program Manager: The San Mateo County Sheriff’s Office TLO program is part of a statewide TLO program administered by the Northern California Regional Intelligence Center (NCRIC). Within larger agencies and at the County level the NCRIC has asked agencies to designate a TLO Coordinator (TLO-C) to administer the TLO program within their own jurisdiction. Designated County TLO-C’s have direct access to all “raw” Suspicious Activity Reporting (SARs) within their county. The TLO-C for San Mateo County is also designated as the Program Manager for the San Mateo County Sheriff’s Office TLO Program. The San Mateo County Sheriff’s Office TLO-C / Program Manager holds the rank of either Sheriff’s Captain or designee working within Homeland Security.

(NCRIC) Terrorism Liaison Officer Coordinator (TLO-C) / NCRIC Liaison: As an agency participant in the Northern California Regional Intelligence Center (NCRIC), the San Mateo County Sheriff’s Office has assigned a full-time liaison to the NCRIC’s Terrorism Liaison Officer (TLO) Outreach Program. The NCRIC Liaison is available to TLOs within San Mateo County and other areas within the Northern District of California to ensure that terrorism related information or intelligence, including SARs are properly reported to the NCRIC. The NCRIC Liaison holds the rank of Deputy Sheriff / Detective.

Additional Positions within the NCRIC: The San Mateo County Sheriff’s Office will also maintain the following full time positions at the NCRIC: Director and Assistant Deputy Director of the NCRIC. Additionally there are also approximately 25 (+ or -) full-time San Mateo County Sheriff’s employees assigned to the NCRIC as criminal analysts and/or support staff.

425.2 POLICY

All personnel shall be responsible for gathering, relaying and reporting terrorism-related information or intelligence which they receive from others or which they directly discover or observe, to the proper task force, group and/or agency.

Personnel shall only gather intelligence of an individual’s personal activities when a nexus to criminal or terrorist activity is found. Personnel should differentiate between constitutionally protected activities (e.g. free speech, religious activity, peaceful protest, etc.) and potential Criminal and/or Terrorism-related activities.

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For the continued protection of the homeland and the prevention of loss of life all Sheriff's Office employees are encouraged to register as Law Enforcement members with the NCRIC at www.ncric.org.

425.3 RESPONSIBILITIES

The Investigation Assistant Sheriff and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for office participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Assistant Sheriff include, but are not limited to:

- (a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.
- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

First Amendment Assemblies

426.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

426.2 POLICY

The San Mateo County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this Office not to unreasonably interfere with, harass 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.

426.3 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.

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 or unreasonably 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 Office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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426.3.1 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.

426.4 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 San Mateo County Public Safety Communications, 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.

426.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

426.5.1 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.

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- Information about past and potential unlawful conduct associated with the event or similar events.
- 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 the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

426.5.2 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 the following:

- (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

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- (s) Protocol for handling complaints during the event

426.5.3 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).

426.6 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.

426.7 USE OF FORCE

Use of force is governed by current Office 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 Conducted Energy 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 Office shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

426.8 ARRESTS

The San Mateo County Sheriff's Office 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.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

426.9 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 News Media Relations Policy).

426.10 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.

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426.11 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, San Mateo County Public Safety Communications records/tapes
- (g) Media accounts (print and broadcast media)

426.11.1 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.

426.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Sheriff's Office should, when practicable, train with its external and mutual aid partners.

Opioid Medical Aid and Response

427.1 PURPOSE AND SCOPE

This policy recognizes that members may encounter persons who appear to be in need of medical aid because of an opioid overdose and establishes a law enforcement response to such situations.

427.2 POLICY

It is the policy of the San Mateo County Sheriff's Office that members who have completed the prescribed training in use and application of Naloxone™ (Narcan) which is compliant with Civil Code § 1714.22 are permitted to provide emergency medical aid to persons experiencing an opioid overdose.

427.3 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid medication in accordance with this policy and any direction provided by the licensed health care provider who prescribed, dispensed and/or issued a standing order for the medication when all of the the following criteria have been met (Civil Code § 1714.22; 22 CCR 100019):

- (a) The member has completed an opioid overdose prevention and treatment training program compliant with Civil Code § 1714.22 and tested to demonstrate competence following initial instruction.
- (b) The member has been authorized by the medical director of the Local Emergency Medical Services Agency (LEMSA).
- (c) In accordance with California Peace Officer Standards and Training (POST) standards.

427.3.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as Naloxone™ (Narcan), should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication, used or unserviceable equipment should be removed from service and given to the Sergeant assigned as the First Aid/CPR Program Coordinator.

If practicable, prior to any member administering opioid overdose medication, they should notify Public Safety Communications and request response by Emergency Medical Service (EMS). Otherwise, notification should occur as soon as possible. The member shall also notify their supervisor as soon as practicable.

427.3.2 OPIOID OVERDOSE MEDICATION REPORTING

Any use of opioid overdose medication requires a written report (RIMS/ATIMS).

Responsibilities:

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- Member - Any member administering opioid overdose medication shall detail its use in an appropriate report. In addition, form #NR (Narcan/SMSO-County Health Notification) will be attached to the report.
- Sergeant/Supervisor - The supervisor will ensure that the report contains the needed information to meet applicable reporting requirements. In addition the supervisor shall notify via email the Professional Standards Bureau Lieutenant and Sergeant within 24 hours of the use of opioid overdose medication. The notification will include the date of the incident, case number, and involved staff.
- Records Division - Staff will process the report including form #NR (Narcan/SMSO-County Health Notification) and forward a copy of the report to the San Mateo County Health Officer.

427.3.3 OPIOID OVERDOSE MEDICATION TRAINING

The San Mateo County Sheriff's Office Training Unit should ensure initial and refresher training in compliance with POST Continuing Professional Training (CPT - 2 year cycle) is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable Standards and Training for Corrections (STC) and POST standards (Civil Code § 1714.22).

427.4 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 the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 W&I commitment) process in accordance with the Mental Illness Commitments Policy.

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 officer 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.

If the person still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

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427.5 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

427.6 OPIOID MEDICAL AID RESPONSE IN THE MAGUIRE CORRECTIONAL FACILITY AND THE MAPLE STREET CORRECTIONAL FACILITY

Opioid overdose medication is available in both of the San Mateo County Correctional Facilities.

The locations where the medication is stored are:

- (a) The Intake Desk and nurse's station at the Maguire Correctional Facility
- (b) The medical "crash cart" at the Maguire Correctional Facility
- (c) The medical "crash cart" at the Maple Street Correctional Center
- (d) Sergeant's Office in both Correctional Facilities
- (e) Duty Stations
- (f) Administration Classification

The term "crash cart" is used in hospitals for a cart containing various emergency medicine and apparatus (like a defibrillator) that is deployed during medical emergencies. We have one crash cart in each correctional facility jail to respond to medical emergencies for both inmates and staff. Each time a Code Blue (medical emergency) is called, medical staff deploy the crash cart.

427.7 STORAGE, MAINTENANCE AND REPLACEMENT

The Naloxone™ kit will be stored in a secured location that can be easily accessed and utilized when needed. The Naloxone™ kit should be stored within the manufacturer's temperature specifications.

The member who issued a Naloxone™ kit should inspect the kit at the start of their shift. Those assigned to the Correctional facility are responsible to inspect the Naloxone™ at their assigned workplace at the beginning of their shift if applicable.

The First Aid/CPR Program Coordinator will conduct random audits and a minimum twice a year to identify missing, damaged and expired Naloxone™ kits.

427.8 FORM #NR (Narcan/SMSO-County Health Notification)

See attachment: [Naloxone Use Report.pdf](#)

Chapter 5 - Traffic Operations

Traffic Collision Reporting

500.1 PURPOSE AND SCOPE

The San Mateo County Sheriff's Office prepares traffic collision reports in compliance with the California Highway Patrol (CHP) Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

500.2 RESPONSIBILITY

The Headquarters Administrative Sergeant will act as the Liaison with the California Highway Patrol in regards to the Collision Investigation Manual. The Administrative Sergeant will contact the Redwood City Office of the CHP and obtain an electronic copy of the most current CIM each January. The electronic copy of the CIM will be provided to the Professional Standards Bureau for inclusion in this manual.

500.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by deputies shall be forwarded to the on-duty sergeant for approval. The Records Unit will ensure that the appropriate collision data is forwarded to the Statewide Integrated Traffic Records System (SWITRS).

500.4 REPORTING SITUATIONS

500.4.1 TRAFFIC COLLISIONS INVOLVING COUNTY VEHICLES

Traffic collision investigation reports shall be taken when a County-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of an on-duty sergeant when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Assistant Sheriff.

Photographs of the collision scene and vehicle damage shall be taken by the traffic investigator or any on-duty sergeant.

500.4.2 TRAFFIC COLLISIONS INVOLVING SHERIFF'S EMPLOYEES

Non-injury collision:

When an employee, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the San Mateo County Sheriff's Office resulting in property damage, the sergeant should request assistance from a neighboring police agency or the California Highway Patrol.

Injury collision:

When an employee, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the San Mateo County Sheriff's Office resulting in a serious injury or fatality,

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the sergeant, after consultation with the Bureau Captain, should request assistance from a neighboring police agency or the California Highway Patrol. The term serious injury is defined as any injury that may result in a fatality.

500.4.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The on-duty sergeant, after consultation with the Bureau Captain, may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any County official or employee where a serious injury or fatality has occurred.

500.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual (CIM), traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any sergeant.

500.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this Office under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision
- (b) When there is an identifiable violation of the California Vehicle Code
- (c) When a report is requested by any involved driver

500.5 NOTIFICATION OF ON-CALL TRAFFIC COLLISION MAJOR ACCIDENT INVESTIGATION TEAM (MAIT) INVESTIGATOR(S)

In the event of a serious injury or death related traffic collision, the on-duty sergeant shall notify the Bureau Captain to relate the circumstances of the traffic collision and seek assistance from the Sheriff's Office traffic collision investigator(s).

500.6 COLLISION INVESTIGATION MANUAL

Statewide Integrated Traffic Records System (SWITRS) Collision Investigation Manual (CIM)

- Link to : [Collision Investigation Manual - Table of Contents.pdf](#)
- Link to : [Chapter 1 - RESPONSIBILITIES AND POLICIES.pdf](#)
- Link to : [Chapter 2 - DEFINITIONS AND CLASSIFICATIONS OF COLLISIONS.pdf](#)
- Link to : [Chapter 3 - INSTRUCTIONS FOR COMPLETING THE CHP 555, PAGE 1, TRAFFIC COLLISION REPORT.pdf](#)
- Link to : [Chapter 4 - INSTRUCTIONS FOR COMPLETING THE CHP 555, PAGE 2, TRAFFIC COLLISION.pdf](#)
- Link to : [Chapter 5 - INSTRUCTIONS FOR COMPLETING THE CHP 555, PAGE 3, INJURED/WITNESS/PASSENGERS.pdf](#)

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- [Link to : Chapter 6 - INSTRUCTIONS FOR COMPLETING THE CHP 555, PAGE 4, FACTUAL DIAGRAM.pdf](#)
- [Link to : Chapter 7 - INSTRUCTIONS FOR COMPLETING THE CHP 556, NARRATIVE/SUPPLEMENTAL.pdf](#)
- [Link to : Chapter 8 - INSTRUCTIONS FOR COMPLETING THE CHP 555D, TRUCK/ BUS COLLISION SUPPLEMENTAL REPORT.pdf](#)
- [Link to : Chapter 9 - INSTRUCTIONS FOR COMPLETING THE CHP 555-03, TRAFFIC COLLISION REPORT – PROPERTY DAMAGE ONLY.pdf](#)
- [Link to : Chapter 10 - FORM REQUIREMENTS AND PROCEDURES.pdf](#)
- [Link to : Chapter 11 - COLLISION INVESTIGATION REVIEW.pdf](#)
- [Link to : Chapter 12 - TRAFFIC CONGESTION RELIEF.pdf](#)
- [Link to : Chapter 13 - GUIDELINES FOR THE INVESTIGATION AND DOCUMENTATION OF SPECIFIC COLLISIONS.pdf](#)
- [Link to : Chapter 14_Part_1 - EXAMPLES OF COMPLETED TRAFFIC COLLISION DOCUMENTATION.pdf](#)
- [Link to : Chapter 14_Part_2 - EXAMPLES OF COMPLETED TRAFFIC COLLISION DOCUMENTATION.pdf](#)
- [Link to : Chapter 15 - INSTRUCTIONS FOR COMPLETING THE CHP 555E, SCHOOL BUS COLLISION SUPPLEMENTAL REPORT.pdf](#)

Vehicle Towing and Release

501.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the San Mateo County Sheriff's Office. Nothing in this policy shall require the Office to tow a vehicle.

501.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

501.2.1 VEHICLE STORAGE REPORT

Office 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 should be given to the tow truck operator and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

501.2.2 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, a company will be selected from the rotational list of towing companies in San Mateo County Public Safety Communications.

If the owner is incapacitated, or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in a collision, the deputy shall request a company from the rotational list of towing companies in San Mateo County Public Safety Communications. The deputy will then store the vehicle using a CHP Form 180.

501.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office 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 reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

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- Traffic-related warrant arrest.
- 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 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 Office will not be responsible for theft or damages.

501.2.4 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.

501.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the San Mateo County Sheriff's Office should not be driven by San Mateo County Sheriff's Office 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.

501.2.6 RECORDS BUREAU RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Shift Supervisor for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau 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)). The notice shall include the following (Vehicle Code § 22852(b)):

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- (a) The name, address, and telephone number of this Office.
- (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.

501.3 TOWING SERVICES

The County of San Mateo periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

501.4 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 Office against fraudulent claims of lost, stolen, or damaged property.

501.5 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.

501.6 RELEASE OF VEHICLE

The Office will maintain a listed, 24-hour telephone number (650) 363-4525 to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage

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hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

Releases for towed vehicles may be obtained from the Hall of Justice Sheriff's Records window and all (3) substation Records Bureaus during normal business hours. When these offices are closed, the front lobby of the Maguire Correctional Facility will assist with vehicle releases after calling Records to confirm the release.

- (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, 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, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 - 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.

Personnel 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 approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Vehicle Impound Hearings

502.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

502.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the San Mateo County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or their agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer/patrol administrative sergeant, must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

502.2.1 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)). The on-duty Sergeant for the Patrol Division/Bureau where the tow occurred will serve as the hearing officer. The person requesting the hearing may record the hearing at their own expense.

The failure of either the registered or legal owner or interested person or their 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 Office.

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),

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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 Office'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 Office'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 Assistant Sheriff. The hearing officer will recommend to the appropriate Assistant Sheriff that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Sheriff's Office.

Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

503.2 POLICY

The San Mateo County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

503.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

503.4 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.

503.4.1 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.

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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)).

503.4.2 BREATH TEST

Each Patrol Bureau Captain will assign a Sergeant to work with Forensic Laboratory personnel to 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 the Watch Commander.

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)).

503.4.3 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.

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.

503.4.4 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.

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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.

503.4.5 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).

503.4.6 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).

503.4.7 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).

503.5 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.

503.5.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).

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- (b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

503.5.2 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 should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) 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.
- (c) 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.
 - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. 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.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

503.5.3 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

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to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

503.6 RECORDS BUREAU RESPONSIBILITIES

The Sheriff's Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

503.7 TRAINING

The Training Manager should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

503.8 ARREST AND INVESTIGATION

503.8.1 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.

503.8.2 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.

Traffic Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

504.2 RESPONSIBILITIES

The Captain assigned as the Traffic Commander shall be responsible for the development and design of all Office traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this office.

504.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Administrative Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Administrative Sergeant may request the Operations Assistant Sheriff to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Assistant Sheriff for review.

504.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to an on-duty sergeant to approve the voiding of the citation. Written notices to appear, when a copy has been delivered to the arrested person or, after an arrested person has signed and received a copy of the notice to appear, shall be processed in accordance with § 40500 (d) CVC.

504.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit a court correction/dismissal form. The citation and court correction/dismissal form shall then be forwarded to the Records Bureau who will ensure that a copy is sent to the subject as well as to the Traffic Court having jurisdiction over the matter.

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504.6 DISPOSITION OF TRAFFIC CITATIONS

All traffic citations issued by a Sheriff's Office employee shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with the this Office, all employees' issued traffic citations books shall return any unused citations to the Records Bureau.

504.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

504.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Administrative Sergeants who will review written/documentary data. Requests for administrative reviews are available through the Administrative Sergeant of the San Mateo County Sheriff's Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

504.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

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- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

504.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

504.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Disabled Vehicles

505.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

505.2 DEPUTY RESPONSIBILITY

When an deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by members of the Sheriff's Office will be contingent on the time of day, the location, the availability of Office resources, and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Members of the Sheriff's Office shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this Office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

505.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The Office member may stay with the disabled motorist or transport them to a safe area to await pickup.

Chapter 6 - Investigation Operations

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 San Mateo County Sheriff's Office 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 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.

600.3.1 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.

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 Detective Bureau 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 should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.3.2 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.

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- (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.

The Office 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).

600.4 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.
- (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 (see the Sexual Assault Investigations Policy for special considerations in these cases).

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The Domestic Violence, Child Abuse Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.5 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.

600.6 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 employees while on-duty and for purposes related to the mission of this Office. If an employee encounters information relevant to a criminal investigation while off-duty or while using their own equipment, the employee should note the dates, times and locations of the information and report the discovery to their supervisor as soon as practicable. The employee, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using Office equipment.

Information obtained via the Internet should not be archived or stored in any manner other than Office-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.6.1 ACCESS RESTRICTIONS

Information that can be accessed from any Office 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 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.

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600.6.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.7 MODIFICATION OF CHARGES FILED

Members will notify their immediate supervisor when making any recommendations to the District Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed.

600.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Lieutenant is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 3. Training requirements necessary for those authorized employees.
 4. A description of how the Office will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 5. Process and time period system audits.
 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with Office security procedures, the Office's usage and privacy procedures and all applicable laws.

Asset Forfeiture

601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

601.1.1 NARCOTICS TASK FORCE

The on-call County Narcotics Task Force (NTF) agent should be contacted in all drug cases involving asset forfeiture. NTF agents have been specifically trained in these cases, have the required asset forfeiture paperwork, and will provide the expertise and guidance to ensure a successful investigation.

601.1.2 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the San Mateo County Sheriff's Office seizes property for forfeiture or when the San Mateo County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The Office member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Office and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Health and Safety Code § 11470; Health and Safety Code § 11470.1):
 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other

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lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.

5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

601.2 POLICY

The San Mateo County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the San Mateo County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

601.3 ASSET FORFEITURE PROCEDURE

Before leaving the scene of any potential seizure of currency, vehicle or personal property pursuant to Health & Safety Code § 11470, the investigating deputy should contact the on-call NTF agent.

The following guidelines will be observed:

- (a) The seizing deputy with the assistance of the NTF agent will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.
- (b) When someone has made notification other than the NTF agent, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the NTF Asset Forfeiture Sergeant for review.
- (c) Bifurcate the criminal investigation from the civil asset forfeiture investigation. Interview all persons involved concerning their possession of the seized assets,

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financial situation, employment, income and other resources. For the civil asset forfeiture investigation, the interviewing deputy need not provide Miranda warnings and obtain waivers before interviewing any person who is in custody— this is for the civil element of the procedure alone.

- (d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.
- (e) The seizure of assets subject to forfeiture is a civil proceeding filed through the County of San Mateo, Office of the District Attorney Forfeiture Unit and the Narcotic Task Force.

601.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 1. The property subject to forfeiture is legally seized incident to an arrest.
 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing deputy can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Deputies aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

601.3.2 SEIZED CURRENCY

When currency is seized pursuant to a narcotics investigation, the seizing deputy should notify an on-duty sergeant and request the assistance of an on-call narcotics task force agent. Currency seized subject to forfeiture will be counted by the seizing deputy, an on-duty sergeant and the narcotics task force agent. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The seizing deputy, narcotics task force agent and sergeant verifying the cash amount will initial, sign and seal the money envelope. If the currency will not fit into a standard

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money envelope, it shall be placed the in a larger envelope or bag with the completed money envelope affixed to the outside of the larger envelope or bag containing the currency.

Currency seized will be given to and processed by the task force agent, for deposit into the Asset Forfeiture Account. The Bureau Lieutenant and Narcotics Task Force Administrative Supervisor will be notified of the booked currency and the circumstances of the seizure via the chain of command.

601.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded; it should be seized and stored (§ 11471 (d) H&S). The deputy seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

601.4 ASSET FORFEITURE LOG

A computerized inventory of all asset forfeiture cases shall be kept at the Narcotics Task Force. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Sheriff or authorized staff, as requested.

601.5 PROCEEDS FROM FORFEITURE

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

601.6 FORFEITURE REVIEWER

The Sheriff will appoint a deputy as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

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- (b) Serving as the liaison between the Office and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for Office use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Office Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).

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4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
 - (i) Ensuring that a written plan that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the process of selling or adding forfeited property to the Office's regular inventory is in accordance with all applicable laws and consistent with the Office's use and disposition of similar property.
 - (k) Keeping a manual that details the statutory grounds for forfeitures and Office procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).
 - (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code §11471).
 - (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives (Health and Safety Code § 11495).

601.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures they achieve (Health and Safety Code § 11469).

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The Sheriff's Office may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

601.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the San Mateo County Sheriff's Office shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

601.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at their address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

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. Investigating deputies are encouraged to review the guidelines set forth in the San Mateo County Chief's and Sheriff Association Sexual Abuse Protocol.

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 San Mateo County Sheriff's Office that deputies, 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.

Sexual Assault Investigations

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 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.

602.6 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
- (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.

602.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to San Mateo County Public Safety Communications, 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

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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.

602.7.1 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).

602.7.2 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 office shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member 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.

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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.

602.8.1 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). Generally, rape 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 shall ensure that an information profile for the sexual assault 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 determines that a kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the deputy shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned deputy 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).

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 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(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.8.2 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.

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- (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).
 - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this office 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 rape 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 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).
 - 1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. No deputy shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.9 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.

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602.10 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.

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants by members of the San Mateo County Sheriff's Office Investigations Bureau.

603.1.1 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 San Mateo County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the San Mateo County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The San Mateo County Sheriff's Office 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 the San Mateo County Sheriff's Office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 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, Undersheriff, Assistant Sheriff, Investigations Lieutenant, supervisor 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 San Mateo County Sheriff's Office, and that they shall not represent themselves as such.
- (d) The relationship between San Mateo County Sheriff's Office members and informants shall always be ethical and professional.
 - (a) Members shall not become intimately involved with an informant.
 - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigations Bureau Commander or designee.
 - (c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of a supervisor.

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1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
 - (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
 - (g) In all instances when San Mateo County Sheriff's Office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
 - (h) 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.

603.3.1 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 San Mateo County Sheriff's Office 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 suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this San Mateo County Sheriff's Office 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.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.
- (h) The informant is a convicted sex offender.

603.4 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

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that could be used to question the integrity of San Mateo County Sheriff's Office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigations Bureau. The Investigations Bureau Sergeant or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Operations Division Assistant Sheriff, Investigations Bureau Lieutenant or their authorized designees.

The Investigation Lieutenant should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Investigations Unit Sergeant is replaced, the files will be audited before the new Sergeant takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this Office employ eyewitness identification techniques.

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 San Mateo County Sheriff's Office 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 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.

604.4 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.

Eyewitness Identification

- 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.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.5 DOCUMENTATION

A thorough description of the eyewitness process and the results 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 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. 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.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. 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 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 or show-up 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.

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- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. 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.

Brady Material

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the San Mateo County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Sheriff's Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 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 protected personnel files), the deputy should discuss the matter with their sergeant 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 their sergeant.

605.4 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a sworn employee 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.

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605.5 TRAINING

Sworn employees should receive periodic training on the requirements of this policy.

Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of the San Mateo County Sheriff's Office. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

The documents should be used during preparation of high risk events including serving high-risk warrants:

- Special Operations Plan
- SWAT Team Risk Assessment and Decision Matrix.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

606.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to balance the safety needs of the public, the safety of Officemembers, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 FIELD SUPERVISOR

The field supervisor shall review all risk assessment forms with the involved deputy to determine the risk level of the warrant service.

The field supervisor will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Bureau Procedures.

606.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. They will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk.

606.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk.

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If the warrant is classified as high risk, service will be coordinated by the field supervisor. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

606.6 WARRANT PREPARATION

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE

The field supervisor or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The field supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the field supervisor. The supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The supervisor should ensure that members of the San Mateo County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of San Mateo County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the field supervisor is unavailable, the watch commander should assume this role.

If deputies intend to serve a warrant outside San Mateo County Sheriff's Office jurisdiction, the field supervisor should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the San Mateo County Sheriff's Office when assisting outside agencies or serving a warrant outside San Mateo County Sheriff's Office jurisdiction.

606.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

606.12 TRAINING

The Training Manager should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Chapter 7 - Equipment

Sheriff's Office Owned and Personal Property

700.1 PURPOSE AND SCOPE

All employees are expected to properly care for Sheriff's Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or office property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.1.1 ISSUED EQUIPMENT

- (a) The Sheriff's Office issued equipment to deputies may include, but not be limited to the following:
1. The Sheriff's Office issued duty weapon is the Smith and Wesson Smith and Wesson Model M&P9 (9mm), Model M&P40 (.40 caliber) and Model M&P45 (.45 caliber).
 2. "Bianchi AccuMold" or other equivalent "Sam Browne" service belt.
 3. "Bianchi AccuMold" or other equivalent magazine pouch.
 4. "Bianchi AccuMold" or other equivalent handcuff case.
 5. "Bianchi AccuMold" or other equivalent key holder.
 6. "Bianchi AccuMold" or other equivalent keeper straps.
 7. "Bianchi AccuMold" or other equivalent "ASP" or baton ring/holder.
 8. "Bianchi AccuMold" or other equivalent OC spray holder.
 9. "Safariland" holster model 6360.
 10. Sheriff's badge.
 11. Sheriff's hat badge.
 12. Nameplate.
 13. I.D. card.
 14. Office issued business cards.
 15. Chemical agent (OC spray).
 16. "S & W" handcuffs.
 17. Protective vest. (See Body Armor & External Vest Carrier Policy)
 18. Rain gear.
 19. Taser X26 or X26P ECD, air cartridges, and holster.
- (b) The Sheriff's Office issued equipment to Correctional Officers may include, but not be limited to the following:
1. "Bianchi AccuMold" or other equivalent handcuff case.
 2. "Bianchi AccuMold" or other equivalent key holder.

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3. Sheriff's badge.
 4. Sheriff's hat badge.
 5. Nameplate.
 6. I.D. card.
 7. Office issued business cards.
 8. "S & W" handcuffs.
- (c) The Sheriff's Office issued equipment to Community Service Officers (CSOs) may include, but not be limited to the following:
1. "Bianchi AccuMold" or other equivalent key holder.
 2. Protective vest. (See Body Armor & External Vest Carrier Policy)
 3. Reflective traffic vest.
 4. Rain gear.
 5. Nameplate.
 6. I.D. card.
 7. Office issued business cards.
- (d) Modifications:
1. No modifications or alterations shall be made to any Sheriff's Office issued equipment. If a deficiency exists on any particular item, or a person believes an improvement can be made in design or construction, it shall be addressed through proper channels. Valid suggestions concerning modifications that improve equipment should be forwarded to the Uniform and Safety Equipment Committee. Defective equipment shall be replaced by the Training Unit.

700.1.2 OPTIONAL EQUIPMENT

All optional equipment is to be of equal quality and construction as "Bianchi AccuMold." Duty belt equipment will be black with basket weave design and all exposed metal surfaces will be brass finished.

- (a) One (1) extra handcuff case may be worn. Open style handcuff case/s may be substituted for the issued handcuff case.
- (b) Horizontal magazine pouches may be worn instead of the standard vertical pouches.
- (c) Digital Audio or Video recorders and holders.
- (d) Shotgun shell holder (limit three (3) shells).
- (e) Knife holder for folding type knife and/or "Leatherman" type tool.
- (f) Flashlight holster/holder (full size, mini or pistol mounted).
- (g) Radio holder.
- (h) Handcuffs, other than S & W style (i.e. Hiatts, ASP and Peerless).

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- (i) Optional duty type holsters are available at the individual's expense. All optional duty holsters shall be approved by the Rangemaster prior to wearing on duty.

Equipment not issued by the Sheriff's Office or listed above shall not be worn.

700.2 CARE OF SHERIFF'S OFFICE PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Sheriff's Office property assigned or entrusted to them. An member's intentional or negligent abuse or misuse of office property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any office issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable office property should be discontinued as soon as practical and replaced with comparable Office property as soon as available and following notice to the member's immediate supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Office 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) Sheriff's Office property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Office property becomes damaged or unserviceable, no member shall attempt to repair the property without prior approval of their immediate supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Assistant Sheriff, which shall include the results of their investigation and whether the member followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Finance Department.

The Sheriff's Office will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

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A written report shall be submitted before the member 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 members intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any member who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the member'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.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If members of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the member present or the member responsible for the property to make a verbal report to their immediate supervisor as soon as circumstances permit. The member shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Assistant Sheriff through the chain of command.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices issued by the Office while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The San Mateo County Sheriff's Office allows members to utilize Office-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued by the Sheriff's Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance). Prior to conducting an employee performance-based search of personally owned devices, supervisors shall consult with their immediate supervisor. Any such search will not be accomplished in an arbitrary or capricious manner. All such searches shall be appropriately documented in a performance-based written report concerning the conduct of the involved employee.

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a Office-issued PCD. Office-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a Office-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for Office purposes. Prior to conducting

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an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 OFFICE-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Sheriff's Office may, at its discretion, issue a PCD. Office-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Sheriff or designee.
- (e) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Office to access the PCD to inspect and copy work-related data to meet the needs of the Office, which may include litigation, release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.
- (f) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the San Mateo County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty Office-related

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business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct Sheriff's Office business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official Office business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official Office business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify their immediate supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - (a) An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - (b) Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or designee.

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701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating Office vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Office or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other Office communications network.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Sheriff's Office vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a Sheriff's Office 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 for repair. Support personnel shall be responsible for maintaining records of vehicles for a minimum of two years.

702.2.1 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.

702.2.2 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.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in their bureau's armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE REFUELING

Absent emergency conditions or supervisory approval, deputies shall refuel their patrol vehicle prior to the end of shift. A deputy shall not place a vehicle in service that has less than one-quarter tank of fuel without first refueling.

702.4 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

No more than two marked units should be at the car wash at the same time unless otherwise approved by a sergeant.

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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702.5 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards or lightbar covers at all times, unless pre-approved by the unit's supervisor not to use the covers or placards. Civilian employees shall not operate the emergency lights or siren of any vehicle.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure that San Mateo County Sheriff's Office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of San Mateo County Sheriff's Office vehicles and shall not be construed to create or imply any contractual obligation by the County of San Mateo County to provide assigned take-home vehicles.

703.2 POLICY

The San Mateo County Sheriff's Office provides vehicles for San Mateo County Sheriff's Office related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the San Mateo County Sheriff's Office, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Supervisor shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.3 AUTHORIZED PASSENGERS

Members operating Sheriff's Office 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 while enroute to and from the Sheriff's employee's work or home.

703.3.4 ALCOHOL, DRUGS, OR MEDICATION

Members who are under the influence of or impaired due to the use of alcohol, drugs, or medications are prohibited from operating any Office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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703.3.5 PARKING

Except when responding to an emergency or when urgent Office-related business requires otherwise, members driving Sheriff's Office vehicles should obey all parking regulations at all times.

Sheriff's Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to Sheriff's Office vehicles, unless they are replacing it with their POV during the use of the Sheriff's Office vehicle, or in other areas of the parking lot that are not so designated, unless authorized by a sergeant. Privately owned motorcycles shall be parked in designated areas.

Members who do not have take-home unmarked vehicles will park the vehicle at the conclusion of their shift in an appropriate location as specified by their supervisor.

703.3.6 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.7 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times, unless pre-approved by the unit's supervisor not to use the covers or placards. Civilian members shall not operate the emergency lights or siren of any vehicle.

703.3.8 UNMARKED/UNDERCOVER VEHICLES

Unmarked/Undercover units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit's supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform their regular assignment.

703.4.1 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 Office members at the discretion of the Sheriff or the authorized designee.

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703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where Office vehicles must be used by members to commute to and from a work assignment. Temporary and short term use of county vehicles may be approved by a bureau commander on a case by case basis and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Office.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed 60-miles San Mateo County County from the Hall of Justice.
- (d) Safe parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 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. Residence in the County of San Mateo County is a prime consideration for assignment of a take-home vehicle. Members who reside more than 60 miles from the Hall of Justice may be required to secure the vehicle at a designated location or the Office at the discretion of the Sheriff.

Office members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

The employee's supervisor shall be responsible for monitoring the employee's use of the vehicle and ensuring compliance with this Policy.

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.

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 Assistant Sheriff gives authorization, unless it can be accomplished on the employee's way to and from work.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:

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1. In circumstances when a member has been placed on call by the Sheriff or Assistant Sheriffs and there is a high probability that the member will be called back to duty.
 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 activity or function.
 3. When the member has received permission from the Sheriff or Assistant Sheriffs.
 4. When the vehicle is being used by the Sheriff, Assistant Sheriffs or members who are in on-call administrative positions.
 5. When the vehicle is being used by on-call personnel (receiving authorized on-call pay).
- (d) A Bureau Commander, with the approval of the Undersheriff, may designate other personnel to take home a vehicle. These personnel would be subject to responding to incidents after hours. Examples would be employees assigned to:
- (a) Detective Bureau
 - (b) Narcotics and Vehicle Theft Task Force
 - (c) Gang Intelligence Unit
 - (d) Bomb Squad
 - (e) Internal Affairs Sergeant
 - (f) Transit Unit Supervisors and investigators
 - (g) Emergency Services Bureau Sergeant
 - (h) Sworn personnel assigned to the Regional Terrorism Threat Assessment Center (R.T.T.A.C.)
 - (i) Sworn personnel assigned to the Northern California Regional Intelligence Center (NCRIC)
- (e) 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.
- (f) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (g) Unattended vehicles are to be locked and secured at all times.
- (a) 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).
 - (b) All weapons shall be secured while the vehicle is unattended.
 - (c) All department identification, portable radios and equipment should be secured.

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- (h) Vehicles are to be parked in a safe parking spot 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 firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (i) Vehicles are to be secured at the member's residence or the appropriate County facility, at the discretion of the Office 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 Office shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.
- (j) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the San Mateo County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

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 Office-issued identification. Deputies should also ensure that Office radio communication capabilities are maintained to the extent feasible.

703.4.5 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 Office. 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 their 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 their sergeant.
- (d) The Office 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, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.

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- (g) Sergeants shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.
- (h) Support personnel shall be responsible for maintaining records of vehicles for a minimum of two years.

703.5 DAMAGE, ABUSE AND MISUSE

When any Office vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify an on-duty sergeant. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any Office 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 Bureau Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.5.1 MAJOR ACCIDENT INVESTIGATION TEAM

A member of the Sheriff's Major Accident Investigation Team (MAIT) will respond to all fatal and injury traffic accidents involving Sheriff's personnel who are operating County vehicles. The purpose of the administrative review is to learn the facts of the accident and to alert the Sheriff to any possible civil liability.

The Sheriff's investigator will respond to the accident scene and confer with the on-duty Sheriff's sergeant and/or deputy responsible for conducting the accident investigation.

The Sheriff's investigator will review the accident scene and note the physical evidence, vehicle damage and witness statements.

The Sheriff's investigator will refrain from conducting a separate investigation by re-interviewing the drivers, witnesses, or taking official measurements of the accident scene unless directed to do so by the Sheriff or the Sheriff's command staff.

The Sheriff's investigator will document the facts surrounding the accident in an inter-office memorandum as learned from the investigating officer and submit the report via the chain of command to the Sheriff, with a copy to the Professional Standards Bureau.

703.6 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating Office vehicles on a toll road shall adhere to the following:

- (a) Members operating Office vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

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- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Assistant Sheriff within five working days explaining the circumstances.

703.7 ATTIRE AND APPEARANCE

When operating any Office vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure Office 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.

704.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of Sheriff's Office operations and ensure the public trust.

704.3 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.

704.4 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.

704.5 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 Sheriff or the County.

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Cash Handling, Security and Management

704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or supervisory duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for Office services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING

Members of the Office 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.

Chapter 8 - Support Services

Property and Evidence

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

800.2 DEFINITIONS

Property – Includes all items of evidence, items taken for safekeeping and found property.

Evidence – Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping – Includes the following types of property:

- Property obtained by the Office for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law [e.g., Welfare and Institutions Code § 5150 (mentally ill persons)]

Found property – Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged or labeled, placed in the designated property storage location, and has a property record created in records management system (e.g., RIMS). Care shall be taken to maintain the chain of custody for all property. The Evidence and Property receipt should be provided to the person from whom property was taken.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The evidence/property receipt must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete a property record describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings. The property record shall be completed prior to submission of the RIMS case report.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

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- (c) Complete an evidence/property label or tag and attach it to each package or envelope in which property is stored.
- (d) Seal each package with tamper-evident tape or heat-seal and initial the seal.
- (e) Place the case number in the upper right hand corner of the package.
- (f) When the property is too large to be placed in a locker, the item may be retained in an oversized property storage area.
- (g) The original Evidence and Property Receipt shall be submitted along with the property.
- (h) Any serialized property should also be accompanied by an Automated Property System (APS) Entry Request Form or Automated Firearms System (AFS) Entry Request form.
- (i) Each package booked shall be entered on the Property Log located at the location in which the property is being booked. Items being returned to the Property Bureau shall also be entered on the Property Log.

800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The employee seizing the narcotics and dangerous drugs shall place them in the designated locker or safe.

800.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Patrol Sergeant. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facilities. Fireworks that are considered stable and safe and road flares or similar signaling devices may be booked as evidence with the bomb squad. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be placed in the designated container in Patrol for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to

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the property officer, or placed in the bicycle storage area until a property officer can log the property.

- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking deputy and the supervisor. The Patrol Sergeant shall be contacted for cash in excess of \$1,000 for special handling procedures.
- (e) Syringes and needles with no evidentiary value may be disposed of in a sharps container located in Patrol or Property; no formal booking process is required.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the San Mateo County Sheriff's Office has complied with the requirements of Penal Code § 33850 et seq.

The Property Officer shall update the Automated Firearms System to reflect any firearms that were relinquished to the agency pursuant to this section.

800.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Currency
- (f) Contraband

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800.4.1 PACKAGING CONTAINER

Employees shall package all property in a manner that will prevent contamination, prevent deterioration, be readily identifiable and protect personnel from potential hazards. Knife boxes should be used to package knives, gun boxes should be used to package guns, glass or breakable items should be packaged in a box, sharp objects (e.g., tools) should be packaged in a box, and syringe tubes should be used to package syringes and needles. Items rendered safe by packaging in cardboard sheaths or rigid plastic tubes may be placed into an appropriate evidence envelope.

A property tag or label, including a chain of custody, shall be securely attached to the outside of each item. If a group of items is packaged together, only one evidence label or tag is required for the package.

800.4.2 PACKAGING NARCOTICS

The employee seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged or labeled, and placed in an appropriate locker or safe.

Suspected controlled substances should not be field tested using presumptive drug test kits. This shall be documented in a report and on the evidence packaging. If a suspect is in custody on drug charges, then the suspected controlled substance shall be dropped off as soon as practical in the forensic laboratory drug drop box.

[See attachment: Controlled Substance Packaging and Submission Procedures.pdf](#)

800.5 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall record his/her name, the date and time property was received, and where the property will be stored in the property management system.

A property number shall be obtained for each item. This number shall be recorded on the property tag or label and in the property management system.

Any changes in the location of property held by the San Mateo County Sheriff's Office shall be updated in the property management system.

800.6 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information in the property management system.

Employees desiring property for court or for investigation shall contact the Property Bureau at least one day prior to the date needed. If the court retains property, then the employee shall provide a completed court receipt to the Property Bureau.

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800.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence.

No evidence is to be released to an outside agency or individual without first receiving written authorization.

Request for forensic analysis for an item may be done by checking the analysis request on the package label or by contacting the Property Officer. If the District Attorney's Office is requesting the analysis then a goldenrod should be submitted to the Property Bureau.

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of the Property Bureau, and indicate in the property management system that the temporary location of the item will be at the Forensic Laboratory.

Copies of goldenrod requests and reports will also be transported to the laboratory along with the evidence. Upon delivering the item, the transporting employee will complete the chain of custody of the evidence, and will receive a receipt from the laboratory. This receipt shall be returned to the Property Bureau to be forwarded to the Records Bureau for filing with the case.

800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property management system, stating the date, time and to whom released.

The Property Officer shall obtain the signature of the person to whom the property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property or properly released to another authorized person or entity.

The return of the property should be recorded in the property management system indicating date, time, and the person who returned the property.

800.6.4 AUTHORITY TO RELEASE PROPERTY

The Detective Bureau shall authorize the disposition or release of all evidence coming into the care and custody of the San Mateo County Sheriff's Office (Peace Officer Standards and Training guidelines).

The Property Bureau shall authorize the disposition or release of all found or safekeeping property (Civil Code § 2080) coming into the care and custody of the San Mateo County Sheriff's Office.

800.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall

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be signed by the authorizing person and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented in the property management system.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available, if the owner was not provided with a property receipt with a notice of their rights to retrieve their property.

Property not held for any other purpose and not claimed within the designated time after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in the property management system.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded in the property management system. After release of all property booked in the case, all associated property paperwork should be forwarded to the Records Bureau for filing with the case. If some items of property have not been released the associated property paperwork may remain with the Property Bureau. Upon release, the proper entry shall be documented in the property management system.

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 that conforms to the provisions of Penal Code § 33865.

The property officer should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Office is not required to retain any firearm 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).

800.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the San Mateo County Sheriff's Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the San Mateo County Sheriff's Office may wish to file an interpleader to resolve the disputed claim [Code of Civil Procedure § 386(b)].

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800.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property Bureau will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of the San Mateo County Sheriff's Office, including paraphernalia as described in Health and Safety Code § 11364.

800.6.8 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et. seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the San Mateo County Sheriff's Office determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

800.7 DISPOSITION OF PROPERTY

All property no longer held for evidence in a pending criminal investigation or proceeding, and held for five months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer should request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received.

800.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300, Penal Code § 18010, Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751, etc.)

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- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence [Penal Code § 680(e)]

800.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the San Mateo County Sheriff's Office shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held, and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

If the money remains unclaimed as of the date designated in the published notice, the money will become property of the San Mateo County Sheriff's Office to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

800.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The property officer shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Bureau supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property Manager, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Bureau supervisor.

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Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Bureau supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

800.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (c) An annual audit of evidence held by the Office shall be conducted by a Bureau Captain (as appointed by the Sheriff) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all firearms, money, and narcotics shall be made by remaining property room personnel to ensure that records are correct and all property is accounted for.

Records Bureau

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the San Mateo County Sheriff's Office Records Bureau. The policy addresses San Mateo County Sheriff's Office file access and internal requests for case reports.

801.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to maintain office records securely, professionally, and efficiently.

801.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by deputies of the San Mateo County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the San Mateo County Sheriff's Office to destroy the related arrest records. Petitions should be forwarded to the Professional Standards Bureau Lieutenant. The Professional Standards Bureau Lieutenant should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Professional Standards Bureau Lieutenant should forward the petition to the Investigations Bureau Lieutenant and County Counsel for review. After such review and consultation with County Counsel, the Investigations Bureau Lieutenant and the Professional Standards Bureau Lieutenant shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Professional Standards Bureau Lieutenant, in collaboration with the Records Manager, shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Professional Standards Bureau Lieutenant should respond to a petition with the decision within 45 days of receipt. Responses should include only the decision of the San Mateo County Sheriff's Office, not an explanation of the analysis leading to the decision.

801.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Assistant Sheriff should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the San Mateo County Sheriff's Office and the record reflects only a detention.

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- (c) The California DOJ is notified.

801.5 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Shift Supervisor.

The Records Bureau will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

801.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting San Mateo County Sheriff's Office member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.

801.7 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

Restoration of Firearm Serial Numbers

802.1 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.

802.2 PROCEDURE

Any firearm coming into the possession of the San Mateo County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

802.2.1 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 (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (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. 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. 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.

802.2.2 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 employee booking the firearm shall indicate on the RIMS property record that serial numbers have been removed or obliterated.

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802.2.3 PROPERTY OFFICER RESPONSIBILITY

The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

802.2.4 DOCUMENTATION

Case 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 booked into the Property Unit.

This report must include a record of the manner in which and/or from whom the firearm was received. This may also appear on the property record depending on the type of evidence.

802.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the San Mateo County Sheriff's Office Forensic Laboratory, the Criminialist will complete an Automated Firearm System (AFS) form and forward it to the Property Unit. The Property Officer will enter the data into the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) eTrace system.

802.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of San Mateo County Sheriff's Office records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The San Mateo County Sheriff's Office 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.).

803.3 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 Office, including the retention, archiving, release, and destruction of office public records.
- (b) Maintaining and updating the office records retention schedule including:
 1. Identifying the minimum length of time the Office must keep records.
 2. Identifying the office division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records.
- (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 office's website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that public records posted on the Office 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.
- (i) 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 Office's website.

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803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any San Mateo County Sheriff's Office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this San Mateo County Sheriff's Office, 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 San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office 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 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 San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).
- (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.

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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 San Mateo County Sheriff's Office 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.

803.5 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 office record, including traffic collision reports, are restricted except as authorized by the Office, 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 which 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, adult abuse) or their 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.

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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 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 Code § 13300.
 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), and juveniles (Welfare and Institutions Code § 827).
- (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 office (Government Code § 6254).
- (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 office's electronic technology systems (Government Code § 6254.19).

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- (o) A record of a civilian 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)(8)).
- (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 § 831).

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. 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 San Mateo County Sheriff's Office so that a timely response can be prepared.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the San Mateo County Sheriff's Office name and to whom the record was released.

Each audio/video recording released should include the San Mateo County Sheriff's Office name and to whom the record was released.

803.8 SEALED RECORD ORDERS

Sealed record orders received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records 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 shall ensure that the required notations on local summary criminal history information and police investigative

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reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

803.9 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 San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office 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 or California identification card number
- 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

803.9.1 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:

1. The date of the notice.
2. Name and contact information for the San Mateo County Sheriff's Office.
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.

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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 San Mateo County Sheriff's Office 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):
 - (a) 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 San Mateo County Sheriff's Office 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.
 - (b) When the breach involves an email address that was furnished by the San Mateo County Sheriff's Office, 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.

803.9.2 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 does not have sufficient contact information. Substitute notice shall consist of all the following:
 - (a) Email notice when the San Mateo County Sheriff's Office has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the San Mateo County Sheriff's Office'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 San Mateo County Sheriff's Office to notify more than 500 California residents, the San Mateo County Sheriff's Office shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

Protected Information

804.1 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 San Mateo County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the San Mateo County Sheriff's Office and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the San Mateo County Sheriff's Office 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.

Misuse - Any access and/or dissemination of CJI for unauthorized purposes are considered misuses of the system.

804.2 POLICY

Members of the San Mateo County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Sheriff shall select a member of the San Mateo County Sheriff's Office 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.

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- (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.

804.3.1 CUSTODIAN OF CRIMINAL RECORDS

The Records Bureau Manager, unless otherwise directed by the Support Services Division Assistant Sheriff, shall be the Sheriff's Office official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Support Services Division Assistant Sheriff may appoint other employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Records Bureau Manager will ensure that they make the appropriate applications and notifications to the California Department of Justice regarding the Sheriff's Office Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, San Mateo County Sheriff's Office 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 pursuant to the Personnel Complaints Policy and/or criminal prosecution.

804.4.1 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 Codes § 11142 and 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).

804.5 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.

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A member who is asked to release protected information that should not be released should refer the requesting person to a Records Supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the San Mateo County Sheriff's Office 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 the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other San Mateo County Sheriff's Office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.5.1 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).

Individuals shall be allowed to review their arrest or conviction record on file with the San Mateo County Sheriff's Office after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

804.5.2 RELEASE OF CORI

Only the persons listed below are authorized to release 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.

- (a) Records Bureau Manager
- (b) Staff in the the Records Bureau
- (c) Personnel specifically designated in writing by Assistant Sheriffs with the concurrence of the Records Bureau Manager

804.5.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the deputy or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage

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situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

804.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the San Mateo County Sheriff's Office to oversee the security of protected information. The Technical Services Director has been assigned this responsibility.

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.

804.6.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in various authorized Sheriff's Office locations as well as the jail, substations, and in San Mateo County Public Safety Communications to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

804.6.2 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).

804.6.3 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

804.7 PROCEDURE IF MISUSE OF CJI SUSPECTED

The following is the procedure to follow if misuse of CJI is suspected:

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804.7.1 METHOD OF MISUSE:

- (a) Unauthorized requests, receipt, release, interception, dissemination or discussion of CJI.
- (b) Improper use of information obtained from any CJI system and/or related applications and devices.
- (c) Violating the confidentiality of any data or record information and using it for personal purposes.

804.7.2 PROCEDURE FOR SUSPECTED MISUSE:

Any suspected misuse of CJI will be handled on a case by case basis. However, the following will occur in all circumstances:

- (a) As soon as misused is confirmed, the account of the individual user will immediately be suspended to prevent ongoing misuse while under investigation.
- (b) Management will immediately be notified of the suspected misuse.
- (c) An internal investigation will ensue.

804.7.3 UPON COMPLETION OF THE INVESTIGATION:

- (a) If the investigation determines that the misuse was inadvertent:
 - 1. At a minimum, the individual user will be required to undergo additional training on CJI Security Awareness.
- (b) If the investigation determines that the misuse was deliberate:
 - 1. The individual may be subject to disciplinary action up to and including termination from employment.
 - 2. The appropriate authorities will be notified and the individual user may be prosecuted under applicable laws.

804.8 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.

804.8.1 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Agency CLETS Coordinator. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

804.9 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).

Computers and Digital Evidence

805.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs), digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

Any investigations involving the aforementioned devices must be reported to the appropriate investigation unit supervisor.

Jeanne Clery Campus Security Act

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this office fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

806.2 POLICY

The San Mateo County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any San Mateo County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the San Mateo County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the San Mateo County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

806.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

Sheriff's Captains and Lieutenants will:

- (a) Ensure that the San Mateo County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 - (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).

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3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the San Mateo County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
 5. Notify the San Mateo County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

806.3.1 ADDITIONAL REQUIREMENTS

The Sheriff or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:
1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
 2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.

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- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the San Mateo County Sheriff's Office or the institution (Education Code § 67380).
 - 1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the San Mateo County Sheriff's Office is necessary to contact or detain the assailant (Education Code § 67380).
 - 2. If the institution discloses the identity of the alleged assailant to the San Mateo County Sheriff's Office, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

806.4 RECORDS COLLECTION AND RETENTION

The Records Bureau Manager is responsible for maintaining San Mateo County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery
 - 4. Aggravated assault
 - 5. Burglary
 - 6. Motor vehicle theft
 - 7. Manslaughter
 - 8. Arson

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9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
 10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
 - (a) On campus.
 - (b) In or on a non-campus building or property.
 - (c) On public property.
 - (d) In dormitories or other on-campus, residential or student facilities.
- (c) Statistics will be included by the calendar year in which the crime was reported to the San Mateo County Sheriff's Office (34 CFR 668.46(c)(3)).
- (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

806.4.1 CRIME LOG

The Records Bureau Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the San Mateo County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Office.

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- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's office or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

806.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Bureau Manager is responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

- (a) All occurrences reported to the San Mateo County Sheriff's Office and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the San Mateo County Sheriff's Office for which a written report is prepared.

806.5 INFORMATION DISSEMINATION

It is the responsibility of the Support Services Assistant Sheriff to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.

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3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the San Mateo County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Office.

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

Temporary custody - The time period an adult is in custody at the San Mateo County Sheriff's Office prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The San Mateo County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Office. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the San Mateo County Sheriff's Office, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.
- (c) Any individual who is seriously injured.

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- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - 1. If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.
- (j) Any individual who is obviously developmentally disabled (15 CCR 1057).
- (k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Office unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized office member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female office member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

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Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 STAFFING PLAN

The Sheriff or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Corrections Standards Authority (CSA) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by CSA staff. The review and recommendations of the CSA biennial review shall be forwarded to the County, as required by 15 CCR 1027.

900.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving deputy should ask the arresting deputy if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The deputy should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

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900.4.1 SCREENING AND PLACEMENT

The deputy responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.
 - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the San Mateo County Sheriff's Office, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Office.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.

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- (h) Date and time of release from the San Mateo County Sheriff's Office.

The Shift Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Shift Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals 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 individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to office members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by a deputy.

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Those who require medication while in temporary custody should not be at the San Mateo County Sheriff's Office. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - 1. The Office should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 - 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
 - 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

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- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Shift Supervisor will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.

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- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

900.5.11 PRISON RAPE ELIMINATION ACT (PREA)

Refer to the Prison Rape Elimination Act (PREA) Policy for guidelines.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the San Mateo County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, secured and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Office shall maintain a copy of the property receipt.

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The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to office members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by office members shall occur no less than every 15 minutes (15 CCR 1027.5).
 - (a) Safety checks should be at varying times.
 - (b) All safety checks shall be logged.
 - (c) The safety check should involve questioning the individual as to his/her well-being.
 - (d) Video surveillance does not take the place of physical safety checks.
 - (e) Individuals who are sleeping or apparently sleeping should be awakened.
 - (f) Requests or concerns of the individual should be logged.

900.8.1 USE OF SOBERING CELL

Inmates who present a threat to their own safety or the safety of others due to their state of intoxication should be transported to the County's contracted sobering station First Chance. The Sheriff's Office will not use the temporary holding facilities as a sobering cell.

900.8.2 COURT HOLDING FACILITY

Inmates who are temporarily housed in a court holding facility pending a court appearance will be segregated accordingly.

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900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Bureau Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the San Mateo County Sheriff's Office. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Shift Supervisor, Sheriff, Undersheriff, Operations Division Assistant Sheriff, Investigations Bureau Lieutenant and the Professional Standards Bureau
- (c) Notification of the appropriate San Mateo County District Attorney's Office
- (d) Notification of the County Counsel
- (e) Notification of the Coroner
- (f) Evidence preservation
- (g) In-custody death reviews (15 CCR 1046)
- (h) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the San Mateo County Sheriff's Office unless escorted by a member of the Office.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The office member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier.

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If segregating individuals is not practicable, deputies should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.910).

The Office shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

900.11 ASSIGNED ADMINISTRATOR

The Bureau Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

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900.12 TRAINING

Office members should be trained and familiar with this policy and any supplemental procedures.

Office members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Inmate segregation
- (d) Emergency procedures and planning, fire safety, and life safety.
- (e) Suicide prevention

Eight hours of refresher training shall be completed once every two years (15 CCR 1024).

The Training Manager shall maintain records of all such training in the member's training file.

Temporary Custody of Juveniles

901.1 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 San Mateo County Sheriff's Office (34 USC § 11133).

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

901.1.1 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) (Penal 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(d); 15 CCR 1150).

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

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

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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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.

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).

901.2 POLICY

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

901.3 JUVENILES WHO SHOULD NOT BE HELD

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

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Shift Supervisor. 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 San Mateo County Sheriff's Office 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).

901.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Shift Supervisor shall be notified of the need for medical attention for the juvenile. San Mateo County Sheriff's Office members should administer first aid as applicable (15 CCR 1142).

901.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Office members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill 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).

901.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the San Mateo County Sheriff's Office without authorization of the arresting deputy's supervisor or the Shift Supervisor. 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 San Mateo County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

901.4.1 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 San Mateo County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination.

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901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

901.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

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

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Office.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

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

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

901.5 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).

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Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended (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(d)).

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).

901.6 JUVENILE CUSTODY LOGS

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

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the San Mateo County Sheriff's Office (15 CCR 1150).
- (c) Shift Supervisor 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(d); 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

901.7 NO-CONTACT REQUIREMENTS

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

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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 San Mateo County Sheriff's Office (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).

901.7.1 DEATH OF A JUVENILE WHILE DETAINED

The District Attorney's Office and the Coroner's Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this office. The Support Services Assistant Sheriff or his/her designee will conduct an administrative review of the incident.

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

- (a) The Sheriff or their designee shall provide to the California Department of Corrections and Rehabilitation a copy of the report submitted to the Attorney General under Government Code § 12525. A copy of the report shall be submitted to the Department of Corrections and Rehabilitation within ten calendar days after the death.
- (b) Upon receipt of a report of death of a juvenile from the Sheriff or his or her designee, the Department of Corrections and Rehabilitation may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 California Code of Regulations § 1341. Any inquiry made by the Department of Corrections and Rehabilitation shall be limited to the standards and requirements set forth in these regulations.
- (c) A medical and operational review of every in-custody death of a juvenile shall be conducted. The review team shall include the following:
 1. Sheriff or designee
 2. The health administrator
 3. The responsible physician and other health care and supervision staff who are relevant to the incident

901.8 TEMPORARY CUSTODY REQUIREMENTS

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

- (a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the San Mateo County Sheriff's Office more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the San Mateo County Sheriff's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

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- (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.
- (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).

901.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy (306). A juvenile offender may be handcuffed at the San Mateo County Sheriff's Office facility 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 notification of the on-duty sergeant. 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).

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901.10 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the San Mateo County Sheriff's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the San Mateo County Sheriff's Office.

901.11 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). Shift Supervisor 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 office shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

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).

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901.11.1 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 San Mateo County Sheriff's Office members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).
- (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.

901.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Shift Supervisor will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the San Mateo County Sheriff's Office (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Sheriff, and Investigation Division 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).

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- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

901.13 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 15 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):

- (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.

901.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in his/her absence, the Shift Supervisor.

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 Shift Supervisor 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

901.15 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 San Mateo County Sheriff's Office shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the San Mateo County Sheriff's Office Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Technical Services Manager and the appropriate Detective Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

901.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Assistant Sheriff shall coordinate the procedures related to the custody of juveniles held at the San Mateo County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

901.17 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the San Mateo County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of Office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the San Mateo County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.2.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this Office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

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All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another Office member. The inventory should include the case number, date, time, San Mateo County Sheriff's Office member's identification number and information regarding how and when the property may be released.

902.2.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The Office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

Prison Rape Elimination Act (PREA)

903.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing of regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees or prisoners in any and all of the San Mateo County Sheriff's Office Temporary Holding and Correctional Facilities (28 CFR 115.11) by requiring compliance in accordance with the Corrections Division Manual.

903.1.1 DEFINITIONS

Definitions related to this policy include:

Contractor - A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Dependent adult - Any person between the ages of 18 and 64 who has physical or mental limitations that restrict his/her ability to carry out normal activities or protect his/her rights, including persons who have physical or developmental disabilities.

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Jail - A confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

LGBTI - An acronym that refers to lesbian, gay, bisexual, transgender and intersex individuals.

Lockup - A facility that contains holding cells, cell blocks, or other secure enclosures that are under the control of a law enforcement, court, or custodial officer; and primarily used for temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Prison Rape Elimination Act (PREA) - The Prison Rape Elimination Act of 2003 was signed into law by President George W. Bush. The purpose of this law is to protect inmates at all levels from sexual assault from other inmates and facility staff. These standards became effective August 20, 2012, and all agencies must be in compliance by August 20, 2013.

Retaliation - Any negative act by any person toward or against another for reporting or cooperating with an investigation involving sexual abuse or harassment.

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight

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- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual assault - This includes SEXUAL ABUSE as listed above and as defined by the California Penal Code. This includes assault under color of authority California Penal Code 149.

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

Volunteer - An individual donating their time and effort to the agency for the benefit of the agency's activities and programs for inmates.

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Voyeurism - An invasion of privacy of an inmate or detainee, by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

903.2 POLICY

The San Mateo County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Office will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The San Mateo County Sheriff's Office will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

Those contracted, employed by or volunteering for the Office are subject to disciplinary actions up to and including termination for violation of this policy. All staff have an affirmative duty to report all allegations or knowledge of sexual abuse, harassment or any sexual misconduct involving inmates that takes place within any Sheriff's Office facility. Failure to report is akin to committing the act and punishable as such. Staff who suspect sexual harassment or abuse of an inmate by other staff shall immediately notify their supervisor. This notification may be made in private, but shall occur immediately upon obtaining the knowledge.

903.3 PREA COORDINATOR

The Sheriff shall appoint an Office manager with sufficient time and authority to act as a PREA Coordinator to develop, implement and oversee Sheriff's Office efforts to comply with PREA standards San Mateo County Sheriff's Office and ensure that any agencies with a contract to house San Mateo County inmates are also in compliance. Each facility within the Sheriff's Office that meets the PREA definition of "Jail" or "Lockup" shall have a PREA Coordinator to ensure that the facility is maintaining its compliance.

The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Ensuring all volunteers and service providers are trained to comply with applicable PREA regulations.
- (d) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations

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from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

- (e) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151).
- (f) Developing a written plan to coordinate response among staff, first responders, medical and mental health practitioners, investigators and Sheriff's Office leadership to an incident of sexual abuse (28 CFR 115.165).
- (g) Ensuring a protocol is developed for investigating allegations of sexual abuse in any holding or correctional facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (h) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

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- (a) The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
- (b) This data shall be aggregated at least annually and included in the PREA annual report.
- (j) Publishing on the Office's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).
 - 2. A protocol describing the responsibilities of the Office and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
 - 3. PREA Annual Report by January 15, or every year.
- (k) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Correctional Facilities used to house detainees or prisoners overnight (28 CFR 115.193).
- (l) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

903.4 STAFFING

Each facility will have a staffing plan in place that ensures adequate staffing levels to protect inmates from sexual abuse. The administrators of each facility will consider the following as well as other factors in establishing staffing levels:

- (a) The Maguire Correctional Facility and Maple Street Correctional Center will assign one Correctional Officer/ Deputy Sheriff per housing unit to conduct a visual check of all inmates a minimum of once per hour. Video monitoring, where available, shall be used to supplement the visual checks.
- (b) Court Security / Transportation Bureaus will assign at least one Deputy to conduct visual checks on all inmates in holding areas at least once per hour. Video monitoring, where available, shall be used to supplement the visual checks
- (c) The arresting officer or his/her designee shall be responsible for performing observations of detainees held at the Millbrae, San Carlos and Half Moon Bay Police Bureaus. Video monitoring, where available, shall be used to supplement the visual checks.
- (d) All staff of the opposite sex performing observation checks shall announce their presence within a reasonable time prior to making the observation, to allow the inmate or detainee ample time to cover themselves should they be in the process of using the toilet or shower, or undressed. While performing observation checks at night when

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lights are out there is no need to make an announcement in an effort to ensure inmates can sleep through the night and not be subjected to being awake every hour on the hour.

- (e) The PREA Coordinator and facility commander will conduct a review of the adequacy of staffing levels and use of video monitoring annually. This review shall be documented in a memorandum to the Sheriff via the chain of command.
- (f) Any deviation from the staffing plan shall be documented and justified.

903.5 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees or prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the office shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Office and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

903.5.1 MEMBER RESPONSIBILITIES

Office members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Supervisor any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding or Correctional Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any Office member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

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903.5.2 SUPERVISOR RESPONSIBILITIES

The supervisor shall report to the Sexual Assault Detective, Watch Commander and/or the Professional Standards Bureau all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the supervisor shall also report the allegation as required under mandatory reporting laws and Office policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The supervisor shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Office shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

903.6 INVESTIGATIONS

The Office shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received Office-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

903.6.1 FIRST RESPONDERS

Any first responder who responds to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a correctional officer or a deputy, the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

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903.6.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the San Mateo County Sheriff's Office.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding or Correctional Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

903.6.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this Office shall not be used as a basis for terminating an investigation (28 CFR 115.171).

903.6.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

903.6.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, via the chain of command, or if the allegations may reasonably involve the Sheriff, to the County Manager. The Sheriff or County Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

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All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for Office members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

903.7 RETALIATION PROHIBITED

All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims.

The Shift Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

903.8 REVIEWS AND AUDITS

903.8.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include the PREA Coordinator, PREA facility manager(s), a jail team supervisor, case investigator and medical and/or mental health practitioners (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or

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perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

903.8.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) A comparison of the current year's data and corrective actions with those from prior years.
- (b) An assessment of the Office's progress in addressing sexual abuse.

The report shall be approved by the Sheriff or designee and made readily available to the public through the Office website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding and Correctional Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from San Mateo County Sheriff's Office facilities shall be made readily available to the public at least annually through the Office website. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

903.8.3 FACILITY AUDITS

All Temporary Holding facilities (Court and Transportation Holding, Millbrae, Half Moon Bay, San Carlos) shall be audited annually by the agency PREA Coordinator to ensure the facility is maintaining compliance with all standards. The results of the audits will be documented.

- (a) Effective January 1, 2019, each jail facility shall be individually audited by an outside auditor who has been certified by the Department of Justice, once every three years, and in accordance with PREA (28 CFR 115.11). The auditor shall be

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provided all relevant policies and procedures, reports, internal and external audits and accreditations for the facility being audited.

1. During the audit, the auditor shall have access to all areas of the facility and supplied any relevant documentation requested.
2. The auditor shall have access to inmates, staff and administrators. Staff will be expected to cooperate fully during the audit.

903.9 RECORDS

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.171).

Upon receipt of a completed investigation, the agency PREA Coordinator shall document the incident using a U.S. Department of Justice Bureau of Justice Statistics (USDOJ BJS) form SSV-1A and maintain the copy for use in the report submitted annually to USDOJ BJS.

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189). This information shall be submitted to the USDOJ BJS using form SSV-3. This form shall be submitted to the USDOJ BJS electronically. A copy of the SSV-3, as well as copies of all reports included in the SSV-3, shall be forwarded to the Corrections Assistant Sheriff.

903.10 TRAINING

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within our facilities. The Training Manager and PREA Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Office's zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

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- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Manager and PREA Coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

903.11 HIRING AND PROMOTION

- (a) The Sheriff's Office shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates who falls under the following categories:
1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)
 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refused.
 3. Has been civilly or administratively adjudicated to have engaged in the activity described above.
- (b) The Sheriff's Office shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for promotions. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- (c) Before hiring, all employees, contractors, and volunteers shall be subject to a criminal background check prior to employment and every 5 years after, or there must be a requirement that employees provide this information to their employers and to the Sheriff's Office. Consistent with Federal, State, and local law, the Sheriff's Office shall make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. This will be documented on the Jail Clearance form which needs to be approved before admitted into any Correctional Facility.

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- (d) All incidents of sexual harassment shall be considered when determining whether to hire or enlist the services of any contractor, volunteer, or staff member who may have contact with an inmate.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the San Mateo County Sheriff's Office and that are promulgated and maintained by the Human Resources Department.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this Office.

1000.2.1 VETERAN'S PREFERENCE

Qualifying veterans of the armed forces of the United States shall receive a veteran's preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978).

Employee Addresses and Contact Phone Numbers

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures for handling or reporting changes in an employee's street address and contact phone number(s).

1001.2 POLICY

The Professional Standards Bureau will maintain a current database on all Sheriff's Office personnel. The locator file will contain current street address, mailing address (if different from street address), contact phone number(s), and duty assignment of all employees.

All employees of the San Mateo Sheriff's Office shall provide their current street address, mailing address (if different from their street address), and a cellular and/or landline contact phone number to the Professional Standards Bureau on an Emergency Contact Form. Personnel who have dual residences shall provide both the primary residence and secondary residence information on the contact form. Primary residence shall be defined as the residence in which you pay property taxes and are registered to vote.

All personnel who change their address and/or contact phone number(s) will notify their immediate supervisor and the Professional Standards Bureau in writing during their next work day. The written notification will include the employee's new street address, mailing address (if different from the street address), contact phone number(s), and current duty assignment.

- (a) A copy of the most recent Emergency Contact Form will be kept in the Employee's Traveling, Traveler or Blue File and/or any other file as designated by a Bureau Commander. The Emergency Contact Form will be reviewed for accuracy annually with employees during the performance evaluation process.

In addition, all personnel shall also update their own Workday profile to include their current street address, mailing address (if different from their street address), and a cellular and/or landline contact phone number.

- (a) Under no circumstances are Sheriff's Office personnel authorized to use the address and telephone number of any Sheriff's Office facility as a personal address and/or contact phone number except as specified for the Department of Motor Vehicles Confidentiality program.
- (b) No employee of the Sheriff's Office will release another employee's home address or contact phone number(s) to anyone outside of the Sheriff's Office without that employee's express permission.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The San Mateo County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

This Office evaluates employees in a non-discriminatory manner, in compliance with the County's EEO Policy, based upon job-related factors specific to the employee's position.

1002.2.1 EMPLOYEE EVALUATION SCHEDULE

Employees will be evaluated at least once per year. Employees who have a pending merit increase will be evaluated on the employee's anniversary date. All other evaluations will be issued in the month that correlates with the first letter of the employee's last name (as noted below).

- January A-C
- March D-G
- May H-L
- July M-P
- September Q-S
- November T-Z

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

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.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

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Evaluation of Employees

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing.

1002.3.1 RESERVE DEPUTY / VOLUNTEER / EXPLORER EVALUATIONS

These evaluations are covered under the Volunteer Program and Explorer Policies.

1002.4 EVALUATION TYPES

There are different types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.).

1002.4.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

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Evaluation of Employees

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.5 EVALUATION REVIEW

The supervisor should arrange to meet with the employee to discuss the draft Employee Performance Evaluation form, which has already been reviewed by the next level manager.

The employee has 10 days to review the draft and provide comments either verbally and/or in writing to the supervisor. Upon considering the employee's comments, the supervisor shall provide a final draft of the evaluation to the employee for his/her review and signature. The final draft needs to be reviewed by the next level manager (reviewer) prior to issuance to the employee. The supervisor shall provide the employee with a copy of the completed form and forward the signed copy to the Professional Standards Bureau for filing in the employee's personnel files. The employee's signature indicates that the employee has reviewed and discussed the evaluation with the supervisor. The employee's signature does not indicate the employee's agreement or disagreement with the evaluation. If the employee refuses to sign the evaluation, the supervisor shall note the refusal on the form and date the form. In the event that an employee does not agree with their performance evaluation once finalized, they may submit a written statement either refuting or rebutting the information and that statement shall be attached to the evaluation document that is filed in the employee's Civil Service and Office personnel files.

Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's Office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. It is the philosophy of the San Mateo County Sheriff's Office to promote open communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment; as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity which are subject to the complaint options set forth in the County's EEO Policy; and personnel complaints consisting of any allegation of misconduct or improper job performance against any Sheriff's Office employee that, if true, would constitute a violation of Office policy, federal, state or local law set forth in the County's EEO Policy.

1003.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the next-in-line superior officer in the chain of command of the affected division or bureau. If a successful resolution is not found with the Bureau Lieutenant or Captain, the employee may request a meeting with the next-in-line member of the Sheriff's Executive Team.
- (c) If a successful resolution is not found with the Assistant Sheriff, the employee may request a meeting with the Sheriff.
- (d) If the employee and the Sheriff are unable to arrive at a mutual solution, then the employee shall proceed as follows:

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1. Submit in writing a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor and include the following information:
 - (a) The basis for the grievance (i.e., what are the facts of the case?).
 - (b) Allegation of the specific wrongful act and the harm done.
 - (c) The specific policies, rules or regulations that were violated.
 - (d) What remedy or goal is being sought by this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Sheriff will receive the grievance in writing. The Sheriff and the County Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the County Manager is considered final.

1003.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Support Services Division for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the County Human Resource Department to monitor the grievance process.

1003.5 GRIEVANCE AUDITS

The Support Services Assistant Sheriff shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Support Services Assistant Sheriff shall record these findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Support Services Assistant Sheriff should promptly notify the Sheriff.

Off-Duty Contact with Law Enforcement

1004.1 PURPOSE AND SCOPE

It is the responsibility of every Sheriff's Office employee to notify their immediate supervisor as soon as possible if they are contacted or involved in any off-duty interactions with a Law Enforcement agency. Examples of such contact are as follows:

- (a) The employee is arrested, detained, or becomes aware that he/she is the subject of a criminal investigation.
- (b) The employee is involved in the drawing, displaying, or discharge of a firearm (other than at a range or hunting activities).
- (c) The employee is served with or is the subject of an injunction or temporary restraining order.

Reporting of Employee Convictions

1005.1 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 San Mateo County Sheriff's Office of any past and current criminal convictions.

The Professional Standards Bureau Lieutenant shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, and records supervisor employed by the San Mateo County Sheriff's Office (11 CCR 1003).

The Professional Standards Bureau Lieutenant shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by the San Mateo County Sheriff's Office or any former peace officer if the San Mateo County Sheriff's Office was responsible for the investigation (11 CCR 1003).

1005.2 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.

1005.3 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 San Mateo County Sheriff's Office may be inherently in conflict with law enforcement duties and the public trust.

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1005.4 REPORTING PROCEDURE

All members of the San Mateo County Sheriff's Office and all retired deputies with an identification card issued by the San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in 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.

1005.5 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. Each employee 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 as a part of their 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 San Mateo County Sheriff's Office 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.

Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1006.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to provide a drug and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on San Mateo County Sheriff's Office time can endanger the health and safety of San Mateo County Sheriff's Office members and the public. Such use shall not be tolerated (41 USC § 8103).

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 Shift Supervisor or appropriate supervisor as soon as the member is aware that he/she 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, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1006.3.1 USE OF MEDICATIONS

Members should avoid taking 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 his/her 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 San Mateo County Sheriff's Office while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

1006.4 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 San Mateo County premises/property or on San Mateo County Sheriff's Office time (41 USC § 8103). 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.

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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).

1006.5 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 Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 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 San Mateo County Sheriff's Office.

1006.7 REQUESTING SCREENING TESTS

The involved supervisor, with the concurrence of the Professional Standards Bureau Lieutenant, may request an employee to submit to a screening test when the supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing their ability to perform duties safely and efficiently.

1006.7.1 SUPERVISOR RESPONSIBILITY

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 at the approved medical facility, using the pre-approved Drug Testing Referral Form, issued by the Professional Standards Bureau Lieutenant 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.

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1006.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

- (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 he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

1006.8 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 San Mateo County Sheriff's Office 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).

1006.9 CONFIDENTIALITY

The San Mateo County Sheriff's Office 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 separately from the employee's other personnel files.

Sick Leave

1007.1 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 County personnel manual or applicable collective bargaining agreement.

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.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1007.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

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 San Mateo County Sheriff's Office with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was 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.

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1007.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) 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.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - (a) Negatively affected the member's performance or ability to complete assigned duties.
 - (b) Negatively affected San Mateo County Sheriff's Office operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Vacation/Other Leaves

1008.1 PURPOSE AND SCOPE

All Sheriff's Office personnel are entitled to vacation and leave in accordance with the County Ordinance Code and the agreements between San Mateo County, the various employee representation groups and the needs of the Sheriff's Office. Because of the unpredictable nature of the Sheriff's Office public safety mission, the granting of vacations and leaves are subject to the needs of the Sheriff's Office Divisions, Bureaus, Units and the provisions of this order.

1008.1.1 VACATION LEAVE

Each employee (excluding "Extra Help" personnel) shall be entitled to an annual vacation. Vacation sign-up shall be by seniority, after due consideration of staffing and administrative considerations as follows:

ANNUAL VACATION SIGN UP

- (a) In order to integrate vacation arrangements with the January Office transfer schedule, the annual vacation sign-up will be conducted by each Division Captain or designee during the month of February of each year.
- (b) Vacations will be assigned at the Bureau or Unit level as determined by the Division Commander. Vacations will be assigned by Office seniority in the employee's current classification. For the purposes of this order deputies' and correctional officers' working in a correctional setting will use their "dates of hire" as a sworn Sheriff's Office employee as the standard to determine seniority. Deputies' working outside the correctional setting will use their "date of rank" as the standard to determine seniority.
- (c) During the first circulation of vacation sign-up, any employee may sign up for vacation that is accrued during one calendar year. The employee shall choose how the allotment of vacation is done, as long as it is done in one-work week increments, as determined by the Division. The Division Commander must approve vacations for more than this amount after the first circulation of the sign-up. No individual shall be allowed to sign up for more vacation than will be carried on his or her account at the time the vacation is taken.
- (d) Due to the specific needs of a Bureau or Unit, the Division Commanders may designate the number of vacancies allowed for vacation during a given time period.
- (e) Upon transfer to a new assignment, the employee shall notify their immediate supervisor of all approved vacation. Personnel who are transferred will retain their slot on their original schedule and, to the extent it meets the business needs of the new assignment, their vacation will be integrated into the vacation schedule for their new position in their assigned division.
- (f) Personnel who are promoted will not necessarily retain their slot on the vacation schedule that was completed for their previous assignment, and will schedule vacation consistent with their new assignment, and will integrate their newly scheduled vacation into the vacation schedule for their new position in their assigned division.

OTHER VACATION REQUESTS

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- (a) Employees requesting additional vacation days off outside of the annual vacation sign up shall be approved by their immediate supervisor on a case by case basis.

CANCELLATION OF VACATIONS

- (a) Employees who wish to cancel approved vacation must notify their supervisor.
- (b) Employees who wish to cancel approved annual vacation weeks must cancel in one-week increments, unless otherwise approved by the employee's immediate supervisor.

SPECIAL CIRCUMSTANCES

- (a) Any or all of these rules may be superseded by the Sheriff or his designee for a particular Sheriff's Office need, an individual's emergency hardship, or other special circumstances.
- (b) Vacation time, compensatory and/or holiday time will not be granted to cover sick calls. The use of vacation or compensatory time to account for a period of illness or disability will be governed by applicable county procedures such as transporting or caring for an immediate family member who is ill.
- (c) Each person will be required to request, in writing, within five (5) working days of the last day sick leave taken, specifically that (s)he is requesting to use vacation and or compensatory time, if available, when all sick leave has been exhausted.

MANAGEMENT OF VACATION TIME

- (a) It will be the responsibility of each employee to manage his or her own vacation time. Vacation time will not automatically be granted to an employee who requests vacation on short notice for the sole reason that the employee is approaching or has exceeded his or her vacation accrual limit.

NON-SWORN PERSONNEL

- (a) Non-sworn personnel shall arrange their vacation through their unit supervisor or follow the guidelines set forth in their respective M.O.U.

1008.1.2 MILITARY LEAVE

The provisions of the California Military and Veterans Code and the Federal Service members Employment and Re-employment Rights Act shall govern military leave of County employees. All employees submitting request for military leave must do so no less than thirty (30) days prior to the date that the leave will be taken. If the employee receives orders for active duty from his or her military unit less than thirty (30) days prior to the date, (s)he shall notify their supervisor within 24 hours of receipt of such military orders.

1008.1.3 FAMILY LEAVE

Family leave shall be granted in accordance with the Family Medical Leave Act (F.M.L.A.), applicable state and County rules and regulations, and the M.O.U.'s currently in effect.

Any permanent or probationary employee occupying a permanent position or any employee with 12 months of service and who has at least 1250 hours of service during the first 12 months shall

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be granted Family Care and Medical Leave which shall be administered in accordance with the State Family Care and Medical Leave Act and the Federal Family and Medical Leave Act of 1993. Such leave shall run concurrently with any other leave provided under this code. Use of accrued vacation, sick, compensatory time or holiday credits shall not be pre-condition for the granting of leave under this section except for leave because of an employee's own health condition, for which the employee shall use any accrued sick leave.

Employees who take family leave shall not be discriminated against in terms of retention, promotion, assignment or transfer.

1008.1.4 PARENTAL LEAVE

Parental leave shall be administered consistent with the applicable provisions of state and federal law and the County Ordinance Code (2.71.140(d)(1)g). An employee-parent of either sex may be granted a leave of absence without pay for the purpose of fulfilling parenting responsibilities during the period of one (1) year following the child's birth, or one (1) year following the placement of a child with an employee in connection with the adoption or foster care of the child by the employee. Leave under this section shall be for a maximum period of thirteen (13) bi-weekly pay periods. Leave must be taken in increments of two weeks or longer except as provided by law. Use of vacation, sick compensatory time or holiday credits shall not be a pre-condition for the granting of leave under this subsection.

Reasonable efforts shall be made to allow pregnant employees to work as long as they are able during their pregnancy and to encourage employees to return to the Office upon completion of their leave. When an employee makes notification that she is pregnant and present medical certification that she can no longer fulfill her regular duty assignments, division commanders shall make every effort to locate alternative assignments with the specifications, every effort will be made to place her in an appropriate assignment in another division/bureau. These assignments shall be predicated upon the extent of the employee's medical restriction and safety, and the Office's security, safety and staffing needs.

Employees who take parental leave shall not be discriminated against in the terms of retention, promotion, assignment or transfer. Related Codes: California Family Rights Act (CFRA) Government Code 12945.2 California Code of Regulations 7297.3

1008.1.5 LEAVE WITHOUT PAY

Leave without pay may be granted for any of the following reasons:

- (a) Illness beyond that covered by sick leave.
- (b) Education or training which will benefit. (is this a complete sentence/thought?)
- (c) Other personal reasons which do not cause inconvenience to the Sheriff's Office or which do not create a conflict of interest.
- (d) Parental leave as described under "Maternity Leave" above.

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1008.1.6 LEAVES OF ABSENCE

Leaves of absence may be taken for up to one year except that parental leave shall not be for more than six (6) months. However, if a leave of absence is based on a disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery there from, disability leave may be granted for one year only after all accrued sick leave credits have been use and shall be substantiated by a physician's statement.

All Sheriff's Office employees wishing to take a leave of absence without pay shall submit a written request on the request form that is available from the Professional Standards Bureau before taking such leave. (still hard copy or in WorkDay?)

It will be the policy of the San Mateo County Sheriff's Office that sworn personnel taking a leave of absence without pay as described in County Ordinance Section 2.71.140 will not retain their peace officer status as set forth in California Penal Code Section 830.1.

In all cases where a probationary employee is granted a leave of absence, upon return to duty, that employee shall complete the probationary period and shall be subject to all of the civil service rules concerning and governing probationers.

1008.1.7 JURY DUTY LEAVE

Employees shall be allowed to respond to a summons for Jury Duty in accordance with the applicable collective bargaining agreement.

Employees shall notify their supervisors immediately upon receipt of a summons for jury duty and again when their jury duty is complete. Any employee required to appear for jury duty shall notify their supervisor as soon as possible after being ordered to appear. So that the employee can receive jury duty pay pay, (s)he shall request from the jury commissioner's office proof of service on the jury panel and shall submit to the Professional Standards Bureau (PSB) Payroll Unit the first day upon return to work. If the employee receives jury duty compensation in addition to the employee's compensation, the employee shall immediately turn all compensation (other than mileage) in to the PSB Payroll Unit.

1008.1.8 COMPENSATORY AND HOLIDAY TIME OFF

Compensatory/Holiday time off shall be granted in accordance with County rules and M.O.U.s in effect.

- (a) Each Division will design a policy for allowing employees to sign up in advance for compensatory time off. An employee will be permitted to use compensatory time on the date requested unless the use of the compensatory time off would unduly disrupt organizational operations (29 CFR 553.21).
- (b) Use of compensatory and accrued holiday time must be requested a minimum of five (5) days in advance from the employee's immediate supervisor.

1008.1.9 VOLUNTARY TIME OFF (VTO)

The intent of the County's Voluntary Time Off (VTO) Policy is to "reduce County cost and help employees balance their work and family needs." This privilege provides flexible working hours for

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County employees and permits employees to use this time to reduce their workday, work week or schedule blocks of time off. An important feature of the policy provides that "no excessive workload will be imposed upon those who do not participate." In no case will an employee who is on VTO be replaced on overtime.

The Sheriff's Office use of VTO must address the following concern:

- (a) Due to the workload throughout the Office, it is difficult to identify assignments that can accommodate a significant "reduction in work" without reducing productivity, increasing the workload of other staff, or creating the necessity for overtime or extra-help support. Therefore, VTO will be limited to the following needs: 1) An employee medical/emergency. 2) A special personal or family care. 3) A reduction of County cost to avoid or minimize lay-offs.
- (b) Requests will be considered on a case-by-case basis and must not exceed 20%. The request must contain a clearly documented work plan showing that the Office's approval will not produce excessive workload for those who do not participate in VTO.
- (c) Employees must forward their request and proposed work plan to their immediate supervisor/manager. The supervisor/manager will then make a recommendation based on the information received and forward it to the Division Commander for review. Professional Standards and the Sheriff's Office Executive Staff will review all recommendations.

1008.1.10 RETURN TO WORK

All employees who have been on any type of leave for thirty calendar days or more, shall contact the Sheriff's Office Risk Manager and complete a Return to Work Authorization form. This form and authorization shall be completed prior to the employee being allowed to return to work.

Communicable Diseases

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of San Mateo County Sheriff's Office members contracting and/or spreading communicable diseases.

1009.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the San Mateo County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1009.2 POLICY

The San Mateo County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1009.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that San Mateo County Sheriff's Office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

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2. Bloodborne pathogen mandates including (8 CCR 5193):
 - (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
 3. Airborne transmissible disease mandates including (8 CCR 5199):
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person who may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other San Mateo County Sheriff's Office members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the San Mateo County Sheriff's Office website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1009.4 EXPOSURE PREVENTION AND MITIGATION

1009.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or San Mateo County Sheriff's Office vehicles, as applicable.
- (b) Wearing San Mateo County Sheriff's Office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

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- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1009.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1009.5 POST EXPOSURE

1009.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1009.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident

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- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1009.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

San Mateo County Sheriff's Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1009.5.4 COUNSELING

The San Mateo County Sheriff's Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1009.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1009.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1009.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1010.1 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 San Mateo County Sheriff's Office 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, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1010.2 POLICY

The San Mateo County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all Office facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1010.3 SMOKING AND TOBACCO USE

All sworn employees hired after October 1, 2004, shall be required to sign a "Statement of Acceptance" evidencing their agreement to refrain from using tobacco products at anytime, and acknowledging that a violation of said Agreement shall be subject to disciplinary action up to and including dismissal (SMC Resolution #066800).

1010.4 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.).

1010.4.1 NOTICE

The Sheriff or the authorized designee should ensure that proper signage is posted at each entrance to an Office facility (Labor Code § 6404.5).

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 San Mateo County Sheriff's Office. 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 San Mateo County Sheriff's Office takes seriously all complaints regarding the service provided by the San Mateo County Sheriff's Office and the conduct of its members.

The San Mateo County Sheriff's Office 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 San Mateo County Sheriff's Office 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 a San Mateo County Sheriff's Office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate 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 San Mateo County Sheriff's Office.

1011.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which a supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused employee.

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 employee or referred to the Professional Standards Bureau, depending on the seriousness and complexity of the investigation.

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.

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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 San Mateo County Sheriff's Office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint 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.

1011.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1011.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the San Mateo County Sheriff's Office facility and be accessible through the San Mateo County Sheriff's Office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1011.4.2 ACCEPTANCE

All complaints will be courteously accepted by any San Mateo County Sheriff's Office 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 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.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the San Mateo County Sheriff's Office (Penal Code § 832.7).

1011.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The San Mateo County Sheriff's Office shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1011.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the San Mateo County Sheriff's Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1011.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1011.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor 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 complaint form is completed.
 - 1. The original complaint form will be directed to the supervisor of the accused employee, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. The Supervisor will notify the Professional Standards Bureau Sergeant and request a complaint number be issued for tracking purposes.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - (a) Follow-up contact with the complainant should be made within 24 hours (or the next duty day) of the Office receiving the complaint.
 - (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Professional Standards Bureau..
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the supervisor, PSB and Sheriff are notified, via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Department, PSB and the employee's supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to PSB who will determine whether to contact the complainant or assign the complaint for investigation.

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- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused employee are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1011.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a Professional Standards Bureau investigator, the following applies to employees covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, they shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the San Mateo County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, the employee shall be informed of the nature of the investigation, the name, rank and command of the deputy investigator in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee 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.
- (g) The interviewer shall record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (h) All employees 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 employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee 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).

1011.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

INVESTIGATIVE REPORT FORMAT

An Internal Affairs investigation will be reported utilizing the following headings:

BACKGROUND- A general description of the facts alleged

INVESTIGATION- The substance of the investigation, including statements of witnesses and accused employees

FACTUAL FINDINGS- An analysis of the facts making findings regarding what the investigation revealed. This analysis may include findings regarding the credibility of witnesses.

CONCLUSIONS- An application of the factual findings to the allegations, including supporting analysis. The conclusions will include references to the appropriate sections of Policy Manual, other policies and procedures, County civil service rules, or Federal, State or local law. The conclusions as to each allegation will be based on a preponderance of the evidence standard. The conclusions will be: exonerated, unfounded, not sustained, sustained, or no finding.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

Investigations conducted by Bureau Commanders or Bureau Supervisors should follow the same investigative format as the Internal Affairs Unit.

1011.6.4 DISPOSITIONS

Every Personnel Investigation will be concluded with one of following dispositions for each charge indicated in the complaint:

- **Sustained** - means 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 Sections 3304 and 3304.5 of the Government Code, that the actions of the peace officer or custodial officer were found to violate law or department policy (Penal Code § 832.8).

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- **Not Sustained** - means the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation made in the complaint.
- **Unfounded** - means that an investigation clearly establishes that the allegation is not true.
- **Exonerated** - means the act or acts, which provided the basis for the allegation or complaint occurred, however, the investigation revealed they were justified, lawful, and proper.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1011.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within forty-five days and no later than 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 completed 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.

1011.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1011.7 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 storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1011.7.1 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

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1011.8 ADMINISTRATIVE LEAVE

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 San Mateo County Sheriff's Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any San Mateo County Sheriff's Office badge, identification, assigned weapons and any other San Mateo County Sheriff's Office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) 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.

1011.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, the district attorney's office shall be requested 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 member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of their constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The San Mateo County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1011.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1011.10.1 DIVISION CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Assistant Sheriff of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

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The Assistant Sheriff 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 Sheriff, the Assistant Sheriff may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Assistant Sheriff shall include all relevant materials supporting the recommendation. Actual copies of the employee's existing personnel file need not be provided and may be incorporated by reference.

1011.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Assistant Sheriff for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the 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 shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Sheriff shall also provide the member with:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within ten days of receiving the notice.
 - (a) Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
 - (b) If the member elects to respond orally, the presentation may be recorded by the San Mateo County Sheriff's Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1011.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

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)).

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1011.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(e)).

1011.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff 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 response 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 Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, 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 Sheriff on the limited issues of information raised in any subsequent materials.

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.

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 or any right to appeal. However, any probationary deputy subjected to an investigation into allegations of misconduct shall be

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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 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 Sheriff 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 the Personnel Records Policy.

Seat Belts

1012.1 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 County 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 non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1012.2 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any Office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1012.3 INOPERABLE SEAT BELTS

County vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

County vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1012.4 POLICY

It is the policy of the San Mateo County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision. (Why is this here and not before?)

1012.5 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

Seat Belts

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).

1012.6 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.

1012.7 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. (A concern I've heard is the unknown if the MDTs are in the way if airbags are deployed.)

Body Armor & External Vest Carrier

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor and establishes standardized uniform guidelines for External Vest Carriers (EVC). The EVC is limited to one office-wide design that allows for the relocation of equipment from a duty belt while maintaining a standardized professional appearance.

1013.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1013.3 ISSUANCE OF BODY ARMOR

The Training Unit shall ensure that level IIIA body armor is issued to all deputies when the deputy begins service at the San Mateo County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Training Unit shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1013.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Deputies shall only wear Sheriff's Office-approved body armor.
- (b) Deputies should wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when a deputy is working in uniform or taking part in Sheriff's Office range training.
- (e) A deputy may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1013.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body

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armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1013.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1013.4 EXTERNAL VEST CARRIER (EVC)

The EVC is authorized to be worn with the Class "B" and "C" uniforms with the brass badge, name plate and authorized unit pins. In addition, the EVC is authorized to be worn with the Class "D" uniform also known as the "PDU" uniform, and may utilize cloth badges and patches attached with Velcro. All EVCs shall be configured to allow for Class "B," "C" and "D" uniforms. The EVC will not be authorized for use with the Class "E" uniform, also known as the 5.11 black and tan uniform.

Sheriff's personnel assigned to the Narcotics Task Force, Vehicle Theft Task Force, Crime Suppression Unit and Bomb Squad are exempt from this order. They are provided with the BPS Tactical vest, which is black in color. This vest is designed for specialty units and does not have buttons or other Class B uniform characteristics. S.W.A.T. personnel are also exempt from this order and are provided with their own tactical vests and plate carriers.

Sheriff's sworn personnel who wear an EVC will utilize the following specifications:

Authorized Vendor: The Blankenship Police Supply (BPS) Exterior Uniform Style Vest Carrier (EVC) is the authorized external vest for all sworn personnel.

The following configuration shall be followed:

- Color: LAPD blue

The EVC Side Flap will support the following items:

- ASP baton holder
- Flashlight holder

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The EVC opposite Side Flap will support the following items:

- OC holder
- Glove pouch / tourniquet pouch

The Front of the EVC will support the following items:

- Radio holder
- Spare magazine holders (2-3 handgun magazines)
- Admins pouch w/ handcuff holder
- Badge holder (Velcro underneath for badge patch for Class "D" uniform)
- Brass name plate (Velcro underneath for name patch for Class "D" uniform)
- Front plastic buttons (Top to bottom, including pockets)
- Breast pockets with pleat and plastic buttons
- Lapel affixed to shoulder with gold colored buttons

The Rear of the EVC will support the following items:

- Handcuff holder on bottom of each side (Optional)
- Concealable "SHERIFF" patch

The primary duty firearm and Taser™ are not authorized to wear on vest and will remain on the duty belt.

A secondary firearm shall be carried in compliance with the Firearms Policy:

Secondary firearms may be carried only with the approval of the Division Captain. Secondary firearms must be carried in a "breast" holster securely fastened to the deputy's ballistic vest, or an ankle holster laced or otherwise securely fastened with a safety strap or in a pocket holster.

When used as part of the Range Staff uniform, a red EVC will be allowed. The vendor will be specified by this Policy.

1013.5 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Sheriff's Office approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

Personnel Files

1014.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this Office to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1014.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual deputy's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information.
- (b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which the deputy participated, or which the deputy perceived, and pertaining to the manner in which the deputy performed official duties.
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1014.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

Personnel File - That file which is maintained in the Bureau of Professional Standards Office and County Human Resources as a permanent record of a sworn deputy's employment with the Sheriff's Office.

Employee's Traveling, Traveler or Blue File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations. (i.e. any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of the Sheriff's Office prior to the next regularly scheduled performance evaluation).

Training File - Any file which documents the training records of an employee.

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Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

1014.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the County Manager, County Counsel or other attorneys or representatives of the County in connection with official business.

1014.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Professional Standards Lieutenant, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

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 will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1014.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved deputy or written authorization of the Sheriff or their designee.

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 employee of this Office may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

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The Sheriff's Office may also release any factual information concerning a disciplinary investigation if the deputy who is the subject of the investigation (or the deputy's representative) publicly makes a statement which is published in the media and which the deputy (or representative) knew 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(d)).

1014.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to their own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from their personnel file shall file a written request to the Sheriff through the chain of command. The Sheriff's Office shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the Office's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

- (a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
- (b) Confidential portions of Internal Affairs files which have not been sustained against the employee

1014.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

1014.7.1 PERSONNEL FILE

The Personnel file should contain, but is not limited to, the following:

- (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be maintained
- (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained in accordance with the Sheriff's Records Retention Policy and applicable statutes.
 - 1. It shall be the responsibility of the involved employee to provide the Training Manager and immediate supervisor with evidence of completed training/education in a timely manner. The Training Manager and employee's supervisor shall ensure that copies of such training records are placed in the employee's personnel file.
 - 2. The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's personnel file.

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(c) Disciplinary action:

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's personnel file in accordance with the Sheriff's Records Retention Policy and applicable statutes.
2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's personnel file at least five years (Penal Code § 832.5 for peace officers and custodial officers) and in accordance with the Sheriff's Records Retention Policy and applicable statutes.
3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's personnel file, but will be separately maintained in accordance with the Sheriff's Records Retention Policy and applicable statutes.

(d)

Adverse comments, such as Employee's Traveling, Traveler or Blue File entries, may be retained in the personnel file after the employee has had the opportunity to read and initial the comment in accordance with the Sheriff's Records Retention Policy and applicable statutes. Should the employee refuse to sign, that fact shall be noted on that document, and signed or initialed by such employee (Government Code § 3305 for public safety officers).

1. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
2. Any such employee response shall be attached to and retained with the original adverse comment.
3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's personnel file, with a copy provided to the involved employee.

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.

(g) A photograph of the employee shall be permanently retained.

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1014.7.2 EMPLOYEE'S TRAVELING, TRAVELER OR BLUE FILE

The Division File should contain, but is not limited to, the following:

- (a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations
 - 1. All 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 3306.
 - 2. Duplicate copies of items that will also be included in the employee's Personnel file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
 - 3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.
- (b) All rules of confidentiality and disclosure shall apply equally to the division file.

1014.7.3 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau as the designated custodian of Personnel Files for the Sheriff. A member of the Executive Team or any manager in the Professional Standards Bureau may only approve access to these files.

These files shall contain:

- (a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition
 - 1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).
 - 2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b) for peace officers and custodial officers) and in accordance with the Sheriff's Records Retention Policy and applicable statutes.
- (b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period and in accordance with the Sheriff's Records Retention Policy and applicable statutes; but, may not be used by the Sheriff's Office to adversely affect an employee's career (Penal Code §832.5 (c) for peace officers and custodial officers).

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1014.7.4 TRAINING FILES

An individual training file shall be maintained by the Training Unit for each employee. Training files will contain records of all training and education mandated by law or the Sheriff's Office, including firearms qualifications and mandated annual proficiency requalification.

- (a) It shall be the responsibility of the involved employee to provide the Training Manager and their own immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager and the employee's immediate supervisor shall ensure that copies of such training records are placed in the employee's training file.

1014.7.5 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- (a) Materials relating to medical leaves of absence.
- (b) Documents relating to workers compensation claims or 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 which reveal an employee's medical condition.
- (e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1014.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5) for peace officers and custodial officers) and in accordance with the Sheriff's Records Retention Policy and any other applicable statutes.

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 26202) and in accordance with the Sheriff's Records Retention Policy and any other applicable statutes.

- (a) Supervisors responsible for completing employees' performance evaluations may recommend whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal

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proceedings (i.e. the same pattern of behavior appears to continue, or other suitable reason).

- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command to the Executive Team and such retention is subject to final approval of the Sheriff.
- (c) Upon assignment to a new supervisor and well in advance of the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of a member of the Executive Team, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed in accordance with the Sheriff's Records Retention Policy.

Request for Change of Assignment

1015.1 PURPOSE AND SCOPE

It is the intent of the Sheriff's Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1015.2 REQUEST FOR CHANGE OF ASSIGNMENT FORM/SURVEY

Personnel wishing a change of assignment will complete the annual survey. Employees requesting assignment to a specialty unit will do so via inter-office memorandum.

1015.2.1 PURPOSE OF FORM

The form is designed to aid employees in expressing their interest in specific assignments.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

Awards and Commendations

1016.1 PURPOSE AND SCOPE

The San Mateo County Sheriff's Office expects a high level of professional conduct from all employees; however, Office members frequently perform their duties in a manner exceeding the highest standards of the Office. When such conduct occurs, official commendations will be made. Commendations may either originate from citizens or from within the Office. Additionally, the Office honors those citizens of the community who substantially assist the Office in an extraordinary manner beyond their normal civic responsibilities.

1016.2 ELIGIBILITY AND NOMINATION

All Office members are eligible within their respective award categories. All Volunteers and Reserve Deputies are eligible for the awards. Nominations shall be made in accordance with the following procedures:

1016.2.1 SOURCE OF NOMINATION

Nominations for awards may come from any individual within or outside the Office.

1016.2.2 METHOD OF NOMINATION

When an Office member performs an act worthy of consideration of a Sheriff's Office award, it is submitted on a regular interdepartmental memorandum form that is forwarded to the Bureau Captain of the nominee's unit. Included in this memorandum is full documentation of the incident and the full name of the person commended. If more than one person participated in the meritorious act, all names are included in the single memo form along with the circumstances of the event in chronological sequence along with charts, diagrams or photographs, if warranted, due to unusual circumstances.

1016.2.3 BUREAU CAPTAIN'S RESPONSIBILITY

The nominee's Bureau Captain will review the report and forward it to the Awards and Commendations Board Chair, which is responsible for evaluating, classifying, formally preparing commendation reports and recommending appropriate action to the Sheriff via the Chain of Command.

1016.3 GENERAL PROVISION

An Awards and Commendations Board is hereby established, and is responsible for evaluating and classifying commendation reports and for recommending appropriate action to the Sheriff.

1016.4 MEMBERSHIP OF BOARD

The Board is comprised of Captains and Assistant Sheriffs representing the Operations and Corrections Divisions and the Office of the Sheriff.

Allocation of membership is as follows:

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- The Assistant Sheriff and five Captains from the Operations Division.
- The Assistant Sheriff and two Captains from the Corrections Division.
- The Directors from the Forensic Laboratory, Finance and Technical Services.

The Support Services Assistant Sheriff will chair the board. The Support Services Assistant Sheriff is a non-voting member with the exception of tie-breaking votes. The Support Services Assistant Sheriff may also be considered as the final member in order to establish a quorum.

1016.4.1 NUMBER REQUIRED FOR A QUORUM

At least seven of the twelve representatives must be present to vote on commendation reports. Each representative will have one vote.

1016.4.2 FREQUENCY OF MEETINGS

The Board will meet regularly at the call of the chairperson to review such commendation reports as are forwarded according to the prescribed procedures. The meeting will occur at the end of the Wednesday Command Staff meeting on an as needed basis.

1016.5 AWARDS COMMITTEE PROCEDURES

The Awards and Commendation Board will evaluate the basis of nomination for the awards from all nominations submitted and will recommend which type of award or commendation is merited, if any, in each case. It may also conduct any necessary additional investigation of the incident. The recommending Bureau Captain or designee will conduct the follow-up as needed.

1016.6 REVIEW OF RECOMMENDATIONS

The chairperson, or a designee of the chairperson, will review all nominations for completion and accuracy and return the nomination, if necessary, to the originator.

1016.7 PLACEMENT IN PERSONNEL FILE

The Board may return a nominee's name to the Bureau Commander, recommending that the letter for commendation be inserted in the individual's personnel file.

1016.8 SELECTION OF RECIPIENTS

The Awards and Commendation Board will select the members to receive awards. A simple majority vote of Board members will decide.

1016.8.1 OBTAINING APPROVAL OF THE SHERIFF

The Chair of the Awards and Commendation Committee will present the Board's findings to the Undersheriff, who will in turn convey the Board's recommendations to the Sheriff for approval.

1016.8.2 DISAPPROVAL BY THE SHERIFF

The Sheriff may disapprove of the Board's recommendation; however, if this occurs, the Board and the Sheriff or his/her designee will meet to discuss the recommendation.

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1016.9 ABSTENTION FROM VOTING

Any member of the Board may request to be excluded from consideration of a nominee for an award if the member feels biased or prejudiced toward the nominee.

1016.10 AWARD PRESENTATIONS

The Sheriff or his/her designee will present approved awards at the earliest opportunity. Awards presented to citizens may be made by the Sheriff or a designee.

1016.10.1 PUBLIC INFORMATION OFFICER (PIO) RESPONSIBILITIES

The PIO will notify the news media of the event, a summary of the circumstances, and who the recipients of these awards are.

1016.11 AWARDS FOR MERITORIOUS SERVICE

The following awards are hereby established and are presented to those Office members in accordance with the criteria established for each award.

1016.11.1 MEDAL OF HONOR

Awarded to any deputy killed in the line of duty, or at the risk of such deputy's own life, displays extreme courage, bravery and devotion to duty in exposing oneself to grave danger in the face of a seemingly hopeless situation, notwithstanding the deputy's own imminent peril. The Sheriff's Medal of Honor recipient must have demonstrated that there was a conscious awareness of the imminent threat to physical safety at the time the action was performed.

1016.11.2 MEDAL OF VALOR

Awarded to any deputy who distinguishes himself or herself by conspicuous bravery in the performance of such deputy's sworn duties under unusual, complicated or hazardous conditions where the deputy used excellent judgment in accomplishing an assigned mission, including sustaining human life.

1016.11.3 MEDAL OF BRAVERY

Awarded to any deputy who receives a serious wound or injury or performs an exemplary act under unusual, hazardous or complicated conditions where the deputy used good or sound judgment in accordance with the high standards of the San Mateo County Sheriff's Office.

1016.11.4 MEDAL OF DISTINGUISHED SERVICE

Awarded to Office members for outstanding service to the community or the Office, which reflects credit upon law enforcement in its highest tradition.

1016.11.5 MEDAL OF LIFESAVING

Awarded to any deputy who performs an exceptional act under emergency conditions, not involving bravery, wherein a service is rendered that results directly in sustaining a human life.

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1016.12 COMMENDATIONS

Commendations for actions or performance, which are well above average in quality but not sufficiently outstanding to justify one of the foregoing awards, may be recognized in accordance with the following procedures:

1016.12.1 SHERIFF'S COMMENDATION CERTIFICATE

For extraordinary service deserving of official notice.

1016.12.2 LETTER OF COMMENDATION MEMORANDUM

For recognition from a Division Commander or by a Bureau Lieutenant.

1016.12.3 SPECIAL MERIT AWARD CERTIFICATE

- (a) Awarded to any employee for consistently performing especially meritorious work.
- (b) Awarded to any employee for performing other especially meritorious public safety work not covered in the above categories, such as:
 - Community service work.
 - Outside volunteer services.
 - Day-to-day excellence.

1016.13 COMMUNITY AWARDS (CITIZEN AND BUSINESS)

The following awards are hereby established and are presented to those community members or business owners in accordance with the criteria established for each award.

1016.13.1 COMMUNITY MEMBER SERVICE AWARD

Awarded to a community member(s) substantially assisting the San Mateo County Sheriff's Office in the apprehension of a suspect or in any other emergency or situation in which the citizen contributed in an extraordinary manner to the Sheriff's Office. The award may take the form of a letter, certificate or any other special commendation as determined by the Awards Board.

1016.13.2 COMMUNITY MEMBER BRAVERY AWARD

Awarded to any community member(s) who distinguishes himself or herself by bravery while assisting a deputy and/or another member of the community; or who performs an act under emergency conditions, wherein a service is rendered which results directly in sustaining a human life. The award is in the form of a plaque.

1016.13.3 CRIME PREVENTION AWARD

The Sheriff's Crime Prevention Award can be given to individuals, businesses, or groups who have acted in ways that clearly demonstrate a commitment to advancing the interests of public safety in their community.

Fitness for Duty

1017.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of the Sheriff's Office remain fit for duty and able to perform their job functions (Government Code § 1031).

1017.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this office to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this office shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1017.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Supervisor or employee's available Assistant Sheriff, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

1017.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

Fitness for Duty

1017.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of a Assistant Sheriff, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1017.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Sheriff's Office with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10(c)(8)(A)). If the employee places their condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).
- (c) In order to facilitate the examination of any employee, the Sheriff's Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

Fitness for Duty

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume their duties.

1017.7 LIMITATION ON HOURS WORKED

Absent emergency operations employees shall not work more than:

- 18 hours in one day (24 hour) period

Except in very limited circumstances employees should have a minimum of eight hours off between shifts. Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

Concerning any employees who has exceeded the above guidelines, supervisors should consider reasonable rest periods and are authorized to deny overtime or provide relief to an off-duty status those employees who might have less than a minimum of eight hours off between shifts.

1017.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Meal Periods and Breaks

1018.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the County Manager.

1018.1.1 MEAL PERIODS

Designated sworn employees shall remain on duty subject to call during meal breaks depending on their assignment, such as patrol and corrections. All other employees are not on call during meal breaks unless directed otherwise by a supervisor, and therefore must take at least a 30 minute unpaid meal break during a shift lasting more than five (5) hours.

1018.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to a correctional facility shall remain in the facility for their breaks. This would not prohibit them from taking a break outside the facility with a supervisor's approval.

Field deputies will take their breaks in proximity to their assigned areas, subject to call and shall monitor their radios.

Lactation Break Policy

1019.1 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 (29 USC § 207 and Labor Code §§ 1030-1032).

1019.2 POLICY

It is the policy of this Office 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 and Labor Code § 1030).

1019.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). 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 operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1019.4 PRIVATE LOCATION

The Sheriff's Office 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 and 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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Lactation Break Policy

1019.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the employee ends her shift.

Timecard and Payroll Procedures

1020.1 PURPOSE AND SCOPE

Payroll records are submitted to the Payroll Unit on a weekly basis for the payment of wages.

1020.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1020.2 TIMECARDS

All employees must submit their timecards on a timely basis in compliance with the policies of the Sheriff's Office. All time will be charged to the employee's home organization unless there is specific authorization attached to the timecard charging the time to another organization unit. For purposes of this order, "Specific Authorization" for charges to other than the employee's home organization shall be as follows:

- (a) Normal hours - Approval by the employee's ATKS supervisor.
- (b) Overtime hours - See Overtime Compensation Request Policy

1020.2.1 APPROVAL PROCESS

Electronic timecards are to be approved by a Supervisor of the submitting employee.

- (a) Supervisory personnel are responsible for ensuring that all of their staff's timecards are received, approved and submitted to the Payroll Unit on a timely basis and prior to the stipulated deadline.
- (b) Supervisory personnel must check all timecards to ensure that they are complete. This includes the number of hours for the pay period and any charge codes that are necessary.
- (c) It is the responsibility of the Supervisory personnel to complete and submit a timecard for any employee that is on vacation or sick. In the absence of a timecard, Payroll staff will complete the timecard as cited in Section 1020.1.4.

Any edits to timecard by payroll staff will have a notation in the comments section on the timecard. Employees will get an electronic message that their timecard has been changed and they can go and review the changes on-line.

1020.2.2 TIMECARD NOT SUBMITTED

In the event timecards are not submitted by the due date and time, Payroll staff will have to complete this in order for the employee to be paid. Payroll staff will use accrued time in the following sequence to make up the required number of hours for the pay period.

- Vacation hours
- Holiday hours
- Comp hours

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Timecard and Payroll Procedures

If the employee does not have sufficient accrued hours in the above categories then the timecard will be processed as "without pay" status.

1020.2.3 CORRECTIONS

Any timecards corrections must be made in a written or electronic request and approved by the employee's supervisor, then forwarded to the Payroll Unit.

Overtime Compensation Requests

1021.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (M.O.U.), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit electronic and paper overtime forms as soon as practical after overtime is worked.

1021.2 POLICY

Because of the nature of law enforcement work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Office.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

1021.3 OVERTIME

All hours worked in excess of normal work hours will be considered overtime and will be compensated at a rate as agreed to in the memorandums of understanding with the various employee representation groups and / or compensated at a rate required by controlling law. All overtime authorized or worked will comply with state and federal laws and regulations as well as the current County Codes, County Personnel Policies and Procedures, written agreements with the County of San Mateo and officially recognized employee organizations.

All requests to work overtime shall be approved in advance by a supervisor in the workgroup where the overtime is worked. 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.

The fact that time worked may be classified as "overtime" for the purposes of payroll or coding of an employee's time card does not indicate that the shift or the time worked it is "overtime" for the purposes of the Fair Labor Standards Act or any other applicable legal mandate.

- (a) Hours and/or days that employees work which fall outside their normal scheduled working hours or shift, will be considered as overtime. Occasionally, it may be necessary for a supervisor or commanding officer to change an employee's normal working hours and/or days. In this case, those hours worked outside of the normal work schedule will not be considered overtime except for any hours that exceed the employee's rescheduled normal work day or hours.

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Overtime Compensation Requests

- (b) Except in emergency situations, the following rules will be adhered to when working overtime. (For purposes of the policy manual, emergency situations may include, but are not limited to: response to a subpoena, needs of the Office in response to public safety, other situations as directed by a supervisor or commanding officer.)
 - 1. No employee will work more than forty-eight (48) hours of overtime within a pay period.
 - 2. If an employee works over 48 hours of overtime, then the overtime form must include the reason for the exception and be signed by the shift supervisor authorizing the overtime. Bureau commanders must also authorize overtime worked in excess of the 48-hour limitation.
 - 3. No employee shall work more than eighteen (18) consecutive hours including outside employment.
 - 4. Employees shall ensure that they have adequate rest between shifts/ assignments. In any event, no employee shall report for duty with less than eight (8) hours off duty time before and after their regular or overtime shift.
 - 5. It is the duty of the employee to track their work hours, and inform their supervisor when time limitations are reached.
 - 6. Sergeants will not work overtime shifts outside of their rank classification.
- (c) An employee who is on C.T.O. (compensatory time off) cannot work overtime except as ordered to in emergency situations. If an employee is ordered to report to work while off on C.T.O., they will be considered to have had the C.T.O. canceled.

1021.3.1 MANDATORY OVERTIME

Supervisors are authorized to order personnel to work beyond their normal duty hours, or, if they are off-duty, to report for duty when they believe conditions exist that require such measures.

- (a) Those personnel ordered to work shall do so unless excused by the ordering supervisor for good cause.
- (b) Supervisors exercising this authority shall submit a brief written report to the division captain through the chain of command.

1021.4 REQUEST FOR OVERTIME COMPENSATION

All hours worked in excess of normal work hours will be considered overtime and will be compensated at a rate as agreed to in the memorandums of understanding with the various employee representation groups and / or compensated at a rate required by controlling law. Employees will only be compensated for overtime ordered and/or authorized by a Division Commanding Officer, Bureau Supervisor or immediate supervisor.

Employees shall submit all overtime compensation forms electronically to their immediate shift supervisor as soon as practicable for verification. Paper overtime forms will also need to be signed by the supervisor and forwarded to the Sheriff's Payroll Unit after electronic submission.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

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Overtime Compensation Requests

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the maximum amount of compensatory time allowed in the Memorandum of Understanding.

1021.4.1 EMPLOYEES RESPONSIBILITY

Employees shall complete both electronic and paper overtime forms immediately after working overtime and submit them to a supervisor of the unit in which the overtime was worked. If the employee works overtime in his/her assigned department, overtime should be submitted directly on his/her timecard in addition to a paper overtime form submission. Employees submitting overtime forms for being called into work while receiving on-call pay shall submit overtime forms to their immediate supervisor the first day after returning for work.

1021.4.2 SUPERVISORS RESPONSIBILITY

Supervisors presented with electronic and paper overtime forms from an employee shall first verify that the overtime was in fact worked before processing, signing or initialing both overtime forms before the payroll deadline established by the Sheriff's Office.

1021.4.3 APPROVAL AND SUBMISSION OF OVERTIME FORMS

Employees working overtime shall submit both electronic and paper overtime forms to the supervisor of the unit that is paying for the overtime. If the employee is working in their home charge department, then electronic submission on their time card as well as a paper overtime form shall be submitted. Whenever possible, the employee working the overtime should have the overtime form approved during the overtime shift being worked. If that is not possible, the employee should have a supervisor from that shift approve the overtime before the end of the pay period in which the overtime was worked. Employees who, for reasons beyond their control, are unable to have the overtime authorization form approved by a supervisor of the unit in which the overtime was worked, must have the form approved by the Lieutenant of the unit in which the overtime was worked.

Approved paper overtime forms must be submitted to Payroll staff in support of any overtime hours worked that is recorded on the electronic timecard. In cases where the overtime was worked at the end of a pay period and it was not possible for the employee to submit the overtime authorization form with the time card, overtime authorization forms may be submitted in the pay period immediately following the period in which the overtime was worked.

Any overtime form submitted to the Payroll office for payment after the following pay period in which overtime was worked, will have to be approved by the next higher authority than the officer signing/approving the overtime. e.g. If the overtime form was approved and signed by the Sergeant, then the overtime form must be confirmed by the Lieutenant or higher. If the overtime was approved by the Lieutenant, then this has to be confirmed by the Captain or higher. Overtime forms received after the next pay period without the required approval/confirmation will not be processed, but returned to the employee to obtain the necessary signatures. Employees whose overtime forms are delivered late to the payroll office on a regular basis will be referred to the Bureau Lieutenant from which the employee is assigned for corrective action.

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Overtime Compensation Requests

- (a) Overtime will not be paid without the overtime hours being recorded on the electronic timecard with the support of the paper overtime form.
- (b) Overtime not electronically submitted will need a secondary approval on the paper overtime form for payment. Payroll personnel will process these submissions after the pay period has been closed.
- (c) Payroll personnel will remove any overtime hours on the electronic timecard that do not have supporting approved paper overtime form.
- (d) Any overtime hours removed will be reinstated when the approved paper overtime form is submitted to Payroll staff.

1021.5 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., three hours for Court).

1021.5.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

03-08 minutes = 0.1 Hour

09-14 minutes = 0.2 Hour

15-20 minutes = 0.3 Hour

21-26 minutes = 0.4 Hour

27-32 minutes = 0.5 Hour

33-38 minutes = 0.6 Hour

39-44 minutes = 0.7 Hour

45-50 minutes = 0.8 Hour

51-56 minutes = 0.9 Hour

57-60 minutes = 1.0 Hour

1021.5.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other deputy, the approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

1021.6 GUIDE TO ENTERING CODES IN ATKS

See attachment: [Guide Entering Codes Used in ATKS v July 16 2018.pdf](#)

Outside Employment

1022.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Outside Employment - Any employee who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Office for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Office for services, product(s) or benefits rendered.

Outside Overtime - Any employee who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this Office so that the Office may be reimbursed for the cost of wages and benefits.

1022.2 OBTAINING APPROVAL

No Sheriff's Office employee 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 which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the chain of command to the Support Services Division Assistant Sheriff and then presented to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

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)).

1022.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Sheriff's Office, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (M.O.U.).

1022.2.2 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 Office decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall satisfactory level of competency, the Sheriff may, at their 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 their 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 Sheriff's Office 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

1022.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Sheriff's Office 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 County time, facilities, equipment or supplies, the use of the Sheriff's Office 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 Office 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 an employee.
- (c) Involves the performance of an act in other than the employee's capacity as a Sheriff's Office employee that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee.
- (d) Involves time demands that would render performance of the employee's duties for this Office less efficient.

1022.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

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Consistent with the provisions of Penal Code § 70, employees may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position with written approval the employee's division commander, the Support Services Assistant Sheriff and the Sheriff.

Any private organization, entity or individual seeking special services for security or traffic control from Sheriff's employees must submit a written request to the Sheriff in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Sheriff's Office.

- (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 Sheriff's Office uniform/identification.
 2. The deputy(s) shall be subject to the rules and regulations of the Sheriff's Office.
 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.
 6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1022.3.2 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 Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1022.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the deputy's law enforcement status.

1022.4 SHERIFF'S OFFICE RESOURCES

Employees are prohibited from using any Sheriff's Office equipment or resources without the approval of the Sheriff or designee in the course of or for the benefit of any outside employment.

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This shall include the prohibition of access to official Sheriff's Office records or databases or other agencies through the use of the employee's position with this Office.

1022.4.1 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; Government Code § 1126). Prior to providing written approval for an outside employment position, the Office may request that an employee provide their personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Office becomes concerned that a conflict of interest exists based on a financial reason, the Office may request that the employee provide their personal financial records for review/audit. If the employee elects not to provide the requested records, their off-duty work permit may be revoked pursuant to the revocation/suspension of outside employment permits section of this policy.

1022.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates their outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Sheriff through channels. 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.

1022.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Employees engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five 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 their supervisor of their intentions regarding their work permit, a notice of revocation of the employee's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the County's professional medical advisors.

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- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the San Mateo County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

1023.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1023.2 POLICY

The San Mateo County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1023.3 RESPONSIBILITIES

1023.3.1 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).

All work related injuries and work related illnesses requiring medical care must be reported to the County's Workers' Compensation Administrator by calling the associated hotline (1-877-278-4041) within 24 hours from the time the injury was discovered, including weekends and holidays.

[See attachment: Work Injury/Illness - Provider Information and directions](#)

1023.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease, work-related injury, accident or illness should ensure the member receives prompt medical care as appropriate.

The supervisor shall complete a Supervisor's Report documenting the circumstances involving the Injury; complete the appropriate County Workers Compensation Form(s) and contact the County's Workers' Compensation Administrator by calling the associated hotline (1-877-278-4041). Copies of any reports documenting the accident should be forwarded to the Division Captain upon completion.

1023.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then

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be forwarded to the Professional Standards Bureau Management Analyst for further processing. A copy of the report should also be forwarded to the County's Risk Management Unit to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the Illness and Injury Prevention Policy.

1023.3.4 PROFESSIONAL STANDARDS LIEUTENANT'S RESPONSIBILITY

The Professional Standards Lieutenant shall review and forward copies of the report to the Executive Team, the Sheriff's Risk Management Unit and County Department of Human Resources. All copies of the report and any related documents retained by the Sheriff's Office shall be filed in the member's confidential medical file and not the employee's personnel file (per the Personnel Records Policy).

1023.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Assistant Sheriff through the chain of command and a copy sent to the Support Services Assistant Sheriff.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that there desired no medical attention at the time of the report. By signing, the member does not preclude their ability to later seek medical attention.

1023.5 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, their 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 their immediate supervisor as soon as possible.

1023.5.1 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.

Uniform Regulations

1024.1 PURPOSE AND SCOPE

The uniform policy of the San Mateo County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of Sheriff's Office uniforms. The San Mateo County Sheriff's Office 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 Policy Manual sections:

- Sheriff's Office Owned and Personal Property
- Body Armor & External Vest Carrier
- Personal Appearance Standards

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed. All sworn personnel shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

Personnel shall wear only the uniform specified for their rank and assignment.

The uniform is to be worn in compliance with the specifications set forth in the Sheriff's Office uniform specifications that are maintained separately from this policy.

All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Office functions or events. If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while they are off-duty.

Employees are not to purchase or drink alcoholic beverages while wearing any part of the Sheriff's Office uniform, including the uniform pants.

Mirrored sunglasses will not be worn with any Sheriff's Office uniform.

Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or the authorized designee.

- Wrist watch

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- Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
- Medical alert bracelet

1024.2.1 SHERIFF'S OFFICE ISSUED IDENTIFICATION

The Sheriff's Office issues each employee an official identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Sheriff's Office issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the Sheriff's Office, employees shall display their Office issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Assistant Sheriff.

1024.2.2 MINIMUM UNIFORM REQUIREMENTS

The items named in this section are required by each named personnel group.

(a) SWORN MANAGEMENT PERSONNEL

- Uniform Trouser
- Uniform Long Sleeve Shirt
- Appropriate Hosiery
- Uniform Tie
- Uniform Belt
- Ike Jacket Felt Campaign Hat
- Uniform Footwear
- Uniform Name Tag
- Uniform Badge
- Rank Insignia
- Black T-Shirt
- Approved Jacket
- PDU Trouser
- PDU Long Sleeve Shirt
- Approved Issued Raingear

(b) SERGEANT/DEPUTY SHERIFF

- Uniform Trouser

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- Uniform Long Sleeve Shirt
- Appropriate Hosiery
- Uniform Tie
- Uniform Belt
- Ike Jacket
- Felt Campaign Hat Uniform
- Uniform Footwear
- Uniform Badge
- Uniform Name Tag
- Rank Insignia (if applicable)
- Black T-Shirt
- Approved Jacket
- PDU Trouser
- PDU Long Sleeve Shirt
- Approved Issued Raingear
- (c) CORRECTIONAL OFFICER
 - Uniform Trouser
 - Uniform Long Sleeve Shirt
 - Uniform Tie
 - Felt Campaign Hat
 - Ike Jacket
 - Uniform Belt
 - Uniform Footwear
 - Uniform Badge
 - Uniform Name Tag
 - Black T-Shirt
 - PDU Trouser
 - PDU Long Sleeve Shirt

1024.2.3 EXTERNAL VEST CARRIER

See the Body Armor & External Vest Carrier Policy.

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1024.3 APPROVED UNIFORM

(a) SPECIFICATIONS-UNIFORM AND EQUIPMENT

The items named in this section shall constitute the approved basic uniform. Unless otherwise indicated, the approved uniform is the 100% wool, "LAPD Blue" Flying Cross Brand manufactured by the Fechheimer Company. Style number and description are as follows:

- 32289 Male Navy Wool Trouser
- 32287W Female Navy Wool Trouser
- 20W95 Male Navy Wool Long Sleeve Shirt Regular Weight
- 70R958 Male Navy Wool Short Sleeve Shirt Regular Weight
- 120W95 Female Navy Wool Long Sleeve Shirt Regular Weight
- 170R95 Female Navy Wool Short Sleeve Shirt Regular Weight
- 320W9196Z Heavyweight 100% Wool Long Sleeve Shirt, Men's Only
- 670R9196Z Heavyweight 100% Wool Short Sleeve Shirt, Men's Only
- 59130WP Black Non Gore-Tex Foul Weather Jacket (Waterproof)
- 72345-750 5.11 Twill PDU Long Sleeve Shirt, Color Midnight Navy
- 71177-750 5.11 Twill PDU Short Sleeve Shirt, Color Midnight Navy
- 74326-750 5.11 Twill PDU Pant, Color Midnight Navy
- 76120 Black Long Reversible Raincoat
- 233R Blauer Black Short Reversible Raincoat
- 134 Blauer Black Rain Pant
- 32189 Navy Wool Ike Jacket
- JST71 Black "Raid" Style Jacket
- 35W54 Male White Long Sleeve Tropical Dress Shirt
- 126R54 Female White Long Sleeve Tropical Dress Shirt

(b) HEADWEAR

- The Seville Blue Stratton Felt Campaign Hat, style number F-40, is the approved hat.
- The Seville Blue Stratton Straw Campaign Hat, style number S-40, is optional.
- Black colored (Richardson Flex Fit-Style Pro 585) "baseball" style cap with the Official Sheriff's Office Hat Piece embroidered in gold (Madera 1070) in the center of the front of the cap, directly above the bill. The lettering on the embroidered hat piece will be in blue (Madera 1043). The baseball cap may be worn during inclement weather or when permission is granted by the supervisor.

(c) TROUSER BELT

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- Trouser belts will be approximately 1 ¾" in width and have a brass belt buckle. Belts will be a black basket weave design. The buckle will be no more than 2 ¼" in height. Double or single catches are acceptable.
- An alternate belt buckle is authorized: Round gold colored buckle resembling the uniform, hat piece, 1 and 1/2 inch in diameter. The buckle may include the employee's badge number in the center, rank ribbon, and name ribbon.

(d) FOOTWEAR

- All footwear will be of good quality and construction. The shoe/boot toe, heel and sides will be leather, black and have a plain finish. They will be capable of a high shine and will be kept clean, polished, and in good repair. Safety toes and boot zippers are optional.

Shoes/boots which are constructed in the following manner are prohibited:

- Tennis shoes
- Coach shoes
- Referee shoes
- Athletic shoes
- Hiking boots
- Any similar to any of the above.
- Boots that have a design, pointed toes, or under slung western type heels.

(e) HOSIERY

- Exposed socks will be solid black in color without design. Female personnel may wear, as an option, hosiery such as panty hose or knee-highs. The knee-high hosiery is optional only when worn with uniform trousers. Female type hosiery will be a skin tone color when worn.

(f) GLOVES

- Black gloves may be worn but they shall not impede digital dexterity when handling safety equipment.
- White gloves may be used for special functions and assemblages when expressly authorized by the Sheriff. Ceremonial gloves will be white cotton or cotton/polyester blend, or equivalent style or construction.

(g) BADGE

- The issued badge will be worn on the outermost garment over the left breast to be plainly visibly at all times. (See Sheriff's Office Badges Policy)

(h) HAT BADGE, CORD AND STRAP

- The approved hat badge and hat cord will be worn on the Campaign hat only.
- The hat cord is the Stratton Gold Mylar Hat Cord with Gold Acorns.

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- The hat strap is the Stratton black 3 piece leather strap, center strap ½" wide, ends are 3/8" wide with rivet-type swivel and closure.
- The hat badge will be issued upon a request to the Professional Standards Bureau.
- (i) **SHOULDER PATCH**
 - Only the issued shoulder patches will be worn on shirt and jacket sleeves. Shoulder patches will be placed ½" below each of the shirt or jacket sleeves head seam.
- (j) **SERVICE STARS**
 - The wearing of service stars is optional. One service star may be worn for each five years of service as a law enforcement officer.
 - Service stars are to be embroidered directly onto the sleeve of long sleeve shirts and the "Ike" jacket. All stars are to be embroidered with Madiera 1971 gold colored thread and will be affixed ¼" apart, from point to point. Stars on the staff officers dress jacket will be gold bullion.
 - The first star will be placed in the center of the sleeve, single point up 1" above cuff line. The second star will be ¼" left of the first star, the third star ¼" right of the first star. The fourth star will be ¼" above the first star and centered between the first and third star. The sixth star will be centered ¼" above the fourth and fifth star.
- (k) **RANK INSIGNIA**
 - Sergeants shall wear cloth chevrons ¼" below the shoulder patch on shirts and jackets. The chevrons will be Army regulations size with gold stripes and black background sewn on the sleeves with black thread. The chevrons will be of cloth on cloth types.
 - Lieutenants shall wear gold colored bars. They will be worn on the collar of the uniform shirt, one on each side and on the epaulets of the dress or duty jacket.
 - Captains shall wear gold colored double bars on the collar of the uniform shirt, one on each side, and on the epaulets of the dress jacket or duty jacket.
 - The Assistant Sheriff shall wear two gold colored stars on the collar of the uniform shirt, one star on each side, and on the epaulets of the dress jacket or duty jacket.
 - The Undersheriff shall wear three gold colored stars on the collar of the uniform shirt, two stars on each side, and on the epaulets of the dress jacket or duty jacket.
 - The Sheriff shall wear four gold colored stars on the collar of the uniformed shirt, four stars on each side, and on the epaulets of the dress jacket or duty jacket.
 - Rank insignia for lieutenants and above on the PDU uniform will be made of cloth.
- (l) **UNIFORM TIE**
 - The tie worn with the uniform shirt shall be a black, 100% polyester double Windsor "reditied" knot with a bend over metal clip allowing a "breakaway" feature when worn.
 - The tie bar or tie tac will be placed horizontally on the necktie and in line with the bottom of the pocket flap.
- (m) **MEDALS, TACS AND NAME TAGS**

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No more than two medals or pins may be worn above the name plate at one time.

- **Marksmanship medals:** An issued medal may be affixed to the right shirt pocket flap. The medal is to be centered between the button and the top of the pocket and from left to right on the flap.
- **Tie tacs/Tie bars:** One or the other will be worn. The tie tac or tie bar is to be gold toned. Tie tacs or tie bars will not depict figures or words that are non-law enforcement related. The use of miniature handcuffs, Sheriff's stars, etc., is acceptable. Tie tacs and tie bars are to be worn on the tie centered between the left and right shirt pockets.
- **Medals/Ribbons:** A Sheriff's award bar may be worn on the uniform shirt and/or jacket 1/8" above and centered over the name tag.
- **Name Plate:** The issued name plate will be worn so that the bottom edge borders and centers over the top of the right shirt pocket.
- **Special Unit Pins:** Members of the following units may wear unit pins that are approved by the corresponding division commander on uniform shirts above the name plate. Embroidered approved unit/program pins within 1" high and 2" wide may be worn on the PDU shirt: SWAT, CNU, K-9, ERT, Cliff Rescue, Bomb Technicians, Mounted Enforcement, Motor Unit and Law Liaison.
- **Approved Pins** are to be worn above the name plate. Ribbons are always worn above name plate. American flag pin, American flag bar/Ribbon, American Flag 911 Commemorative bar, National Defense Ribbon, Vietnam Service Ribbon, FBI NA Ribbon, Southwest Asia Campaign Ribbon, Iraq Campaign Ribbon, Afghanistan Campaign Ribbon, National Law Enforcement Officer Memorial Bar/Ribbon.
- **Approved Affiliation/Program pins** are to be worn on the left breast pocket flap centered between the button, the top of the pocket and from left to right of the flap. Only one pin shall be worn at a time. 10851, CIT, DARE, GREAT, FTO, Avoid the 23, Peace Officer Memorial Pin (Federal or State).

(o) **POLICE BADGE MOURNING BAND**

A police mourning band may be worn on a deputy's badge when:

- A peace officer, an Office employee, or an emergency responder is killed in the line of duty.
- A deputy attends a funeral or other service for a fallen law enforcement officer, or when approved by the Sheriff.
- A mourning band may be worn from the day of the death until midnight on the evening of the funeral.
- The band shall be made of black elastic polyester 3/8" in width and shall be positioned diagonally over the County Seal of the badge, going from right to left, with the high point on the right (the mourning band should be worn from 11 to 5, as if looking at the face of a clock).

1024.4 UNIFORM CLASSES

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1024.4.1 CLASS "A" UNIFORM

The Class "A" uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class "A" uniform includes the standard issue uniform with:

- Correctional Officer, Deputy Sheriff and above: Class "A" uniform will include long sleeve blue shirt, tie, trousers and Sheriff's "Ike" dress jacket. The Campaign hat will be worn at direction of the Sheriff and/or Undersheriff. The "Ike jacket" is optional during summer months.
- Polished boots or shoes. Boots with pointed toes are not permitted.

1024.4.2 CLASS "B" UNIFORM

All Correctional Officers and deputies will possess and maintain a serviceable Class "B" uniform at all times.

The Class "B" duty uniform will include a long sleeve blue shirt, optional tie, trousers and duty jacket (optional). Personnel assigned to the Corrections division do not have to wear a tie with the Class "B" duty uniform while inside duty stations. The long sleeve blue shirt may be worn throughout the year. The long sleeve shirt with a black high crew neck T-shirt may be worn without a tie except as follows:

- By personnel assigned as bailiffs on court security staff.
- By personnel assigned to special details on which the detail leader requires a tie.

1024.4.3 CLASS "C" UNIFORM

The Class "C" duty uniform includes a short sleeve blue shirt, trousers and black high crew neck T-shirt. The short sleeve blue shirt may be worn throughout the year. A duty jacket is optional.

1024.4.4 CLASS "D" UNIFORM

The class "D" duty uniform is a two piece navy blue Patrol Duty Uniform (PDU) with a black high crew neck T-shirt. The PDU is approved for inclement weather or duty assignments when approved by the Sheriff. The PDU is an optional uniform for all custodial facilities, K-9 handlers and the Transit Bureau. The authorized coat or jacket may be worn with the class "D" uniform.

- 5.11 PDU twill navy B-class shirt in either long sleeve or short sleeve. Long sleeve uniform shirts will be worn professionally with sleeves buttoned at the wrist. The Class "D" uniform shirt will have two shoulder patches, sewn on (soft) badge above the left pocket, embroidered name plate and a standard "SHERIFF" back patch (4" x 11"). The soft name plate will be worn so that the bottom edge borders and centers over the top of the right shirt pocket. An American flag patch (optional) will be centered above the cloth name tag. Any Unit designator (TRU, SWAT, ERT or K-9) patch will be centered above the American flag patch or cloth name tag (if the American flag patch is not worn). The flag and unit designator will be 2" x 4" in size and may be attached by a Velcro backing. Management staff shall wear the cloth collar devices for rank insignia on the PDU.

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- 5.11 PDU twill navy B-class pants with the low profile cargo pocket. A black nylon web belt with black buckle or the black basket weave leather belt with the brass buckle is authorized for wear with the Class "D" PDU pants. The pants will be hemmed so that the pant rests easily on the top of the boot.
- Previously approved special unit patches will continue to be authorized and affixed to the uniform in the manner established by this Uniform Regulations Policy. No metal pins or ribbons will be worn on the PDU.

1024.4.5 CLASS "E" UNIFORM

The Class "E" duty uniform may be worn as a "business casual" Friday uniform for non-uniformed personnel, as a special events uniform (i.e., Special Olympic events, North Fair Oaks Community Festival) when authorized, or when designated by the Bureau Commander. Nothing in this policy mandates any Sheriff's staff member to own a Class "E" uniform.

- The shirt will be either a black 5.11 "Professional" or "Performance" long or short sleeve polo shirt with the approved embroidered San Mateo County Sheriff's Office Badge Star over the left chest. The employee's rank abbreviation, first initial of the first name, and entire last name shall be embroidered over the right chest. The thread color shall be Madiera 1971. Currently the only vendor for the approved embroidered Sheriff's star is Peninsula Uniform in Redwood City.
- The pants will be either the 5.11 "Tactical" pant, color khaki, or the 5.11 "Tac-Lite" pant, color TDU Khaki.
- Belts will be either black or tan nylon web type with a metal buckle.
- Boots will be either black or tan but must match the belt color. Tan boots will be rough-out (non-shine) boots and must not have a "shoe-like" appearance.

1024.4.6 CLASS "F" UNIFORM

The Class "F" uniform is designated and approved for wear by Sheriff's civilian Records personnel. The Class "F" uniform consists of a navy uniform trouser or skirt, medium blue uniform long or short sleeve shirt and dark blue uniform button sweater. A dark blue tie is to be worn as ordered by the division commander.

1024.4.7 CLASS "G" UNIFORM

Class "G" Uniforms are worn by civilian volunteers and/or sworn personnel who belong to one of the following units:

- Air Squadron
- Bay Area Mountain Rescue Unit (BAMRU)
- Communications
- Dive/Cliff/Marine Rescue
- Explorer Posts 810 and 830
- Search & Rescue (SMCSAR)

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- Sheriff's Volunteers in Policing (SVIP)
 - (a) SEARCH AND RESCUE
 - SHIRT: A long sleeve (Flying Cross) khaki (tan) shirt with the Sheriff's Office patches on both sleeves. Above the arm patch is a rocker with their unit designator (Communications or Rescue). If no tie is worn, the high crew neck T-shirt will be black in color.
 - TROUSERS: Navy 5.11 TDU pant similar in style to specifications worn by sworn personnel.
 - JACKET: Reversible hi-vis yellow/black jacket with the Sheriff's Office patches on both sleeves. Above the arm patches is a rocker with their unit designator. In place of the metal badge a yellow cloth star will be sewn on. Patches will be sewn only on the hi-vis yellow side.
 - (b) SEARCH AND RESCUE EXPLORERS (POST 830)
 - SHIRT: A long sleeve (Flying Cross) khaki (tan) shirt with a Sheriff's Office patch on the right sleeve and a rectangle search and rescue patch on the left. Above the Sheriff's Office patch is a rocker with their unit designator (Explorer). If no tie is worn, the high crew neck T-shirt will be black in color.
 - TROUSERS: Navy 5.11 TDU pant similar in style to specifications worn by sworn personnel.
 - JACKET: Reversible hi-vis yellow/black jacket with the Sheriff's Office patches on both sleeves. Above the arm patches is a rocker with their unit designator. In place of the metal badge a yellow cloth star will be sewn on. Patches will be sewn only on the hi-vis yellow side.
 - (c) LAW ENFORCEMENT EXPLORERS (POST 810)
 - SHIRT: A long sleeve medium blue uniform shirt (Flying Cross) with the Sheriff's Office patches on both sleeves. Above the arm patch is a rocker with their unit designator (Explorer). If no tie is worn, the high crew neck T-shirt will be black in color.
 - TROUSERS: Washable navy uniform pant.
 - JACKET: Office approved duty jacket with Sheriff's Office patches on both sleeves. Above the arm patch is a rocker with their unit designator (Explorer).
 - (d) SHERIFF'S VOLUNTEERS IN POLICING (SVIP)
 - PATROL
 - SHIRT: A long sleeve white uniform shirt with the Sheriff's Office patches on both sleeves. Above the arm patches is a rocker with their unit designator (Volunteer). If no tie is worn, the high crew neck T-shirt will be white in color.
 - TROUSERS: Washable navy uniform pant.
 - JACKET: Two jackets are issued to Patrol SVIPs.
 1. Office approved duty jacket with Sheriff's Office patches on both sleeves. Above the arm patch is a rocker with their unit designator (Volunteer).

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2. Reversible hi-vis yellow/black jacket with the Sheriff's Office patches on both sleeves. Above the arm patches is a rocker with their unit designator. In place of the metal badge a yellow cloth star will be sewn on. Patches will be sewn only on the hi-vis yellow side.

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- SHIRT: A white 5.11 polo shirt with their name and "Volunteer" embroidered on two lines on the left side. The Sheriff's Office star will be embroidered on the right side.
- TROUSERS: Washable navy uniform pant.
- SWEATER: Navy cardigan sweater specified in the Class "F"/Records Uniform with the Sheriff's Office patches on both sleeves. Above the arm patch is a rocker with their unit designator (Volunteer). The brass nametag will be worn on the sweater.

The issued badge (silver) is worn over their left shirt pocket. The issued brass nametag (identical in appearance and dimensions to sworn personnel) is worn over their right shirt pocket.

One uniform shirt, pant, nametag, badge and jacket/sweater will be issued by the Sheriff's Office. All volunteers/units receive a traffic vest.

The following items will be purchased by each employee/volunteer:

- Headgear: the approved Sheriff's Office baseball cap.
- Tie: black clip on uniform tie for formal details.
- Footwear: Black polishable boots or shoes.
- Orange SMSO SAR sweatshirts and T-shirts may also be worn for designated events (optional).
- Short sleeve uniform shirt.

For fieldwork, the volunteer units may sew on a yellow cloth star in place of a metal badge. A cloth name strip, navy with gold letters, is acceptable in place of the nametag.

Trainees are issued a blue or orange T-shirt and a blue or orange windbreaker, dependent on the unit.

Other optional uniform items (e.g. polo shirts) for volunteer units must be pre-approved by the Sheriff's Office of Emergency Services and Homeland Security Bureau and documented in the Bureau and/or Unit Manual(s).

(e) CLIFF RESCUE UNIT

The Deputy Cliff Rescue Unit wears the same uniform as the volunteer rescue units sans the "Rescue" rocker above the shoulder patch.

1024.4.8 CLASS "H" UNIFORM

The Class "H" uniform is designated for Community Service Officers (CSOs).

- Flying Cross Medium Blue Poly-Rayon Tropical Long Sleeve Shirt (Male or Female)
- Flying Cross Medium Blue Poly-Rayon Tropical Short Sleeve Shirt (Male or Female)

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- Navy Uniform Pant
- 5.11 PDU Pant (identical in specifications to those worn by sworn personnel)
- Duty Jacket (specifications matching this policy)
- Trouser Belt (specifications matching this policy)
- Black High Crew Neck T-shirt (under uniform shirt)
- Black Boots (specifications matching this policy)
- Socks (if exposed) will be black with no design
- Issued Brass Nametag
- Issued Badge

1024.4.9 APPROVED UNIFORM VARIATIONS

(a) UNIFORM OPTIONS

- A black turtle neck pullover with SMSO embroidered with the Madiera 1971 thread, on right side of the neck, may be worn with the long sleeve uniform shirt or PDU uniform shirt.
- An approved San Mateo County Sheriff's Office soft badge patch (or embroidered) may be installed over the left chest badge tab of the approved uniform duty jacket. When this option is used, an embroidered name tag shall be installed over the right chest area of the duty jacket. The thread shall be colored Madiera 1971.

(b) ALTERNATIVE UNIFORM

Personnel who are unable to wear the 100% wool uniform must submit a doctor's note to the Bureau of Professional Standards Lieutenant for an exemption. With the Bureau of Professional Standards' approval, the following alternative uniform items may be worn:

- 39489 Male Navy Poly/Rayon/Lycra Trouser.
- 39489W Female Navy Poly/Rayon/Lycra Trouser.
- 48W39 Male Navy Poly/Rayon/Lycra Long Sleeve Shirt.
- 98R39 Male Navy Poly/Rayon/Lycra Short Sleeve Shirt.
- 204W39 Female Navy Poly/Rayon/Lycra Long Sleeve Shirt.
- 254R39 Female Navy Poly/Rayon/Lycra Short Sleeve Shirt.

(c) BUREAU / UNIT POLO SHIRTS

The authorized polo shirt for bureaus or units will be the 5.11 "Professional" or "Performance" long or short sleeve polo shirt with the approved embroidered San Mateo County Sheriff's Office Badge Star over the left chest. The thread color for rank, name, and unit/bureau designation shall be Madiera 1971. Currently the only vendor for the approved embroidered Sheriff's star is Peninsula Uniform in Redwood City.

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1. Records Bureau - The authorized optional modified uniform consists of either a navy 5.11 long or short sleeve polo shirt. The employee's first initial of the first name, entire last name and rank shall be embroidered over the right chest on two lines. The shirt must be tucked into the current uniform pant utilizing a basket weave belt. Uniform pant, sans the belt loops, may be worn with the shirt tucked into the pants. Nothing in this policy mandates any Sheriff's staff member to own this optional uniform.
 - (a) Example of name / rank:

J. Smith
Criminal Records Technician (or Supervisor)
2. Property Bureau - The Property Bureau will issue two black 5.11 long or short sleeve polo shirts to their full-time regular employees. The employee's first initial of the first name, entire last name shall be embroidered over the right chest and "Property Bureau" under the star on the left.

1024.5 ANCILLARY DUTY UNIFORMS

1024.5.1 BICYCLE UNIT

- Navy Blue Blauer Bike Shirt
 - Sheriff's shoulder patches; the "SHERIFF" on the back of the shirt, sew-on cloth badge, cloth name tag sewn in alignment with top of right pocket.
- 5.11 Tactical shorts, Navy.
- Haix Eagle bicycle shoes.
- Industry standard protective bicycle helmet.
- HW black gloves and protective glasses.

1024.5.2 CEREMONIAL UNIT

(a) HONOR GUARD:

- Seville Blue Stratton Felt Campaign Hat, style number F-40,
- Flying Cross Single Breasted Jacket - SMC HG Coat.
- Flying Cross Wool Trouser - 32289 SMCO HG Pant with a gold trouser braid.
- Bates Hi-Gloss Oxford Shoe - 942.
- HWC San Browne Belt - SBB1HG 28"-48".
- HWC Shoulder Strap - STRP1BHG 26"-58" (+D-Rings).
- Clarino Flap Holster with Snap - 1804 C.
- Safariland Double Mag Pouch - 77-83-9B for S&W M&P.
- HWC Cuff Case - HCC1BHG.
- HWC Belt Keepers.

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- White Ceremonial Gloves.
- (b) **MUSICIAN (PIPER/DRUMMER):**
 - Kilt Tunic, Highland Class "A" Honor Guard style, black/black.
 - Kilt, Edinburgh fashion, 8 yards, cut/make/tailor, RBL Scotland tartan, 3-Buckles, Knife-pleated to Stripe with Belt Loops.
 - Cap, Glengarry, dark indigo with black tourie, Royal British Legion colors with Sheriff's issued hat badge.
 - Hose (socks), Military, Regimental Lovat green with red flashes.
 - Belt, brown, 2 1/4 inches, Montrose style.
 - Buckle, Sheriff's Star, custom, 2 ¼ inches, gilt, for waist belt style QORC.
 - Sporrans (pouch) and strap, brown, Dundee style, no tassels, no badge.
 - Patch, Qualification Piper and/or Drummer Badge, goldenrod on black, right sleeve.
 - Pipers Brogues (shoes), black, Braemar Style, Highland.
 - Cape, pipers, rain, black, Ultimate, double layer textured cotton/Teflon.

1024.5.3 EMERGENCY RESPONSE TEAM

Class "D" Uniform (PDU) with a rectangular ERT patch, 1" gold letters (ERT), centered above name tag with borders almost touching; may have Velcro backing/adhesion for the ERT chest patch to allow versatility of use.

1024.5.4 INSTRUCTORS

Instructor Polo Shirts

- (a) Defensive Tactics Instructors - Instructors are issued one black 5.11 "Performance" short sleeve polo shirt. The employee's rank abbreviation, first initial of the first name, and entire last name shall be embroidered over the right chest. On the left side, above the star is embroidered "Defensive Tactics" and under the star "Instructor."
- (b) Motorcycle Instructors - Instructors are issued one red 5.11 "Performance" short sleeve polo with the approved star and name embroidery.

1024.5.5 MOTORCYCLE UNIT

- (a) OFF-ROAD: Class "D" uniform (PDU); authorized jacket or coat; patrol duty belt; Office issued protective motorcycle helmet (Shark brand), white; boots; black gloves.
- (b) TRAFFIC: Class "B" or "C" uniform with the following variations:
 1. Helmet: Shoei RJ Platinum.
 2. Jacket: Johnson Leather Corporation, Style M-500 Jacket, 3.5 oz. Black Finished Cowhide.
 3. Breeches: Flying Cross 100% Wool Motor Breeches #34236, 86/LAPD Blue.

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4. Boots: Dehner Motor Safety Boots, Black, Bal-laced with Flaps and Buckles.
5. Gloves: Black Leather Gauntlet Glove or Wristlet Glove (with or without Lining).
6. Tie: LAPD Blue Uniform Bow Tie.
7. Class "D" uniform is acceptable for motorcycle training only.

1024.5.6 RANGE STAFF

- The Range Unit will issue one red 5.11 "Performance" polo shirt to each member on the range staff. The employee's rank abbreviation, first initial of the first name, and entire last name shall be embroidered over the right chest. "Range Staff" will be embroidered under the Sheriff's star on the left chest. The head Rangemaster will have "Rangemaster."
- Pants: Tan 5.11 pants (Class "E" uniform).
- Red external vest carrier.
- Red baseball hat.
- Boots and belt will be black or tan, but must match.

1024.5.7 SWAT / CNU

- (a) SWAT: MultiCam BDUs with tan boots and belt.
- (b) CNU: Class "E" uniform.

1024.5.8 TACTICAL RESPONSE UNIT

Class "D" uniform (PDU) with a Velcro backed 2" X 4" "TRU" patch that will be placed above the right breast pocket. Under the PDU shirt will be a black turtle neck pullover with SMSO embroidered with the Madiera 1971 thread, on right side of the neck. In case of hot weather, a black crew neck T-shirt can substitute for the turtleneck. Headwear will be the approved SMSO baseball cap.

1024.6 CIVILIAN ATTIRE

There are assignments within the Sheriff's Office 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.

All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, tie, slacks or suits that are moderate in style.

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.

The following items shall not be worn on duty:

- Blue Jeans / Denim

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- T-shirt alone
- Open toed sandals or thongs
- Swimsuit, tube tops, or halter-tops
- Spandex or yoga type pants or see-through clothing
- Distasteful printed slogans, buttons or pins

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.

No item of civilian attire may be worn on duty that would adversely affect the reputation of the San Mateo County Sheriff's Office or the morale of the employees.

1024.7 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, San Mateo County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Sheriff's Office badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify themselves as an employee of the San Mateo County Sheriff's Office to do any of the following (Government Code §§ 3206 and 3302):

- Endorse, support, oppose, or contradict any political campaign or initiative.
- Endorse, support, oppose, or contradict any social issue, cause, or religion.
- Endorse, support, or oppose, any product, service, company or other commercial entity.
- Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1024.8 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Sheriff's Office for the cost of providing the Office issued item.

Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

Replacement of items listed in this policy as optional shall be done as follows:

- When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
- When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property.

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1024.8.1 RETIREE BADGES

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the San Mateo County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Deputy CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the San Mateo County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1024.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

San Mateo County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

San Mateo County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

1024.10 UNIFORM AND SAFETY EQUIPMENT COMMITTEE

The committee shall be made up as follows:

- Commanding officer, Operations Division or designee.
- One member (steward) from each representative union of deputies and sergeants and uniformed non-sworn units (Records).
- At least one male and one female deputy.
- Rangemaster or designee from range staff.
- A Deputy and/or Sergeant from the Patrol Bureau.
- A Deputy, Correctional Officer and/or Sergeant from the Corrections Division.

AUTHORITY AND RESPONSIBILITY

- The committee will serve as a staff component in matters relating to uniform policy, standards and specifications.
- The committee will forward its recommendations to the Sheriff who will make the final decision.
- The committee may contact a manufacturer, supplier or vendor to consider new items, or when it is determined that an item being sold or offered for sale to Sheriff's personnel fails to meet Office standards or specifications.

APPOINTMENTS

- Committee members will be appointed by the respective division commanding officers.

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- The commanding officer of the Operations Division or his/her designee will be the chairperson, and will appoint a member to the committee to function as recorder.

MEETINGS AND QUORUM

- The committee will convene at the call of the chairperson; four members will constitute a quorum.

COMMITTEE RESPONSIBILITIES

- Be responsible for consideration of any changes in uniforms or safety equipment.
- Receive, review and evaluate proposals, and arrange for the testing of any item under consideration.
- Develop standards and specifications, initiate draft changes and amendments to the uniform and safety equipment order.
- Make an annual review of the Sheriff's Office uniform and safety equipment policy, standards and specifications. This annual review shall be completed by July 1st with a report to the Sheriff by August 1st.
- Strive to maintain the best uniform and safety equipment available with respect to cost, serviceability, quality, appearance and comfort.

PROCESSING AND SUBMITTING UNIFORM AND SAFETY EQUIPMENT RECOMMENDATIONS

- The committee will submit their findings and recommendations to the Sheriff along with supportive data. Each recommendation will contain a statement supporting the recommendation.

Any member of the Sheriff's Office may submit a recommendation directly to the committee using following format:

- A statement of the problem or reason for the recommendation.
- Proposed solution or benefit of the recommendation.
- Description of any research and testing conducted in support of the proposal.
- Summary or reactions of persons affected by the change (if available).
- Samples, drawings, supportive literature or data of the proposed change or particular item.

Personal Appearance Standards

1025.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other Office employees, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for the Sheriff's Office and for their assignment.

1025.2 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.

1025.2.1 HAIR

Hairstyles of all employees shall be neat in appearance. For male sworn employees, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn employees, hair must be worn up, or in a tightly wrapped braid or ponytail and then no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect.

1025.2.2 MUSTACHES

Mustaches will be trimmed not to protrude past the end of the mouth and not extend below the corners of the mouth. The mustache will cover no part of the upper lip. Short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1025.2.3 SIDEBURNS

Sideburns will end in horizontal lines, will not protrude vertically past the ear lobe and will be neatly trimmed.

1025.2.4 FACIAL HAIR

For sworn personnel, all other areas of the neck, chin and face will be kept clean-shaven. Professional staff members may wear a beard if it is neatly trimmed.

1025.2.5 JEWELRY AND ACCESSORIES

The following jewelry standards shall apply to all on duty Sheriff's Office personnel whether in uniform or civilian attire, excluding individuals working undercover assignments.

Sheriff's Office personnel shall not pierce any parts of the body visible to the public except for female employees as stated below.

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Female personnel may wear post earrings. The earring shall be no wider than one quarter (1/4) of an inch in diameter and of the type for pierced ears. Earrings will be limited to one per ear.

Male personnel will not wear earrings while on duty.

Visible necklaces are prohibited for all uniformed personnel.

Bracelets may be worn only for medical alert purposes.

Conservative rings may be worn. For the purpose of this order, "conservative" shall mean rings or ring sets without large protruding settings or ornate design.

1025.3 TATTOOS

All Sheriff's Office Employees while on-duty or representing the Sheriff's Office in any official capacity (excluding individuals working in an undercover assignment) shall not have any visible tattoos or body art on their person.

Uniform modifications are prohibited

- Elastic sleeves or long sleeved undergarments are prohibited when wearing the short sleeved uniform shirt.
- The long sleeved uniform shirt is the only approved method of covering tattoos on the arms.

1025.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Nepotism and Conflicting Relationships

1026.1 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 Sheriff's Office employees. 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.

1026.1.1 DEFINITIONS

Definitions related to this policy include:

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. A person may not be appointed to any position which is under the line of supervision of a relative to the third degree by blood or marriage (SMC Charter § 511).

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.

1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Sheriff's Office 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)):

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- (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.
 - 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 Sheriff's Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office, 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, employees of this Office 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.

1026.2.1 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 their 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 their 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.

1026.2.2 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

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to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify their Division Captain of such actual or potential violations through the chain of command.

Sheriff's Office Badges

1027.1 PURPOSE AND SCOPE

The San Mateo County Sheriff's Office badge, uniform patch, as well as the likeness of these items and the name of the San Mateo County Sheriff's Office are property of the San Mateo County Sheriff's Office and their use shall be restricted as set forth in this policy.

1027.2 POLICY

The uniform badge shall be issued to Office members as a symbol of authority and the use and display of Office badges shall be in strict compliance with this policy. Only authorized badges issued by this Office shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1027.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at their own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Sheriff's Office policy as the uniform badge.

- (a) A deputy may sell, exchange, or transfer the flat badge they purchased to another deputy within the San Mateo County Sheriff's Office with the written approval of the Sheriff.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the deputy's control, they shall make the proper notifications as outlined in the Sheriff's Office Owned and Personal Property Policy.
- (c) An honorably retired deputy may keep their flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1027.2.2 CIVILIAN PERSONNEL

Badges and Office identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee.

- (a) Non-sworn personnel shall not display any badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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1027.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement, employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1027.3 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.

Office badges are issued to all sworn employees and civilian uniformed employees for official use only. The Office badge, shoulder patch or the likeness thereof, or the Office name shall not be used 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 Office name for all material (printed matter, products or other items) developed for Office use shall be subject to approval by the Sheriff.

Employees shall not loan his/her Office badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1027.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Sheriff's Office badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

- (a) The employee associations may use the likeness of the Sheriff's Office badge for merchandise and official association business provided they are used in a clear representation of the association and not the San Mateo County Sheriff's Office. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the Sheriff's Office badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

Modified Duty Assignments

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Sheriff or their designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of their restrictions and limitations on a temporary basis while providing the Office with a productive employee during the interim period.

The Sheriff's Office will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1028.2 DEFINITIONS

- **Modified Duty** -Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

1028.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon the needs of the Sheriff's Office and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of their normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

- (a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- (b) The lack of need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
- (c) The Sheriff's Office may place conditions as deemed appropriate upon any modified-duty assignment.

1028.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their

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Assistant Sheriff or their designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Assistant Sheriff will determine what modified-duty assignments may be available based on the needs of the Sheriff's Office, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Bureau Commander or Assistant Sheriff. Assignments of longer duration are subject to the approval of the Sheriff or their designee.

1028.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or needs of the Sheriff's Office at the discretion of the Assistant Sheriff.

The employee and their supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

Per County Policy, overtime while on modified duty is usually not authorized.

1028.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Assistant Sheriff apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Assistant Sheriff with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff.
- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Assistant Sheriff and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

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1028.4.3 MEDICAL EXAMINATIONS

The Sheriff's Office reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Sheriff's Office.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1028.5 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

1028.6 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

Separation Policy

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to assist employees who are separating from employment with the Sheriff's Office.

1029.2 RESPONSIBILITIES

All staff members are required to adhere to this policy. An Off-Boarding Checklist will be completed prior to the end of the employee's last shift. The checklist may be obtained from the Professional Standards Bureau.

- (a) **Notification:** Upon receipt of a retirement notice, the Professional Standards Lieutenant will forward the notice to the appropriate Division Commander. Upon receipt of a resignation notice, the receiving party will forward the notice to the appropriate Division Commander.
- (b) **Equipment:** All county issued equipment including but not limited to: firearm(s), ammunition, impact weapons, leather gear, riot gear, chemical agents, Taser, rain gear, ballistic vest, handcuffs, all keys, hat badge, portable radio, and any other issued gear will be turned in to their Bureau Lieutenant or their designee on their last shift.
- (c) **Uniform Badge and Identification Cards:** The uniform badge, identification card, and building access cards will be collected during the last shift by the Bureau Lieutenant or their designee. Peace Officers may submit their badge to the Professional Standards Bureau 30 days prior to their last shift so the badge can be flagged "retired." The badge will then be returned to the retired Peace Officer along with a retired member identification card. If the Peace Officer wishes not to have the badge flagged "retired," it must be returned on the last shift. (Note: retired peace officers wishing to carry a concealed weapon must contact the rangemaster for qualification purposes so it can be noted on the retired ID card.) Correctional Officers, Records Technicians, and other non-sworn staff will not be eligible for a retired badge or retired ID card. Those badges will be collected for re-issue.
- (d) **Exit Interview:** Personnel may request an exit interview to be conducted by the Professional Standards Lieutenant.
- (e) **Contact Information:** Provide the Professional Standards Bureau (PSB) with current contact information.
 - 1. PSB will maintain a listing of contact numbers for reference: SamCERA (retirement), SOA, Deferred Compensation and Benefits.
 - 2. W-2 Form: To insure personnel receive their last W-2 form, they must notify the Professional Standards Bureau of any change of address.
- (f) Staff members will also follow the San Mateo County procedures for off-boarding.

Anti-Retaliation

1030.1 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.

1030.2 POLICY

The San Mateo County Sheriff's Office 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.

1030.3 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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1030.4 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 Human Resources Director.

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.

1030.5 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.
- (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.

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1030.6 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.

1030.7 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 who have 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 the Professional Standards Bureau for investigation pursuant to the Personnel Complaints Policy.

1030.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Sheriff's Office 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).

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1030.8 RECORDS RETENTION AND RELEASE

The Support Services Assistant Sheriff shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

Illness and Injury Prevention

1031.1 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 San Mateo County Sheriff's Office, 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.

1031.2 POLICY

The San Mateo County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Office 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.

1031.3 ILLNESS AND INJURY PREVENTION PLAN

The Sheriff's Professional Standards Bureau Lieutenant 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).

1031.4 PROFESSIONAL STANDARDS LIEUTENANT RESPONSIBILITIES

The responsibilities of the Professional Standards Bureau Lieutenant 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.
- (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 Office 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)
- (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.
- (g) Developing 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.

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1031.5 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 Sheriff's Services Captain.
- (e) Notifying the Sheriff's Services Captain :
 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.

1031.6 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.

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 Sheriff's Services Assistant Sheriff via the chain of command.

The Sheriff's Services Assistant Sheriff will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

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1031.7 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 Professional Standards Bureau Lieutenant shall ensure that the appropriate documentation is completed for each inspection.

1031.7.1 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 the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1031.8 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 their immediate supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

All supervisors receiving such a report should complete all industrial injury report forms, 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 under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1031.9 TRAINING

The Sheriff's Professional Standards Lieutenant should work with the Training Manager 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.

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- (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 Office is made aware of a new or previously unrecognized hazard.

1031.9.1 TRAINING TOPICS

The Training Manager 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/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1031.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Line-of-Duty Deaths

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the San Mateo County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

[See attachment: SMSO Funeral Policy.pdf](#)

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1032.2 POLICY

It is the policy of the San Mateo County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this Office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1032.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor shall notify the Sheriff via the chain of command.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

1032.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Office Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Office Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.
- (m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other San Mateo County Sheriff's Office members may be apprised that survivor notifications are complete.

1032.4.1 OUT-OF-AREA NOTIFICATIONS

The Office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the Office member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Office Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Office to pay travel expenses without the authorization of the Sheriff.

1032.5 NOTIFYING SHERIFF'S OFFICE MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying Office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

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1032.6 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Office Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual Aid Coordinator.
- (g) Benefits Liaison.
- (h) Finance Coordinator.

Liaisons and coordinators will be directed by the Office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1032.6.1 SHERIFF'S OFFICE LIAISON

The Office Liaison should be an Assistant Sheriff or of sufficient rank to effectively coordinate Office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Sheriff. The Office Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that Office members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1032.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Office members and friends of the deceased member.
 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or San Mateo County Sheriff's Office members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1032.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term Office contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Assistant Sheriff. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Office Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Office and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of Office-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the Office's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to Office activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Office to facilitate communications necessary to the assignment. The Office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1032.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Sheriff or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of Office responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

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1032.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Office Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Office, including, but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Sheriff and command staff concerning funeral arrangements.
- (e) Assigning a deputy to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using Office vehicles and drivers.

1032.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many San Mateo County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

1032.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

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- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Benefits (PSOB) Programs.
 - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 3. Social Security Administration.
 - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Education benefits (Education Code § 68120)
 - 2. Health benefits (Labor Code § 4856)
 - 3. Worker's compensation death benefit (Labor Code § 4702)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1032.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.

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2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1032.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the Office's PIO should be the Office's contact point for the media. As such, the PIO should coordinate with the Office Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that Office members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Office and deceased member's survivors.
- (d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to Office members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1032.8 OFFICE CHAPLAIN

The Sheriff's Office chaplain may serve a significant role in line-of-duty deaths. Their duties may include, but are not limited to:

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- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting Office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1032.9 INVESTIGATION OF THE INCIDENT

The Sheriff shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved Office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1032.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1032.11 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

DMV Confidentiality

1033.1 PURPOSE AND SCOPE

This policy establishes clear rules as to which Sheriff's Office employees are eligible for California Department of Motor Vehicles (DMV) Confidentiality for their California driver's licenses and for vehicles registered to them in California. This confidentiality is intended to protect the private information, such as the home address, of eligible employees. This policy is compliant with California Vehicle Code (CVC) section 1808.4 covering DMV Confidentiality.

1033.2 POLICY

The Sheriff's Office follows the parameters of DMV Confidentiality for its eligible employees as described in CVC 1808.4. The Sheriff's Office will also comply with the proper DMV rules and submit the appropriate forms in support of this.

1033.3 METHOD

All eligible Sheriff's Office employees who wish to have DMV Confidentiality, should report to the Professional Standards Bureau and obtain a copy of DMV form "INV 32" to fill out. This form will be filled out by the eligible employee and returned to Professional Standards for final review and approval. The directions on the INV 32 form will be followed by Professional Standards who will forward the completed, approved form to DMV.

1033.3.1 ELIGIBILITY

The following classifications of Sheriff's Office employees are eligible for DMV Confidentiality:

- (a) Active and retired Sheriffs, Undersheriffs, and deputy sheriffs (CVC 1808.4(11))
- (b) Active Correctional Officers (CVC 1808.4(13))
- (c) Active Correctional programming staff and food service staff who supervise inmates (CVC 1808.4(13))
- (d) Active Community Service Officers and Parking Enforcement Officers (CVC 1808.4(22))
- (e) Any professional staff who routinely testify in criminal court as a part of the performance of their jobs (CVC 1808.4(22))
- (f) The spouse and/or children of the listed eligible employees are also eligible for the DMV confidentiality (CVC 1808.6(a)(3)). For the purposes of this policy, the spouse and children in question should live at the same physical address as the eligible employee. Any child of an eligible employee is eligible for confidentiality until the age of twenty-five.

1033.3.2 TRACKING

It will be the responsibility of the Professional Standards Bureau to maintain records and track any INV 32 forms approved using the authority of CVC 1808.4(22). These types of approvals, per

San Mateo County Sheriff's Office

Policies

DMV Confidentiality

the CVC shall be reviewed annually to see if the employees who gained confidentiality under this section, are still assigned to a role where this section applies.

The Professional Standards Bureau will develop internal mechanisms to both track employees with confidentiality and update DMV when the eligibility of that employee changes due to job assignment or separation from service.

1033.3.3 ABUSE

Any abuse of DMV confidentiality will be grounds for immediate cessation of the privilege and could result in discipline.

1033.3.4 APPEALS

Any Sheriff's Office employee who submits an INV 32 to the Professional Standard Bureau and is denied approval, may, through chain of command, appeal this decision to the Sheriff or his/her designee. The decision of the Sheriff on these appeals is final.