

Glossary

Agreed (IOLERO determination): a complaint is closed as “agreed” if the Independent Office of Law Enforcement Review and Outreach (IOLERO) determines that the Sheriff’s Office investigation of a complaint was complete, unbiased, and timely, and that all the findings on issues raised by the allegations are sound, based on the evidence.

Allegation: a person’s accusation that an employee of the Sheriff’s Office violated department policy, procedure, rules, regulations, or the law.

Audit: the review process that IOLERO uses to decide if a complaint investigation by the Sheriff’s Office was thorough, objective and fair. Audits involved an independent review of both the investigative process, all facts available in the investigative file; and the analysis of those facts by the investigators.

Bias-Based Policing (an allegation): a Sheriff’s Office employee engaged in discriminatory conduct based on a person’s race, color, religion (religious creed), age, marital status, national origin, ancestry, sex, sexual orientation, actual or perceived gender identity, medical condition, or disability.

Community Advisory Council (CAC): an 11-member advisory body appointed by the IOLERO Director that holds monthly public meetings, receives community feedback, conducts outreach, and makes recommendations to the IOLERO Director on possible changes to Sheriff’s Office policies.

Complainant: any member of the public who files a complaint against an employee of the Sheriff’s Office.

Complaint: an expression of dissatisfaction by a member of the public, filed with IOLERO or the Sheriff’s Office, that contains one or more allegations of misconduct by employees of the Sheriff’s Office.

Complaint process: the sequence of events that begins when a person files a complaint, continues when the Sheriff’s

Office investigates the complaint and issues findings, and concludes when IOLERO audits the investigation and issues a determination.

Conduct Unbecoming a Deputy (an allegation): a deputy’s on or off-duty conduct that could reflect adversely on the Sheriff’s Office or that a reasonable person would find the deputy’s on or off duty conduct unbecoming a Sheriff’s Deputy.

Crisis Intervention Training (CIT): a training program that teaches deputies how to better address situations involving persons who are experiencing a mental or emotional crisis, or who have a developmental disability, thus reducing the possibility of the officers using force to gain control of the situation.

Department-Initiated Investigation: an investigation into a misconduct allegation that is initiated by someone within the Sheriff’s Office, typically a supervisor, and not by a member of the general public.

Disagreed (IOLERO determination): A complaint is closed as “disagreed” if IOLERO determines that the findings of Sheriff’s Office investigation were not sound, based on the evidence.

Discourtesy (an allegation): a Sheriff’s Office employee used profane or derogatory language, wasn’t tactful, lost his/her temper, became impatient, or was otherwise discourteous.

Exonerated (finding): the allegations of the complaint are supported by the evidence, but the actions of an employee were nonetheless compliant with Sheriff’s Office policies and/or the law.

False Arrest/Search & Seizure (an allegation): an arrest lacked either a warrant or probable cause, and/or a detention lacked reasonable suspicion, and/or a search & seizure was not reasonable under the Fourth Amendment.

Finding: When an investigation is finished, the Sheriff’s Office makes a finding for each allegation. The possible findings are Sustained,

Inconclusive/Not Sustained, Exonerated, or Unfounded.

Independent Auditor: the Director of IOLERO, who reports to the Board of Supervisors and leads the office that takes complaints from the public about Sheriff's Office employees, audits investigations of those complaints, conducts community outreach to improve community and law enforcement relations, and makes recommendations to improve Sheriff's Office practices and policies.

Intake: the first step in the process of filing a complaint at the IOLERO.

Internal Affairs (IA): a specialized unit within the Sheriff's Office that investigates allegations of officer misconduct.

Improper Procedure or Complaint Against Policy (an allegation): a Sheriff's Office employee did not follow appropriate policy, procedure, or guidelines.

Latinx: a person of Latin American origin or descent. The term has come to replace the terms Latino and Latin in modern usage in the United States and is intended to be inclusive of all individuals within this community, including men, women, transgender persons, and those who do not identify with the gender binary.

Misconduct: an act or omission by a Sheriff's Office employee that violates agency

policy, procedure, or the law.

Neglect of Duty (an allegation): a deputy neglected his/her duties and failed to take action as required by policy, procedure, training, or law.

Inconclusive/Not Sustained (finding): there was not enough evidence to either prove or disprove the complaint allegations. Typically, this means it was a "he said-she said" situation where it is one person's word against another, but the conflicting evidence cannot be sufficiently resolved to make another finding.

Search or Seizure (an allegation): a search or seizure violated the 4th Amendment of the United States Constitution

Sustained (finding): based on the evidence, the Sheriff's Office investigation found that the Sheriff's Office employee(s) named in the complaint allegations violated its policies or the law.

Unfounded (finding): the Sheriff's Office complaint investigation found that the evidence does not support the allegations of the complaint.

Unnecessary or Excessive Use of Force (an allegation): the amount of force a Sheriff's Office employee used was not "objectively reasonable" under Sheriff's Office policy and case law decided by federal courts.

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Appendix A

Sonoma County, California—Code of Ordinances

Chapter 2, Article XXVII. - Independent Office of Law Enforcement Review and Outreach (IOLERO).

Sec. 2-392. - Office established.

- (a) The board of supervisors ("board") established the Independent Office of Law Enforcement Review and Outreach (hereinafter "IOLERO"), by Resolution on August 18, 2015, pursuant to its authority under California law, including Government Code sections 31000.1 and 25303, with the following mission:
- (1) To provide an objective, independent and appropriate review and audit of law enforcement administrative investigations, which include allegations of misconduct, by the Sonoma County Office of the Sheriff-Coroner (hereinafter, "sheriff-coroner"); to provide an alternate site for members of the public to file complaints against employees of law enforcement agencies, including the sheriff's office;
 - (2) To propose thoughtful policy recommendations to the sheriff-coroner;
 - (3) To help increase transparency of law enforcement operations, policies and procedures; and
 - (4) To conduct outreach to and engage the communities of Sonoma County so as to strengthen the relationship between law enforcement in Sonoma County and the communities it serves.
- (b) The establishment of IOLERO does not affect the constitutionally and statutorily designated independent functions of the elected sheriff-coroner.

(Ord. No. [6174](#), § I, 9-13-2016)

Sec. 2-393. - Appointment and qualifications of director and staff.

- (a) The director of IOLERO shall be appointed by the board of supervisors.
- (b) The director shall be an employee of the county of Sonoma. The terms and conditions of employment of the director shall be set by the board, and shall be specified in a personal services agreement.
- (c) The director shall be an attorney licensed to practice law in the State of California. The director shall enter into a special legal services agreement with the county of Sonoma, including its departments, agents and officers, which shall specify the scope, duties and restrictions of the special legal services provided by the director (hereinafter "legal services agreement").
- (d) The director may assign personnel, as allocated by the board, and utilize equipment and supplies as necessary to perform IOLERO's duties. All personnel shall be employed by the county of Sonoma.

(Ord. No. [6174](#), § I, 9-13-2016)

Sec. 2-394. - Powers and duties of independent office of law enforcement review and outreach.

- (a) IOLERO, through its director, shall perform its powers and duties subject to all applicable statutory and constitutional requirements of confidentiality and privilege.

- (b) IOLERO's powers and duties include, consistent with existing law, the following:
- (1) Receive and review citizen complaints, and forward them to the sheriff-coroner for review and investigation. IOLERO is an office specifically designated to receive complaints by members of the public against personnel of the sheriff-coroner pursuant to its procedures established under Penal Code § 832.5;
 - (2) Review, audit and analyze administrative and public complaint investigations in coordination and cooperation with the sheriff-coroner;
 - (3) Assess and make recommendations regarding policies, procedures, strategies, training, and practices based on information gathered in the review process and/or data trends;
 - (4) Advise if investigations appear incomplete or otherwise deficient and recommend further review as deemed necessary; when warranted, propose independent recommendations or determinations regarding investigations, which recommendations may be made public on a summary level without personally identifying information;
 - (5) Track, analyze and advise on legislative actions and law enforcement audit trends; make recommendations to the county for legislative platforms, as appropriate;
 - (6) Prepare annual report to the board of supervisor which includes statistical information, analysis of trends, policy and procedure recommendations; prepare ad hoc reports as required and requested; and
 - (7) Conduct comprehensive outreach to the community including schools, community based organizations, business and civic groups, which may include: promoting and facilitating communications between the community and law enforcement, educating the community on law enforcement practices, policies, strategies, incident trends and challenges using appropriate methods, such as public presentations and community forums, providing feedback from the community back to department leaders and elected officials, handling media relations concerning matters related to IOLERO and its scope of duties;
 - (8) Establish a community advisory council to serve as a bridge between law enforcement, IOLERO and various communities of the county;
 - (9) Perform related services as required.
- (c) IOLERO shall not be authorized to:
- (1) Conduct its own investigation of complaints against law enforcement personnel;
 - (2) Interfere with the performance of the powers and duties of the sheriff-coroner;
 - (3) Compel by subpoena the production of any documents or the attendance and testimony of any witnesses;
 - (4) Disclose any confidential and/or privileged information to anyone not authorized to receive it;
 - (5) Decide policies, direct activities, or impose discipline on other county departments, officers and employees;
- (d) IOLERO and the sheriff-coroner shall create written protocols that further define and specify the scope and process providing for IOLERO's receipt, review and audit of complaints and investigations in a coordinated and cooperative manner.

(e) Nothing in this section shall be construed to interfere with the constitutionally and statutorily designated independent functions of the sheriff-coroner; matters involving any of these functions are subject to the sheriff-coroner's collaboration.

(Ord. No. [6174](#), § I, 9-13-2016)

Appendix B

INDEPENDENT OFFICE OF LAW ENFORCEMENT REVIEW AND OUTREACH

Jerry Threet, Director



Professional Experience

In March 2016, Jerry Threet was unanimously selected by the Board of Supervisors to be the first Director of the new Independent Office of Law Enforcement Review and Outreach. Mr. Threet was selected following an extensive review process of 40 highly qualified candidates from across the country.

Mr. Threet has been a licensed attorney since 1988. He has had a long and varied career in law and public service. During his career, Mr. Threet has personally conducted hundreds of investigations, depositions, witness interviews, factual evaluations, negotiations, and community meetings, and has significant personal experience working with diverse populations. His experience includes 11 years as a Deputy City Attorney for the City of San Francisco. Among his duties in that position were working in the Neighborhood & Resident Safety Division, the Affirmative Litigation Task Force, and as General Counsel to the Sunshine Task Force. His experience included extensive litigation protecting consumers, residents, employees, and businesses from illegal business practices; educating and engaging in outreach to community groups, and helping ensure that county departments complied with state and local government transparency laws. In his litigation work at the City Attorney's Office, he worked regularly with police officers, as well as low-income people living in the Tenderloin District of San Francisco.

In 2000, Mr. Threet managed the successful political campaign of a neighborhood activist, helping elect Jake McGoldrick county supervisor for the Richmond District of San Francisco by unseating a well-financed incumbent. From 2001-2004, he served as McGoldrick's chief of staff as County Supervisor. During this time, Mr. Threet's projects included a charter amendment establishing a county performance auditor to ensure that county programs were effective in serving the public; a charter amendment making the police commission more responsive to residents; and implementing a community driven process for county budgeting. Before 2000, he worked as a legislative aide in the Texas State Senate; completed a legal clerkship with the presiding judge of the Texas Court of Criminal Appeals; and served as a Litigation Attorney with the US Department of Justice, and as a contract attorney with the Northern California U.S. Attorney's Office. His assignments in these roles included work on class action discrimination litigation, as well as on the prosecution of a multi-state, criminal conspiracy to distribute methamphetamine and commit murder.

Education/Certifications

Mr. Threet graduated from the University of Texas Liberal Arts Honors Program, with high honors in 1983. He received a joint degree in Law and Public Policy from the University of Texas in 1988, graduating from the law school with honors. Mr. Threet also has undertaken extensive training and education in civilian oversight of law enforcement, policing policies and practices, and mediation (including public dispute mediation).

Professional Organizations

Mr. Threet is a member of the National Association for Civilian Oversight of Law Enforcement (NACOLE). He is licensed to practice law in both Texas and California.

Volunteer Involvement

Mr. Threet previously served as volunteer president of the Harvey Milk Lesbian, Gay, Bisexual, Transgender (LGBT) Democratic Club, as well as the President of the Board of Directors of the Housing Rights Committee of San Francisco. He also served as an appointed member of the Berkeley Public Works Commission. He has volunteered his time for numerous organizations that serve disadvantaged communities.

Appendix C

First Year Work Plan

Independent Office of Law Enforcement Review and Outreach (IOLERO)

Establishment of the Office

The Independent Office of Law Enforcement Review and Outreach (IOLERO) was established by ordinance by the Sonoma County Board of Supervisors in 2015. IOLERO was borne out of the tragic shooting death of a 13-year-old boy by a Sheriff's Deputy in Sonoma County, California in 2013. This unfortunate event led to significant public unrest and ruptured relations between some parts of the Sonoma County community and Sonoma County law enforcement. Sonoma County government responded by establishing a Task Force to study options for healing community rifts through community policing, community engagement and law enforcement accountability models. One proposal that came from that process was the establishment of a new, independent County office charged both with civilian review of law enforcement, and outreach to and education of the community.

With the support of the Sheriff, IOLERO was created to conduct independent reviews of investigations alleging law enforcement misconduct, including excessive use of force, and to engage the community in the review and possible recommendation of policy changes to the Sheriff's Office and the Board of Supervisors. The Office is intended to serve as one of the foundational bricks on which improved transparency and accountability are built for the community. Over time, it is expected that the Office will contribute to the community's healing through renewed trust and stronger relationships between Sonoma County law enforcement and the public they are charged to protect.

Following a nationwide recruitment process, the Board of Supervisors appointed Jerry Threet as the first Director of IOLERO in March, 2016. Mr. Threet began work as the new IOLERO Director on April 11, 2016.

Mission of the Office

The mission of the Department is four-fold: (1) to provide independent review of and instill confidence in the complaint process through objective review of law enforcement misconduct investigations; (2) to conduct outreach to the Sonoma County community; (3) to propose thoughtful policy recommendations to the Sonoma County Sheriff's Office; and (4) to strengthen the relationship between the Sonoma County Sheriff's Office and the community it serves.

Duties of IOLERO

The Department is charged with a number of duties. Among them are the following:

- Accept complaints of misconduct against Deputies of the Sonoma County Sheriff's Office;
- Review Internal Affairs investigations conducted by the Sheriff's Office for thoroughness, fairness, and timeliness;
- Develop a mediation process for resolving some complaints;
- Develop recommendations to improve Sheriff's Office policies and procedures;
- Conduct a robust program of community outreach and education;
- Compile and analyze data on complaints to IOLERO, and analyze data on law enforcement encounters, to identify trends and correlations;
- Prepare annual reports for the public and the Sonoma County Board of Supervisors.

First Year Work Plan

IOLERO is charged with building a new office capable of carrying out complex and interrelated tasks, in an environment that has been characterized by tension and distrust between parts of the community and law enforcement. The office does not begin this task from scratch, but rather builds on the accomplishments of a dedicated, volunteer task force of Sonoma County residents, who met for over a year to complete a comprehensive report of recommendations that serve in part to guide IOLERO. The Sonoma County Community and Local Law Enforcement Task Force Final Recommendations Report includes many items that serve to inform this work plan.

The First Year Work Plan includes tasks in several broad categories, each of which serves to strengthen and inform the others. These categories are: 1) Start-Up Tasks; 2) Public Complaint Intake System; 3) Law Enforcement Audit Protocols and Procedures; 4) Community Outreach and Education; 5) Data Tracking, Review, and Analysis; 6) Mediation Program; 7) Community Engagement Program; and 8) Contract Administration.

The Board of Supervisors approved this Work Plan on August 9, 2016.

Office Start-Up Tasks

As a new department of County government, the Office's first year work plan necessarily includes many tasks that are unique to the initial year of its operations. Among these are the following more significant tasks:

- Set up the physical office space for operation and reception of the public;
- Set up a website presence for IOLERO, including an online complaint intake system;
- Complete recruitment for the Administrative Coordinator position funded by the Board of Supervisors to support the work of the Office;
- Visit other civilian review agencies to learn what procedures, protocols, and programs they have in place, what their experience has been with these, and whether they might be appropriate for or adaptable to Sonoma County;

- Establish internal policies and procedures for IOLERO, including complaint intake and confidentiality protocols for those records;
- Explore alternative service delivery models, including satellite offices, alternative hours by appointment, etc., in order to best meet the needs of target communities;
- Investigate, procure, and set up an effective database system for intake and tracking of complaints, as well as for statistical and trend analysis of data from the Sheriff's Office on law enforcement encounters, and;
- Develop and implement performance measures for IOLERO, including possible survey instruments.

Public Complaint Intake System

One of the key goals of IOLERO in its initial year will be to fully establish a system to receive complaints from the public concerning law enforcement. Among the tasks involved in setting up an effective public complaint intake system will be the following:

- Develop and print complaint forms that are accessible and easily understandable for both English and non-English speaking individuals;
- Set up an online public complaint interface on the IOLERO website;
- Establish relationships with community and government partners that will allow wide distribution of IOLERO complaint forms in multiple geographic locations and various settings;
- Establish internal policies and procedures for receiving complaints, and for maintaining the confidentiality of complaint records that qualify as peace officer personnel records;
- Explore alternative service delivery models, including satellite offices, alternative hours by appointment, etc., in order to best meet the needs of members of target communities who may wish to file complaints;
- Investigate, procure, and set up an effective database system for intake and tracking of public complaints.

Law Enforcement Audit Protocols and Procedures

Also key to the first year success of IOLERO is the establishment of a fully functioning system of audits of the Sheriff's Office administrative internal affairs investigations, which will include the following tasks:

- Negotiate with the Sheriff's Office the protocols and procedures that will govern audits by IOLERO of internal administrative investigations conducted by the Sheriff's Office;
- Monitor protocols for effectiveness and negotiate changes as needed;
- Negotiate access to the confidential peace officer personnel files necessary to conduct IOLERO audits of the Sheriff's Office;
- Make publicly available protocols and procedures governing audits and access to peace officer personnel files by IOLERO;
- Audit investigations of all public complaints filed with IOLERO;
- Audit all investigations of "critical incidents," "uses of force," and other select incidents of alleged misconduct, such as bias;
- Audit sampling of remaining investigations of misconduct complaints such as "disrespectful behavior";

- Report on aggregate audit findings and general characteristics of the investigations, as well as any recommendations for changes in Sheriff's Office policies that may result from audits.

Community Outreach and Education

IOLERO has been charged with developing and implementing a robust community outreach and education plan in order to more fully engage the community and to bridge the gap between law enforcement and parts of the community. Key to achieving these goals are the following tasks:

- Appearances by IOLERO at meetings of community groups throughout the county;
- Public presence by IOLERO at community events, such as Roseland Cinco de Mayo celebration, Sonoma County Fair, local town/city festivals, relevant small community organization events, etc.;
- Meetings throughout the year with community members to educate them on the role and plans of IOLERO, as well as take input on the goals and expectations of the community;
- Meetings with key stakeholders and potential County government collaborators to understand the County government environment in which IOLERO will function, as well as find opportunities to more effectively partner in achieving the goals of IOLERO;
- Identification of "hotspots" where encounters between law enforcement and particular communities are likely or have been high, and targeting of outreach efforts to those affected communities;
- Outreach to disadvantaged communities in order to increase the profile of IOLERO, as well as to engage and involve those communities;
- Work through community non-profits and stakeholders to leverage exposure to IOLERO by their clients and members;
- Partner with members of Board of Supervisors to appear at district town hall meetings;
- Partner with other departments, such as the Public Defender' Office, the District Attorney' Office, etc., to publicize the existence, location and hours of IOLERO;
- Develop, publish and distribute IOLERO pamphlets in both English and Spanish;
- Develop easily accessible web presence in both English and Spanish, with forms that may be downloaded;
- Establish an IOLERO Community Advisory Board (CAB) and begin meetings;
 - develop an application to collect relevant information about each applicant, solicit applications through wide variety of community groups and government agencies;
 - select CAB members, with a goal of 50% participation from communities of color;
 - set up monthly meetings, supported by food and child care so that individuals from all income levels are able to participate, both as board members and public participants;
 - develop a list of policies of the Sheriff's Office to serve as the focus of meetings to determine if specific policies are appropriate and the best fit for Sonoma County, from the perspective of the greater Sonoma County communities affected by those policies;
 - invite Sheriff's Office presentations on select policies and rationale for the current version in place, and also from other jurisdictions that have implemented alternative approaches from those of the Sheriff's Office;

- solicit presentations by experts on policy areas reviewed by the CAB;
- take public comment on current policies and any proposed recommendations for changes to those policies;
- CAB report to IOLERO Director on recommendations for policy changes;
- IOLERO Director either adopts policy recommendation or explains disagreement, then forwards IOLERO recommendations to Board of Supervisors and Sheriff's Office;
- Provide link on IOLERO website to key policies of the Sheriff's Office determined to be of interest to community groups, as well as any recommended changes to those policies;
- Provide simple, easy to understand summaries of processes involved in public complaints against officers, to be published on the IOLERO website, as well as on printed pamphlets;
- Collaborate with youth and youth serving organizations to develop and publish a Youth Guide to Law Enforcement Practices, to be distributed to youth and their parents, covering both appropriate behavior by youth during law enforcement encounters, as well as the legal rights of youth in those situations.

Data Tracking, Review, and Analysis

One of the key ways in which the Office will be able to provide improved transparency is through the tracking, analysis, and reporting of data related to public complaints, and law enforcement encounters. Among the individual tasks involved in successfully implementing this key charge are the following:

- Investigate, procure, and set up an effective database system for intake and tracking of public complaints filed with IOLERO;
- Identify trends and correlations in the public complaint data, and analyze those trends and correlations for meaning;
- Identify and negotiate access to key data sets in the custody of the Sheriff's Office or other criminal justice agencies that relate to law enforcement encounters, identify trends and correlations in the data, and analyze those trends and correlations for meaning;
- Report on findings from IOLERO's data analysis to the Sheriff's Office, the Board of Supervisors, and the public, in the IOLERO Annual Report.

Mediation Program

While serious complaints from the public against deputies will be the subject of investigations by the Sheriff's Office, with an audit of the investigation process by IOLERO, less serious complaints such as discourtesy may not warrant that level of scrutiny. During its first year, IOLERO will explore existing mediation programs that have been implemented by other civilian review offices, with the intention of developing a mediation program to be implemented late in the first year or in the following year. Among the tasks that will be involved in in this exploration are the following:

- Visit multiple civilian review agencies to learn how their mediation programs operate;
- Identify those types of public complaints that may be more appropriate to resolution through a voluntary mediation process;
- Meet with members of the North Bay Area community of mediation professionals to explore the possibility of establishing a mediation program staffed by volunteer mediators;

- Work with the Sheriff's Office and employee union representatives to discuss issues that may be raised by voluntary mediation of complaints filed by members of the public;
- Develop a model for mediation of complaints that will be effective for the unique characteristics of the Sonoma County environment;
- Begin steps to implement such a mediation program under the auspices of IOLERO.

Community Engagement Program

Perhaps one of the most challenging tasks, as well as one of tasks with the most positive opportunities, is that of healing the divisions between law enforcement and some parts of the community. Through collaboration with the Sheriff's Office and perhaps other law enforcement agencies in the County, IOLERO will seek to bring together members of law enforcement and members of communities that experience distrust of law enforcement, in an effort to bridge the differences between them.

This effort will involve the following tasks:

- Collaborate with the Sheriff's Office to set up a series of Community Engagement Circle meetings with the intent of bridging the gaps between law enforcement and parts of the community;
 - involve members of law enforcement (drawn primarily from Sheriff's Office) and community members (with an emphasis on disadvantaged communities);
 - set up a professionally facilitated process for the meetings to enhance their effectiveness and lessen the risk of provocative conflict;
 - each circle to engage in a structured, facilitated sharing of each person's emotional and factual truth about their experiences connected to law enforcement;
 - the goal of these circles will be to humanize each perspective and undermine the process of caricature that often typifies such interactions;
 - goal of six such circles per year at locations throughout the County.
- Mediation Program – as more fully described above, IOLERO will explore establishing a mediation program to resolve less serious complaints against deputies. Modeled on existing programs in several other jurisdictions, this program would allow complainants to sit down with deputies against whom they have filed a complaint, with the goal of each participant more completely understanding the perspective of the other. The experience with this model in other jurisdictions has shown that such mediated encounters achieve understanding and humanize situations that had become polarized in the midst of conflict and confrontation. They therefore serve as another model of community healing.
- Collaborate with the Sheriff's Office in series of "Community Service" opportunities where IOLERO and the Sheriff's Office work on community building projects in disadvantaged communities.

Contract Administration

And finally, once awarded, IOLERO will assume responsibility for the administration of contracts and MOU's approved by the Board to support the following recommendations of the Task Force:

- Expansion of the Student Congress program (one-time award)

- Establishment of a Restorative Justice Collaborative with the Sonoma County Office of Education (one-time award via Memorandum of Understanding)
- Expansion of restorative justice programs for middle school students beyond those already provided to Santa Rosa city schools (on-going support).

CONCLUSION

The Department's First Year Work Plan is an ambitious one. IOLERO is committed to achieving these goals and related tasks during its first year in operation. Only by setting high goals will it be possible to make good progress in realizing the potential of this Office.

Appendix D

Assembly Bill No. 953

CHAPTER 466

An act to add Section 12525.5 to the Government Code, and to amend Sections 13012 and 13519.4 of the Penal Code, relating to racial profiling.

[Approved by Governor October 3, 2015. Filed with Secretary of State October 3, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 953, Weber. Law enforcement: racial profiling.

Existing law creates the Commission on Peace Officer Standards and Training and requires it to develop and disseminate guidelines and training for all law enforcement officers, as described. Existing law prohibits a peace officer from engaging in racial profiling and requires the training to prescribe patterns, practices, and protocols that prevent racial profiling, as defined. Existing law requires the Legislative Analyst's Office to conduct a study of the data that is voluntarily collected by jurisdictions that have instituted a program of data collection with regard to racial profiling.

This bill would enact the Racial and Identity Profiling Act of 2015, which would, among other changes, revise the definition of racial profiling to instead refer to racial or identity profiling, and make a conforming change to the prohibition against peace officers engaging in that practice.

The bill would require, beginning July 1, 2016, the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA) to eliminate racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement. The bill would specify the composition of the board. The bill would require the board, among other duties, to investigate and analyze state and local law enforcement agencies' racial and identity profiling policies and practices across geographic areas in California, to annually make publicly available its findings and policy recommendations, to hold public meetings annually, as specified, and to issue the board's first annual report no later than January 1, 2018.

The bill would require each state and local agency that employs peace officers to annually report to the Attorney General data on all stops, as defined, conducted by the agency's peace officers, and require that data to include specified information, including the time, date, and location of the stop, and the reason for the stop. The bill would require an agency that employs 1,000 or more peace officers to issue its first annual report by April 1, 2019. The bill would require an agency that employs 667 or more but less than 1,000 peace officers to issue its first annual report by April 1, 2020. The bill would require an agency that employs 334 or more but less than 667 peace officers to issue its first annual report by April 1, 2022. The bill

would require an agency that employs one or more but less than 334 peace officers to issue its first annual report by April 1, 2023.

By imposing a higher level of service on local entities that employ peace officers, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Racial and Identity Profiling Act of 2015.

SEC. 2. Section 12525.5 is added to the Government Code, to read:

12525.5. (a) (1) Each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year.

(2) Each agency that employs 1,000 or more peace officers shall issue its first round of reports on or before April 1, 2019. Each agency that employs 667 or more but less than 1,000 peace officers shall issue its first round of reports on or before April 1, 2020. Each agency that employs 334 or more but less than 667 peace officers shall issue its first round of reports on or before April 1, 2022. Each agency that employs one or more but less than 334 peace officers shall issue its first round of reports on or before April 1, 2023.

(b) The reporting shall include, at a minimum, the following information for each stop:

(1) The time, date, and location of the stop.

(2) The reason for the stop.

(3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.

(4) If a warning or citation was issued, the warning provided or violation cited.

(5) If an arrest was made, the offense charged.

(6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for him or her.

(7) Actions taken by the peace officer during the stop, including, but not limited to, the following:

(A) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

(B) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.

(C) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(c) If more than one peace officer performs a stop, only one officer is required to collect and report to his or her agency the information specified under subdivision (b).

(d) State and local law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section. Notwithstanding any other law, the data reported shall be available to the public, except for the badge number or other unique identifying information of the peace officer involved, which shall be released to the public only to the extent the release is permissible under state law.

(e) Not later than January 1, 2017, the Attorney General, in consultation with stakeholders, including the Racial and Identity Profiling Advisory Board (RIPA) established pursuant to paragraph (1) of subdivision (j) of Section 13519.4 of the Penal Code, federal, state, and local law enforcement agencies and community, professional, academic, research, and civil and human rights organizations, shall issue regulations for the collection and reporting of data required under subdivision (b). The regulations shall specify all data to be reported, and provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies. To the best extent possible, such regulations should be compatible with any similar federal data collection or reporting program.

(f) All data and reports made pursuant to this section are public records within the meaning of subdivision (e) of Section 6252, and are open to public inspection pursuant to Sections 6253 and 6258.

(g) (1) For purposes of this section, “peace officer,” as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, is limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions. “Peace officer,” as used in this section, does not include probation officers and officers in a custodial setting.

(2) For purposes of this section, “stop” means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control.

SEC. 3. Section 13012 of the Penal Code is amended to read:

13012. (a) The annual report of the department provided for in Section 13010 shall contain statistics showing all of the following:

- (1) The amount and the types of offenses known to the public authorities.
- (2) The personal and social characteristics of criminals and delinquents.

(3) The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents.

(4) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.

(5) (A) The total number of each of the following:

(i) Citizen complaints received by law enforcement agencies under Section 832.5.

(ii) Citizen complaints alleging criminal conduct of either a felony or misdemeanor.

(iii) Citizen complaints alleging racial or identity profiling, as defined in subdivision (e) of Section 13519.4. These statistics shall be disaggregated by the specific type of racial or identity profiling alleged, such as based on a consideration of race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability.

(B) The statistics reported under this paragraph shall provide, for each category of complaint identified under subparagraph (A), the number of complaints within each of the following disposition categories:

(i) “Sustained,” which means that the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by preponderance of evidence.

(ii) “Exonerated,” which means that the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.

(iii) “Not sustained,” which means that the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.

(iv) “Unfounded,” which means that the investigation clearly established that the allegation is not true.

(C) The reports under subparagraphs (A) and (B) shall be made available to the public and disaggregated for each individual law enforcement agency.

(b) It shall be the duty of the department to give adequate interpretation of the statistics and so to present the information that it may be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution, and treatment of the criminals and delinquents, or concerned with the prevention of crime and delinquency. The report shall also include statistics which are comparable with national uniform criminal statistics published by federal bureaus or departments heretofore mentioned.

(c) Each year, on an annual basis, the Racial and Identity Profiling Board (RIPA), established pursuant to paragraph (1) of subdivision (j) of Section 13519.4, shall analyze the statistics reported pursuant to subparagraphs (A) and (B) of paragraph (5) of subdivision (a) of this section. RIPA’s analysis of the complaints shall be incorporated into its annual report as required by

paragraph (3) of subdivision (j) of Section 13519.4. The reports shall not disclose the identity of peace officers.

SEC. 4. Section 13519.4 of the Penal Code is amended to read:

13519.4. (a) The commission shall develop and disseminate guidelines and training for all peace officers in California as described in subdivision (a) of Section 13510 and who adhere to the standards approved by the commission, on the racial and cultural differences among the residents of this state. The course or courses of instruction and the guidelines shall stress understanding and respect for racial, identity, and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment.

(b) The course of basic training for peace officers shall include adequate instruction on racial, identity, and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups. In developing the training, the commission shall consult with appropriate groups and individuals having an interest and expertise in the field of racial, identity, and cultural awareness and diversity.

(c) For the purposes of this section the following shall apply:

(1) “Disability,” “gender,” “nationality,” “religion,” and “sexual orientation” have the same meaning as in Section 422.55.

(2) “Culturally diverse” and “cultural diversity” include, but are not limited to, disability, gender, nationality, religion, and sexual orientation issues.

(3) “Racial” has the same meaning as “race or ethnicity” in Section 422.55.

(4) “Stop” has the same meaning as in paragraph (2) of subdivision (g) of Section 12525.5 of the Government Code.

(d) The Legislature finds and declares as follows:

(1) The working men and women in California law enforcement risk their lives every day. The people of California greatly appreciate the hard work and dedication of peace officers in protecting public safety. The good name of these officers should not be tarnished by the actions of those few who commit discriminatory practices.

(2) Racial or identity profiling is a practice that presents a great danger to the fundamental principles of our Constitution and a democratic society. It is abhorrent and cannot be tolerated.

(3) Racial or identity profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law enforcement is sworn to protect and serve.

(4) Pedestrians, users of public transportation, and vehicular occupants who have been stopped, searched, interrogated, and subjected to a property seizure by a peace officer for no reason other than the color of their skin, national origin, religion, gender identity or expression, housing status, sexual orientation, or mental or physical disability are the victims of discriminatory practices.

(5) It is the intent of the Legislature in enacting the changes to this section made by the act that added this paragraph that additional training is required to address the pernicious practice of racial or identity profiling and that enactment of this section is in no way dispositive of the issue of how the state should deal with racial or identity profiling.

(e) “Racial or identity profiling,” for purposes of this section, is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

(f) A peace officer shall not engage in racial or identity profiling.

(g) Every peace officer in this state shall participate in expanded training as prescribed and certified by the Commission on Peace Officers Standards and Training.

(h) The curriculum shall be evidence-based and shall include and examine evidence-based patterns, practices, and protocols that make up racial or identity profiling, including implicit bias. This training shall prescribe evidenced-based patterns, practices, and protocols that prevent racial or identity profiling. In developing the training, the commission shall consult with the Racial and Identity Profiling Advisory Board established pursuant to subdivision (j). The course of instruction shall include, but not be limited to, significant consideration of each of the following subjects:

(1) Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community.

(2) Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest detention and incarceration rights, and wrongful convictions.

(3) The history and role of the civil and human rights movement and struggles and their impact on law enforcement.

(4) Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers.

(5) Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area.

(6) The prohibition against racial or identity profiling in subdivision (f).

(i) Once the initial basic training is completed, each peace officer in California as described in subdivision (a) of Section 13510 who adheres to the standards approved by the commission shall be required to complete a refresher course every five years thereafter, or on a more frequent basis if

deemed necessary, in order to keep current with changing racial, identity, and cultural trends.

(j) (1) Beginning July 1, 2016, the Attorney General shall establish the Racial and Identity Profiling Advisory Board (RIPA) for the purpose of eliminating racial and identity profiling, and improving diversity and racial and identity sensitivity in law enforcement.

(2) RIPA shall include the following members:

(A) The Attorney General, or his or her designee.

(B) The President of the California Public Defenders Association, or his or her designee.

(C) The President of the California Police Chiefs Association, or his or her designee.

(D) The President of California State Sheriffs' Association, or his or her designee.

(E) The President of the Peace Officers Research Association of California, or his or her designee.

(F) The Commissioner of the California Highway Patrol, or his or her designee.

(G) A university professor who specializes in policing, and racial and identity equity.

(H) Two representatives of human or civil rights tax-exempt organizations who specialize in civil or human rights.

(I) Two representatives of community organizations who specialize in civil or human rights and criminal justice, and work with victims of racial and identity profiling. At least one representative shall be between 16 and 24 years of age.

(J) Two religious clergy members who specialize in addressing and reducing racial and identity bias toward individuals and groups.

(K) Up to two other members that the Governor may prescribe.

(L) Up to two other members that the President Pro Tempore of the Senate may prescribe.

(M) Up to two other members that the Speaker of the Assembly may prescribe.

(3) Each year, on an annual basis, RIPA shall do the following:

(A) Analyze the data reported pursuant to Section 12525.5 of the Government Code and Section 13012 of the Penal Code.

(B) Analyze law enforcement training under this section.

(C) Work in partnership with state and local law enforcement agencies to review and analyze racial and identity profiling policies and practices across geographic areas in California.

(D) Conduct, and consult available, evidence-based research on intentional and implicit biases, and law enforcement stop, search, and seizure tactics.

(E) Issue a report that provides RIPA's analysis under subparagraphs (A) to (D), inclusive, detailed findings on the past and current status of racial and identity profiling, and makes policy recommendations for eliminating racial and identity profiling. RIPA shall post the report on its Internet Web

site. Each report shall include disaggregated statistical data for each reporting law enforcement agency. The report shall include, at minimum, each reporting law enforcement agency's total results for each data collection criteria under subdivision (b) of Section 12525.5 of the Government Code for each calendar year. The reports shall be retained and made available to the public by posting those reports on the Department of Justice's Internet Web site. The first annual report shall be issued no later than January 1, 2018. The reports are public records within the meaning of subdivision (d) of Section 6252 of the Government Code and are open to public inspection pursuant to Sections 6253, 6256, 6257, and 6258 of the Government Code.

(F) Hold at least three public meetings annually to discuss racial and identity profiling, and potential reforms to prevent racial and identity profiling. Each year, one meeting shall be held in northern California, one in central California, and one in southern California. RIPA shall provide the public with notice of at least 60 days before each meeting.

(4) Pursuant to subdivision (e) of Section 12525.5 of the Government Code, RIPA shall advise the Attorney General in developing regulations for the collection and reporting of stop data, and ensuring uniform reporting practices across all reporting agencies.

(5) Members of RIPA shall not receive compensation, nor per diem expenses, for their services as members of RIPA.

(6) No action of RIPA shall be valid unless agreed to by a majority of its members.

(7) The initial terms of RIPA members shall be four years.

(8) Each year, RIPA shall elect two of its members as cochairpersons.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Appendix E

California Penal Code §832.5 and §832.7

§ 832.5. Citizen's complaints against personnel; investigation; retention and maintenance of records; removal of complaints; access to records

- (a) (1) Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.
- (2) Each department or agency that employs custodial officers, as defined in section 831.5, may establish a procedure to investigate complaints by members of the public against those custodial officers employed by these departments or agencies, provided however, that any procedure so established shall comply with the provisions of this section and with the provisions of section 832.
- (b) Complaints and any reports or findings relating to these complaints shall be retained for a period of at least five years. All complaints retained pursuant to this subdivision may be maintained either in the peace or custodial officer's general personnel file or in a separate file designated by the department or agency as provided by department or agency policy, in accordance with all applicable requirements of law. However, prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing department or agency, the complaints described by subdivision (c) shall be removed from the officer's general personnel file and placed in separate file designated by the department or agency, in accordance with all applicable requirements of law.
- (c) Complaints by members of the public that are determined by the peace or custodial officer's employing agency to be frivolous, as defined in section 128.5 of the Code of Civil Procedure, or unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, shall not be maintained in that officer's general personnel file. However, these complaints shall be retained in other, separate files that shall be deemed personnel records for purposes of the California Public Records Act (Chapter 3.5 commencing with section 6250) of Division 7 of Title 1 of the Government Code) and section 1043 of the Evidence Code.
- (1) Management of the peace or custodial officer's employing agency shall have access to the files described in this subdivision.
- (2) Management of the peace or custodial officer's employing agency shall not use the complaints contained in these separate files for punitive or promotional purposes except as permitted by subdivision (f) of section 3304 of the Government Code.
- (3) Management of the peace or custodial officer's employing agency may identify any officer who is subject to the complaints maintained in these files which require counseling or additional training. However, if a complaint is removed from the officer's personnel file, any reference in the personnel file to the complaint or to a separate file shall be deleted.
- (d) As used in this section, the following definitions apply:
- (1) "General personnel file" means the file maintained by the agency containing the primary records specific to each peace or custodial officer's employment, including evaluations, assignments, status changes, and imposed discipline.

(2) "Unfounded" means that the investigation clearly established that the allegation is not true.

(3) "Exonerated" means that the investigation clearly established that the actions of the peace or custodial officer that formed the basis for the complaint are not violations of law or department policy.

California Penal Code §832.7

§ 832.7. Confidentiality of peace officer records: Exceptions

(a) Peace officer or custodial officer personnel records and records maintained by any state or local agency pursuant to section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.

(b) Notwithstanding subdivision (a), a department or agency shall release to the complaining party a copy of his or her own statements at the time the complaint is filed.

(c) Notwithstanding subdivision (a), a department or agency that employs peace or custodial officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.

(d) Notwithstanding subdivision (a), a department or agency that employs peace or custodial officers may release factual information concerning a disciplinary investigation if the officer who is the subject of the disciplinary investigation, or the officer's agent or representative, publicly makes a statement he or she knows to be false concerning the investigation or the imposition of disciplinary action. Information may not be disclosed by the peace or custodial officer's employer unless the false statement was published by an established medium of communication, such as television, radio, or a newspaper. Disclosure of factual information by the employing agency pursuant to this subdivision is limited to facts contained in the officer's personnel file concerning the disciplinary investigation or imposition of disciplinary action that specifically refute the false statements made public by the peace or custodial officer or his or her agent or representative.

(e) (1) The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

(2) The notification described in this subdivision shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of this state or the United States.

(f) Nothing in this section shall affect the discovery or disclosure of information contained in a peace or custodial officer's personnel file pursuant to section 1043 of the Evidence Code.

Appendix F



SAMPLE CLOSING LETTER TO COMPLAINANT INDICATING THAT IOLERO AGREED WITH THE INTERNAL AFFAIR'S INVESTIGATION

[Date of letter]

Complainant
Complainant's mailing address

Reference Citizen's Complaint 17-C-xxxx

Dear Mr./Ms. Complainant,

Thank you for filing a complaint with the Independent Office of Law Enforcement Review and Outreach (IOLERO) regarding your concerns about Sheriff's Office staff. Also, thank you for your patience while your complaint was investigated by the Sheriff's Office Internal Affairs Unit and the subsequent audit of the investigation by IOLERO.

Our audit included independently reviewing all the available evidence related to your complaint, such as relevant documents contained in the investigation file, body worn camera footage from the incident, and witness statements. The robust available evidence allowed us to reach conclusions as to the allegations of your complaint.

The Sheriff's Office investigation concluded by exonerating the deputies of the allegations you made against them. You should already have received a letter stating their findings.

Based on an independent review of the evidence, IOLERO's audit of the investigation also concluded that the deputies should be exonerated for the allegations you made against them. Please feel free to contact our office should you have further questions or concerns about your complaint.

Sincerely,

Jerry Threet

JERRY THREET | Director

2300 A County Center Drive, Suite A211 Santa Rosa, CA95403
707-565-1534 Fax 707-565-5715 Jerry.Threet@sonoma-county.org www.sonomacounty.ca.gov/IOLERO

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 deputy of the Sonoma County Sheriff's Office is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner. Even at its lowest level, the use of force is a serious responsibility and the Sonoma County Sheriff's Office recognizes the need for constant evaluation.

300.1.1 DEFINITIONS

ACTIVE RESISTANCE/ASSAULTIVE BEHAVIOR: When a subject verbally or physically indicates their intent to inflict bodily injury, assaults a deputy, or any other person. The deputy reasonably believes there is an imminent danger of violence. The subject may assume a fighting stance, display boxing or mixed martial art skills, attempt to escape, prevent his/her arrest, interfere with a deputy's lawful authority by inflicting pain or physical injury to the deputy, or any other person.

COMPLIANCE TECHNIQUE: The level of force utilized by a deputy to gain the compliance and control of a subject who refused to comply with a deputy's verbal commands or physical control techniques.

COOPERATIVE/COMPLIANT: The actions of a subject when they yield to the authority of a deputy with whom they have official contact.

DEADLY/LETHAL FORCE: The level of force utilized by deputies to stop an imminent threat, which is likely to cause serious physical injury or death, to the deputy, or any other person.

FORCE: The application of physical techniques or tactics, chemical agents or weapons to another person to gain compliance, protect the safety, overcome resistance, or prevent escape.

LESS-LETHAL WEAPON: An authorized weapon used to launch, fire, or propel less-lethal munitions to engage a subject with the intent to gain their compliance and overcome a subject's active resistance or assaultive behavior. Less-lethal munitions when used properly, are less likely to result in a serious bodily injury or fatality and can be used to de-escalate a potentially deadly situation. (Examples of less-lethal munitions include: Taser, foam/rubber batons, and chemical agents).

NO FORCE: The professional command presence or de-escalation skills used by deputies to control an incident and gain the voluntary compliance of a subject in any given situation.

PASSIVE RESISTANCE/NON-COMPLIANT: Refusal by a subject to comply with a deputy's verbal commands. When a subject is passive or resists a deputy's authority and direction. This includes verbal and physical cues of non-compliance, not physically resistive, but not complying.

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REASONABLENESS: The Fourth Amendment “reasonableness” inquiry is whether the peace officers' actions were "objectively reasonable" in light of the facts and circumstances confronting them, at that moment, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that peace officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

REPORTABLE FORCE: Any use of physical force by a deputy of this Sheriff's Office shall be documented. It is the responsibility of the deputy using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Sheriff's Office policy or law. Actions not considered physical use of force are Sheriff's Office-approved searching or handcuffing when the suspect does not resist.

SERIOUS BODILY INJURY/FATALITY: When a subject commits a public offense where the deputy reasonably believes there is an imminent danger of violence to the deputy or any other person. The deputy reasonably believed the subject's actions may result in their risk of weapon loss, serious bodily injury, or fatality.

VIOLENT FELONY: A violent, forcible, act committed by a subject which threatens serious bodily injury or fatality to the deputy, or any other person.

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. On a daily basis, deputies are involved 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 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. It is the policy of this Office that deputies shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event to effectively bring an incident under control.

"Reasonableness" of the use of force will be determined from the perspective of a reasonable deputy on scene at the time of the incident.

300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to

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prevent the use of unreasonable force. A deputy who observes another employee use force that they believe is unreasonable under the circumstances shall promptly report these observations to a supervisor.

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 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 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 LEGAL AUTHORITY FOR USE OF FORCE

California Penal Code Section 835: An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subject to such restraint as is reasonable for his/her arrest and detention.

California Penal Code Section 835a: Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the subject being arrested; nor shall such officer be deemed an aggressor or lose their right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

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California Penal Code Section 843: When the arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest."

Title 15, California Code of Regulations Section 3268: (Reasonable Force) The force that an objective, trained and competent employee, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

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. subject(s)).
- (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 his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (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.

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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 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 subject can comply with the direction or orders of the deputy.
- (c) Whether the subject 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, or is ineffective.

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 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 subject in any of the following circumstances:
 - 1. The subject is violent or physically resisting.
 - 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.
- (b) The deputy shall have successfully completed Office-approved training in the use and application of the carotid control hold.
- (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.

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- (e) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (f) 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 subject from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Sonoma County Sheriffs Office for this specific purpose.

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. Imminent does not mean immediate or instantaneous.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the subject 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 subject if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. If possible deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle to themselves or the public, 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.

300.5 REPORTING THE USE OF FORCE

Any use of physical force by a member of this Sheriff's Office shall be documented. Actions not considered physical use of force are Sheriff's Office-approved searching or handcuffing when the suspect does not resist.

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It is the responsibility of the member using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Sheriff's Office policy and/or law.

- (a) Body worn camera video footage shall be uploaded into Evidence.com and categorized as Use of Force.
- (b) Photographs of all involved parties shall be taken to document both physical injury and/or the lack of physical injury to any party.
 - 1. If for some reason a deputy is unable to capture body worn camera video footage or take photographs to document the physical condition of the parties involved in a use of force when he/she has a sustained or alleged an injury, the deputy shall document the reason these actions were not taken in a Sheriff's Office report.

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.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.
- (j) All correctional deputies shall report any use of force as soon as practical.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Lieutenant, or the authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any subject who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing

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pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she 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.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any subject providing medical care or receiving custody of a subject following any use of force is informed that the subject 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).

Subjects 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 subjects should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practical.

In the Detention Division, all incarcerated inmates shall be seen by jail medical staff for any use of force.

300.7 SUPERVISOR RESPONSIBILITY

When practical, Supervisors are expected to respond to an incident in which there has been a reported application of force. The Supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) If appropriate, separately interview the subject(s) upon who force was applied.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs shall be attached to the appropriate report and uploaded into the use of force review.
- (e) Ensure all witnesses are included in related reports.
- (f) Review body worn camera video of the incident.
- (g) Review and approve all related reports.

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In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Prior to going on their regular days off, the supervisor will complete the use of force report in the administrative investigation management database and forward it to the Use of Force Lieutenant for review.

In the event that the supervisor believes the incident may give rise to potential civil litigation, the Watch Commander and Risk Management shall be notified.

300.7.1 USE OF FORCE LIEUTENANT RESPONSIBILITY

The Use of Force Lieutenant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. If a use of force is determined to be potentially outside the parameters of this policy, it will be assigned to Internal Affairs for additional investigation to determine if there were any violations of this, or any other policy.

300.8 TRAINING

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

300.8.1 TRAINING REQUIREMENTS

Assistant Sheriffs are required to ensure that all sworn personnel under their command qualify in accordance with this policy.

- (a) Use of Force Instructors refers to Defensive Tactics and Firearms Instructors.
- (b) The Use of Force Instructors will keep a record of all those who attend training.
- (c) All sworn personnel must attend use of force training each quarter.
 1. For the Law Enforcement Division, it will consist of, at minimum, four (4) hours of training: Two (2) hours of defensive tactics and two (2) hours of firearms.
 2. For the Detention Division, it will consist of, at minimum, two (2) hours of defensive tactics training.
- (d) The quarters will be divided as follows:
 1. First Quarter: January through March
 2. Second Quarter: April through June
 3. Third Quarter: July through September
 4. Fourth Quarter: October through December
- (e) Failure to comply with this training (attendance and/or qualification) may result in disciplinary action.
 1. Only the Sheriff, or his designee, may exempt a deputy from the provisions mandated in this policy.

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2. If a deputy fails to attend at least one use of force training during a quarter, the deputy shall attend the first training offered of the following quarter.
- (f) Management is not required to attend the defensive tactics portion of this training. Management from the Law Enforcement division is required to attend the firearms portion of the training.

If a deputy fails to qualify after remediation, the Use of Force Instructor shall immediately notify the Use of Force Lieutenant verbally, and shall prepare a memo to be sent, via chain of command, as soon as practical, for determination of action.

300.9 USE OF FORCE ANALYSIS

At least annually, the Law Enforcement Division Administration Captain and the Detention Division Captain, or their designee, should prepare a report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.10 RECORDS RETENTION

Use of Force Reports shall be kept on file for a period of five (5) years, after which time such reports shall be deleted according to applicable State of California statute and County of Sonoma Ordinance.

Appendix H

304 – Use of Firearms

1. PURPOSE AND SCOPE
2. REPORTING
3. INVESTIGATIONS

304.1 PURPOSE AND SCOPE

The purpose of the Use of Firearms policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only, and does not increase the Sheriff's Office and/or a Deputy's civil or criminal liability in any way. Violations of this policy can only form the basis for departmental administrative actions.

304.11 POLICY

It is the policy of the Sheriff's Office to resort to the use of a firearm under law, when it reasonably appears to be necessary, and generally:

- (a) A Deputy may use deadly force to protect him or herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) A Deputy may use deadly force to affect the arrest or prevent the escape of a suspected felon where the Deputy has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- (c) To stop a dangerous animal.
 1. Deputies are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective.
- (d) With the approval of a supervisor, a Deputy may kill an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals (with the exception of dogs and cats) may only be killed after a reasonable search to locate the owner. Penal Code §597.1(e). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.
- (e) For target practice at an approved range.

Where feasible, a warning shall be given before Deputy resorts to deadly force as outlined above. A specific warning that deadly force will be used is not required by this policy, only that a warning is given if feasible.

304.12 WARNING SHOTS

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

304.13 MOVING VEHICLES

Shots fired at or from a moving vehicle are generally discouraged.

- (a) Unless it reasonably appears that it would endanger Deputies or the public, Deputies should attempt to move out of the path of any approaching vehicle.
- (b) This is not intended to restrict a Deputy's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the Deputy or others.
- (c) Deputies may not use deadly force to stop a fleeing suspect unless the Deputy has a probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

304.14 CHOICE OF FIREARMS

Handguns, rifles and shotguns are authorized to be used in circumstances in which a reasonable Deputy would conclude that the particular firearm would be the most effective weapon. Prior to using a particular weapon, each Deputy must have successfully completed the Sheriff's Office -approved qualification course.

304.2 REPORTING

Except during training or recreational use, or when the Sonoma County Law Enforcement Chiefs Association countywide Protocol 93- has been invoked, any Deputy who discharges a firearm, whether accidentally or intentionally, on or off duty shall comply with the following procedures, subject to the provisions of Government Code Section 3300, et seq. and Constitutional law:

- (a) The Deputy shall make a verbal report regarding the discharge of the firearm to the on-duty supervisor as soon as practical.
- (b) The on-duty Supervisor will advise the Deputy to write an incident report (in cases such as shooting animals, etc.) or a memorandum (accidental discharge, etc.). The Deputy shall write a report or memo detailing the circumstances surrounding the discharge of the firearm, and shall forward a copy to the supervisor as soon as practical.
- (c) If the countywide "Employee Involved Fatal Incident Protocol" has been invoked, then the Deputy shall comply with all protocols required therein.

304.3 INVESTIGATIONS

- (a) The immediate supervisor (or on-duty supervisor) of a Deputy who discharges a firearm shall make any investigation that is needed to properly evaluate the circumstances of the firearm discharge. Unless the countywide "Employee Involved Fatal Incident Protocol" has been invoked, that supervisor shall prepare a memo detailing his/her finding(s) and conclusion(s).

1. The supervisor's memo should briefly summarize the facts and circumstances of the shooting, whether or not the shooting was within policy, and any training issues.
 2. The supervisor shall forward the memo and all pertinent documentation to the responsible Lieutenant or the Watch Commander (whichever is appropriate).
- (b) The responsible Lieutenant shall review all relevant documents and other necessary information and make a finding regarding any violations of law or policy.
1. The responsible Lieutenant shall forward all relevant information to the Captain or Assistant Sheriff, as appropriate.
- (c) The Assistant Sheriff shall determine what, if any, disciplinary action is to be taken in accordance with County and Sheriff's Office policies. The Assistant Sheriff shall forward all original documents and any disciplinary action information to the Sheriff's Personnel Bureau for filing.

REVISION HISTORY

04/17/2006

04/30/2012

05/08/2014

Appendix I

SONOMA COUNTY SHERIFF'S OFFICE OFFICE -WIDE POLICY AND PROCEDURE MANUAL

AUTHORIZED FIREARMS

[1.0 POLICY STATEMENT](#)

[2.0 DEFINITIONS](#)

[3.0 MANDATES](#)

[4.0 LAW ENFORCEMENT DIVISION](#)

[6.0 DETENTION DIVISION](#)

[6.0 REVISION HISTORY](#)

Sheriff's Office Version: 4.07.16

1.0 POLICY STATEMENT

Deputy Sheriffs and Correctional Deputies shall only carry and use firearms while on duty that are safe, well maintained, have been authorized and approved by the Sheriff's Office, and with which the Deputy Sheriffs or Correctional Deputies have properly qualified.

The purpose of the Use of Firearms policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only. Violations of this policy shall only form the basis for departmental administrative actions.

2.0 DEFINITIONS

FIREARM:	A weapon from which a projectile is discharged by gunpowder.
FIREARMS LIEUTENANT:	Lieutenant in charge of the Sheriff's Office Firearms Training Program.
PRIMARY SIDEARM:	The main firearm used by Deputies in the performance of their duties.
CALIBER:	The diameter of the bullet or size as designated by the firearm or ammunition manufacturer.
SECONDARY FIREARM:	Office approved additional firearm.
OFF-DUTY FIREARM:	Firearm carried when not on-duty

INVENTORY CONTROL: The process by which all Sheriff's Office firearms are logged in and out of databases maintained by the Personnel Bureau and the Department of Justice. The Personnel Bureau Lieutenant, Deputy Sheriff Sergeant assigned to Personnel or a Law Enforcement or Administration Division Captain or above shall be the only persons to remove guns from the safe.

INSTRUCTOR: Deputy Sheriff selected by the Sheriff's Office, trained through a POST course, and authorized to conduct firearms training for all Sheriff's Office personnel.

ARMORER: Deputy Sheriffs selected from the list of active firearms instructors who are authorized to maintain and repair Sheriff's Office firearms as part of the course and scope of their duties. At a minimum, they will have completed factory sponsored courses or the equivalent for the issued handgun, shotgun and rifles.

3.0 MANDATES

None.

4.0 LAW ENFORCEMENT DIVISION

4.1 POLICY

It is the policy of the Sheriff's Office that a Deputy Sheriff may resort to the use of a firearm when lawful and when it reasonably appears to be necessary. Generally, when one of the following conditions applies:

- (a) To protect him or herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) To affect the arrest or prevent the escape of a suspected felon where the Deputy has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- (c) To stop a dangerous animal Deputies are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective. This would include any dangerous animals that are destroying or attempting to destroy livestock or property.
- (d) With the approval of a supervisor, to kill an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. Injured animals (with the exception of dogs and cats) may only be killed after a reasonable search to locate the owner. Penal Code §597.1(e). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.
- (e) For target practice at an approved range.

Where feasible, a warning should be given before a Deputy Sheriff resorts to deadly force.

4.2 WARNING SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged. If a Deputy Sheriff reasonably believes that warning shot(s) are necessary and may be effective, they may be used so long as such discharge can be fired in a safe manner.

4.3 MOVING VEHICLES

Shots fired at or from a moving vehicle are generally discouraged, unless it reasonably appears that it is needed to protect the safety of Deputy Sheriffs or the public. Deputy Sheriffs should attempt to move out of the path of any approaching vehicle.

- (a) Deputy Sheriffs have the right to use deadly force against the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a deadly weapon against the Deputy Sheriff or others.

4.4 REPORTING

Except during training or recreational use, or when the Sonoma County Law Enforcement Chiefs Association Countywide Protocol 93-1 has been invoked, any Deputy who discharges a firearm, whether accidentally or intentionally, on or off duty shall comply with the following procedures, subject to the provisions of Government Code Section 3300, et seq. and Constitutional law:

- (a) The Deputy shall make a verbal report regarding the discharge of the firearm to the on-duty supervisor as soon as practical.
- (b) The on-duty Supervisor will advise the Deputy to write an incident report (in cases such as shooting animals, etc.) or a memorandum (accidental discharge, etc.). The Deputy shall write a report or memo detailing the circumstances surrounding the discharge of the firearm, and shall forward a copy to the Supervisor as soon as practical.
- (c) If the Countywide Employee Involved Fatal Incident Protocol has been invoked, then the Deputy shall comply with all protocols required therein.

4.5 INVESTIGATIONS

- (a) The immediate Supervisor (or on-duty Supervisor) of a Deputy Sheriff who discharges a firearm shall make any investigation that is needed to properly evaluate the circumstances of the firearm discharge. Unless the Countywide Employee Involved Fatal Incident Protocol has been invoked, that supervisor shall prepare a memo detailing his/her finding(s) and conclusion(s).
 - 1. The supervisor's memo should briefly summarize the facts and circumstances of the shooting, whether or not the shooting was within policy, and any training issues.
 - 2. The supervisor shall forward the memo and all pertinent documentation to the responsible Lieutenant or the Watch Commander (whichever is appropriate).
- (b) The responsible Law Enforcement Lieutenant shall review all relevant documents and other necessary information and make a finding regarding any violations of law or policy.

If the responsible Lieutenant determines the discharge of the firearm was outside of this policy and/or the law, and is going to recommend discipline above a letter of reprimand, a Policy & Procedure investigation will be conducted. Upon completion, this investigation will be

forwarded to the section Captain for review. The Captain will then forward the recommendation to the appropriate division Assistant Sheriff or Sheriff.

- (c) The Assistant Sheriff or Sheriff shall determine what, if any, disciplinary action is to be taken in accordance with County and Sheriff's Office policies. The Assistant Sheriff shall forward all original documents and any disciplinary action information to the Sheriff's Personnel Bureau for filing with a policy and procedure number.

4.6 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement deputies flying armed on commercial aircraft. Here are the guidelines that directly affect our agency and personnel:

- (a) Deputies wishing to fly while armed shall be flying in an official capacity, not for vacation or pleasure purposes; and
- (b) Deputies shall carry their Sheriff's Office identification card and California driver's license. When requested, Deputies shall present their identification to airline officials; and
- (c) The Deputy shall request approval to fly armed from his/her Lieutenant, Captain, or Assistant Sheriff. A document, email or memorandum, shall be presented to the Central Information Bureau (CIB) staff requesting CIB transmit a request via NLETS to the TSA for approval. TSA will review the request and if granted, provide a return confirmation number to the CIB. This approval shall be presented at the airline counter; and
- (d) Deputies shall have completed the mandated TSA security training, covering peace officers flying while armed. The training shall be given by the Sheriff's Office appointed instructor; and
- (e) Discretion must be used to avoid alarming passengers or crew by displaying your firearm. The firearm shall be kept on your person concealed at all times, and may not be stored in an overhead compartment; and
- (f) Never surrender your firearm to anyone. Resolve any problems with a management representative of the air carrier, which may include the flight Captain and/or ground security manager; and
- (g) No armed Deputy may consume any alcoholic beverage while aboard an aircraft, or eight hours prior to boarding an aircraft.
- (h) This section does not apply to members who choose to include an unloaded firearm in the checked baggage. All applicable regulations shall be followed.
- (i) See TSA FAQ under the 'Forms' section and 'Online Training – Flying While Armed' on the Sheriff's Office intranet.

4.7 CHOICE OF FIREARMS

Handguns, rifles, and shotguns are authorized to be used in circumstances in which a reasonable Deputy would conclude that the particular firearm would be the most effective weapon. Prior to using a particular make and model of weapon, each Deputy shall have successfully completed the Sheriff's Office approved qualification course.

4.8 COUNTY ISSUE PRIMARY WEAPON

Upon request, all Deputy Sheriffs are entitled to receive a handgun (sidearm) furnished by the Sheriff's Office (a Glock Model 22, 40 caliber semi-automatic pistol or a Glock Model 17, 9mm semi-automatic pistol).

4.9 OPTIONAL PRIMARY WEAPONS

Deputies may carry an optional handgun (sidearm) other than that issued by the Sheriff's Office, provided that the firearm falls within the criteria set forth below, and the Firearms Program Manager and the Deputy's Assistant Sheriff have authorized, in writing, optional sidearm in writing. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

- (a) All optional sidearms, related equipment, and ammunition shall be provided by the member. Ammunition shall be new, commercially manufactured (no reloads) ball or hollow point design.
- (b) Optional Primary Handgun (Sidearm) Criteria
 - 1. Revolvers:
 - a. Double action only
 - b. Smith & Wesson, Colt, or Ruger
 - c. Other brands approved on a case-by-case basis by the Firearm Program Manager and the Assistant Sheriff.
 - d. .38 Special caliber or larger
 - e. 3 1/2" to 6 1/2" barrel for uniformed personnel
 - f. 2" to 6 1/2" barrel for non-uniformed law enforcement personnel.
 - 2. Semi-Automatic Pistol Criteria
 - a. Double action type:
 - i. Glock, Smith & Wesson, Browning, Heckler & Koch, Beretta, Sig-Sauer and similar designs.
 - ii. Firearms of similar design may be approved on a case-by-case basis by the Firearms Program Manager, and the Assistant Sheriff.
 - iii. Each shall be equipped with a decocking lever and firing pin block.
 - iv. If not equipped with a decocking lever, it shall be of a design that returns the firing device(s) (firing pin, striker, hammer, etc.) to a safe position after firing.
 - b. Single Action Semi-Automatic Criteria
 - i. Colt, Kimber and Springfield Armory 1911 models.
 - ii. Firearms of similar design may be approved on a case-by-case basis by the Firearms Program Manager.
 - c. Striker Fired semi-auto, similar to a Glock
 - d. Allowable Calibers: semi-automatics shall be at least 9mm caliber, but not larger than .45 caliber.
 - e. Barrel Length shall be at least 3", not to exceed 6 1/2".
- (c) Prior to carrying either an issued or optional primary weapon on-duty, the Deputy Sheriff shall have successfully completed a Sheriff's Office approved qualification course with the particular handgun prior to receiving authorization to carry it on-duty.

4.10 SECONDARY HANDGUNS

Deputies may carry Sheriff's Office-issued handguns or may carry privately owned handguns upon receipt of written approval of the Firearms Program Manager or designee as a secondary handgun, subject to the following criteria. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

- (a) The handgun must be .380 ACP caliber or larger, and may be a semiautomatic or revolver with the following exception – if a member intends to carry a secondary handgun of a smaller caliber, then it is the responsibility of that member to qualify with that weapon on an approved course beforehand. No overtime shall be paid for the time any member spends in qualifying with a secondary handgun.
- (b) Deputies shall be required to have successfully completed a Sheriff's Office-approved qualification course with the particular handgun prior to receiving authorization to carry it on duty.
- (c) Authorization to carry privately-owned handguns shall be provided in writing, and a copy shall be placed in the Deputy's personnel file prior to on-duty use of the firearm.
- (d) The secondary handgun shall not be visible to the public unless the Deputy is using it. The secondary 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.
- (e) Only one secondary firearm may be carried at a time.

4.11 AUTHORIZED SECONDARY WEAPONS FIREARM

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

- (a) The firearm shall be of good quality and workmanship in good working order and on the office's list of approved firearms. (e.g., Colt, Smith & Wesson, Browning, Sig Sauer, etc.)
- (b) The purchase of the firearm and ammunition shall be the responsibility of the Deputy Sheriff.
- (c) The firearm should be inspected by an armorer prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

4.12 HOLSTERS FOR PRIMARY SIDEARMS AND SECURITY

All types of holsters Deputies use to carry their firearms while on duty must be approved by the Firearms Program Manager or designee. Deputies shall keep their firearms secured or under their direct control at all times while on duty or at their workstations. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

4.13 RIFLES

Deputy Sheriffs may be authorized to carry a Sheriff's Office-issued rifle, or may carry a privately-owned rifle upon receipt of the written approval of the Firearms Program Manager or designee. Deputy Sheriffs shall be required to have successfully completed a Sheriff's Office-approved qualification course (with that firearm) prior to carrying a rifle. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

- (a) Large Capacity Magazines: California Penal Code Section 32405 provides an exemption for peace officers from the prohibition on the sale to, lending to, transfer to, purchase by, receipt of, importation into California of, a large-capacity magazine as set forth in California Penal Code Section 32310. Sonoma County Sheriff's Deputies are authorized by this Department to carry firearms with large-capacity magazines both on-duty and off-duty. Certain municipalities and

other local government entities in the State of California have enacted prohibitions on the possession of large-capacity magazines with an exception for peace officers (qualified in some instances by the requirement that the peace officer who is carrying a firearm with a large-capacity magazine must do so “within the scope of his or her duties” in order to be eligible for such exception). It is the policy of the Sonoma County Sheriff’s Office that any Sonoma County Sheriff’s Deputy who is carrying a firearm with, or otherwise possesses, a large-capacity magazine is authorized to possess and carry the large-capacity magazine, and is considered by this policy to be doing so, within the scope of such deputy’s duties both on-duty and off-duty.

4.14 TYPES OF RIFLES

- (a) The following rifles are approved for on-duty use: Colt AR-15 rifles or similar models from other manufacturers.
- (b) Other rifles, including quality semi-automatic rifles with detachable box magazines, bolt action or lever action rifles chambered for center fire cartridges with the approval of the firearms program manager.
- (c) Authorized calibers are non-magnum, center-fire between .223 through .30.
- (d) No fully automatic weapons outside of SWAT.

4.15 OPTIONAL RIFLES

- (a) If the Sheriff’s Office has authorized a Deputy Sheriff to carry an optional (privately-owned) rifle, the Deputy Sheriff is not entitled to any compensation for the purchase or for maintenance of the rifle, ammunition, or related equipment.
- (b) The responsibility of the Sheriff’s Office for loss of or damage to a Deputy Sheriff’s (privately-owned) optional rifle shall be limited to the replacement value of a Sheriff’s Office-owned patrol rifle.

4.16 CARRYING OF RIFLES

- (a) Rifles may be carried in locking gun racks in vehicles so equipped, but not in the place of shotguns. Rifles carried in vehicle trunks shall be stored in a hard or soft rifle cases.
- (b) Rifles shall be carried in vehicles with the loaded magazine inserted in the rifle; the bolt shall be closed and chamber empty.
- (c) Other than in tactical situations, rifles shall be carried through the workstation, or to and from the Deputy Sheriff’s work vehicle, in the following manner:
 - 1. In a hard or soft gun case, chamber empty, bolt closed (loaded magazine may be inserted); or
 - 2. If not in a case, then with the muzzle down and unloaded with the bolt open (empty chamber and no magazine inserted); or
 - 3. Carried on the shoulder by the weapon sling, muzzle down, unloaded with the bolt open (empty chamber and no magazine inserted).

4.17 SHOTGUNS

Deputy Sheriffs and sergeants shall be issued a Sheriff’s Office shotgun, or may carry a Sheriff’s Office approved personal shotgun upon receipt of the written approval of the Firearms Program Manager or designee. Deputy Sheriffs and sergeants who are assigned to Court Security or Transportation, other than

temporary rotations, and Sheriff's Office Managers may be exempt from this section. All Deputy Sheriffs shall qualify twice a year using their assigned shotgun or a Sheriff's Office pool shotgun if they do not have an assigned shotgun.

4.18 TYPES OF SHOTGUNS

The Sheriff's Office-authorized shotgun is the Remington, model 870, 12 gauge, or other Sheriff's Office-approved shotgun, issued by the Sheriff's Office. The only privately-owned shotgun approved for use by Deputies is a right hand, Remington Brand, model 870, 12 gauge.

4.19 OPTIONAL SHOTGUNS

- (a) If the Sheriff's Office has authorized a Deputy Sheriff to carry an optional (privately-owned) shotgun, the Deputy Sheriff is not entitled to any compensation for the purchase or for maintenance of the shotgun, ammunition, or related equipment.
- (b) The responsibility of the Sheriff's Office for loss of or damage to a Deputy Sheriff's (privately-owned) optional shotgun shall be limited to the replacement value of a Sheriff's Office-owned patrol shotgun. See Office-Wide Policy on Reimbursement of Lost/Damaged Personal Property.

4.20 CARRYING: SHOTGUNS SHALL BE CARRIED AS FOLLOWS:

- (a) Shotguns shall be carried in the front passenger compartment of patrol vehicles in the locking gun rack. Shotguns in vehicles shall be carried with the hammer down on an empty chamber and four rounds of duty ammunition in the magazine.
- (b) Other than in tactical situations, shotguns shall be carried through the workstation, or to and from a Deputy Sheriff's work vehicle, in the following manner:
 - 1. In a gun case with an empty chamber, action closed, and magazine loaded or empty; or
 - 2. If not in a case, then with the muzzle down and unloaded with the action open (empty chamber and magazine); or
 - 3. Carried on the shoulder by the weapon sling, muzzle down, unloaded with the action open (empty chamber and magazine).

4.21 AMMUNITION

The Sheriff's Office supplies all Deputy Sheriffs with commercially manufactured ammunition for issued or authorized duty firearms. This includes 9mm, .40S&W, .45ACP, 12gauge slug and 00 buck, .223/5.56. and .308/7.62mm. If the Deputy Sheriff is not using issued ammunition, it shall be limited to new, commercially manufactured ammunition and shall be approved by the Firearms Program Manager.

4.22 OFF-DUTY WEAPONS

The Sheriff's Office does **not** mandate the carrying of weapons while off duty. The carrying of firearms by Deputy Sheriffs while off- duty is permitted by state law, but may be rescinded by the Sheriff should circumstances dictate (e.g., administrative leave). Deputy Sheriffs 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 Deputy Sheriff shall carry his/her Sheriff's Office identification whenever carrying such weapon.
- (b) The Deputy Sheriff shall remain subject to this Policy and all other Sheriff's Office policies (including qualifying and training).

- (c) Weapons shall not be carried by any Deputy Sheriff who has consumed an amount of an alcoholic beverage or taken any drug that adversely affects the Deputy Sheriff's senses or judgment.
- (d) Deputy Sheriffs are cautioned that there may be restrictions that prohibit carrying firearms in certain government and private properties.

4.23 SPECIALIZED DUTIES

Certain specialized duties may, at times, necessitate the carrying of a different type of firearm. The Law Enforcement Division Assistant Sheriff may authorize another type for particular situations or assignments.

4.24 SHERIFF'S OFFICE ARMORY

- (a) The Sheriff's Office Armory has a workstation for Sheriff's Office Armorer's to service weapons.
- (b) Use of the Armory workstation is restricted to Sheriff's Office Armorer's or others with specific authorization of the Firearms Program Manager or designee
- (c) Before using the Armory workstation, the member shall ensure that the firearm is unloaded.
- (d) Proper eye protections shall be worn when working with liquid chemicals in the Armory.

4.25 LOADING, MAINTENANCE, CARE AND INSPECTION OF FIREARMS

- (a) Deputy Sheriffs shall keep their duty firearms clean and maintained in proper working order.
- (b) If available, members shall use safety barrels to load, unload, and check firearms.
- (c) Sheriff's Office issue firearms shall be inspected by Sheriff's Office Armorer's when reasonably necessary. It is the responsibility of each Deputy Sheriff to contact one of the Armorer's for this service. Each firearm delivered to the Armorer for inspection shall be clean and unloaded.
- (d) Sheriff's Office Armorer's shall maintain written records of all inspections. Armorer's shall notify the Firearms Sergeant of any weapon showing signs of neglect.
- (e) All firearms used in the performance of the Deputy Sheriff's duties are subject to inspection at any time by a Sheriff's Office Armorer, Firearms Instructor, or the Deputy Sheriff's supervisors. Upon request, the Deputy Sheriff shall make all firearms within their control available for such inspection.
- (f) Any firearm found showing signs of neglect or damage shall be taken out of service until the condition is rectified to the satisfaction of the Firearms Program Manager.

4.26 ALTERATIONS TO FIREARMS

- (a) No alteration shall be made to any firearm that is carried on duty that changes it from factory standard condition without the prior approval of the Firearms Program Manager or express designee. The Firearms Program Manager shall consider each request for alteration on a case-by-case basis.
- (b) After receipt of approval to alter a firearm, a Deputy Sheriff may alter the firearm according to the approved specifications and by an approved armorer or gunsmith.
- (c) No altered firearm shall be used on duty unless and until a Sheriff's Office Armorer has inspected and approved the firearm, evidence of which shall be maintained by that Armorer in writing for as long as the altered firearm is in use.

- (d) Optical Sights for Rifles: Specific non-magnifying optical sights are approved for patrol rifles. The Firearms Program Sergeant shall maintain a list of approved non-magnifying optical sights. The Firearms Program Manager, or designee, will consider low power magnifying optical sights on a case-by-case basis.
- (e) A Sheriff's Office Armorer shall inspect the installation of all optical sights to ensure they are properly mounted.
- (f) The inspection shall be recorded in the Armorer's records and maintained while the firearm is in use. Deputies shall qualify with optical sights prior to on duty use.

4.27 LASER SIGHTS

Laser sights may only be installed on a weapon carried on duty after they have been examined and approved by a Sheriff's Office Armorer.

- (a) Any approved laser sight shall be installed only pursuant to manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the Deputy Sheriff shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, a Deputy Sheriff may only activate a laser sight when the Deputy Sheriff would otherwise be justified in pointing a weapon at an individual or other authorized target.

4.28 WEAPON MOUNTED LIGHTS

Tactical Lights provide Deputy Sheriffs with an additional advantage in lowlight conditions by providing a source of high intensity light when attached to primary handguns, shotguns and patrol rifles. The lighting systems are designed for use as illumination tools functioning as a component of the handgun and not as a sighting device or stand alone light.

- (a) Weapon mounted lights are not intended to replace handheld flashlights. Deputy Sheriffs shall carry another flashlight as their primary means of illumination. Handheld flashlights are to be used in situations where deploying a firearm is inappropriate.
- (b) Pistols equipped with a weapon mounted light shall be carried in a duty holster designed for the specific weapon and light to be carried. The holster shall be designed to carry and secure the weapon with the light mounted on the weapon.
- (c) The use of weapon mounted light that shall be removed from a pistol prior to re-holstering, or is mounted after un-holstering, is not allowed.
- (d) The attachment of a weapon mounted light should be documented through a personally owned equipment slip or during an armorer's inspection of the weapon.
- (e) Deputy Sheriffs who carry a light mounted pistol shall qualify with the light attached in order to ensure the weapon / light combination functions as intended.
- (f) Deputy Sheriffs who carry weapons with lights mounted on them shall qualify with those weapon mounted lights attached.

4.29 STORAGE OF SHERIFF'S OFFICE-ISSUED FIREARMS WHILE OFF DUTY

- (a) Storage of Handguns - While Deputies are off duty, they shall store their Sheriff's Office-issued firearms in the following manner:
 - 1. Handguns shall be stored as required by law; and
 - 2. Deputies shall take all reasonable and prudent steps to ensure that their handguns are secure from unauthorized persons at all times.
- (b) Storage of Rifles and Shotguns - While Deputies are off duty, they shall store their Sheriff's Office-issued rifles and shotguns in their lockers, or a designated secured area at the Deputies' assigned work stations, except under the following conditions:
 - 1. Assigned vehicles: Deputies who have assigned vehicles may store rifles or shotguns in the locked trunk or vehicle Electrolock if so equipped; and
 - 2. Deputy Sheriff's residence: Deputies are discouraged from storing Sheriff's Office-issued rifles or shotguns at their residence. If a Deputy Sheriff chooses to store a Sheriff's Office issued rifle or shotgun at their residence, then it shall be securely locked in a gun safe or similar secure, theft resistant device.

4.30 INVENTORY OF ALL FIREARMS PURCHASED / OWNED BY THE SHERIFF'S OFFICE

- (a) A detailed inventory of all Sheriff's Office firearms (including those used for less than lethal techniques) is required for the purpose of ensuring accountability and inventory control.
- (b) When an order is placed for the purchase of a firearm, the Sheriff's Purchasing Unit shall forward a copy of the approved firearms requisition to the Firearms Lieutenant.
- (c) The Sheriff's Purchasing Unit shall notify the Firearms Lieutenant immediately upon receipt of a new firearm, and shall obtain approval from the Firearms Lieutenant prior to releasing a new firearm to anyone.
- (d) The Sheriff's Firearms Lieutenant or designee shall document the receipt of all firearms purchased or acquired by the Sheriff's Office into the Sheriff Office firearms database and the DOJ firearms system.
- (e) When any firearm is taken out of service and marked for destruction, the employee making this decision shall notify the Firearms Lieutenant via email so the firearm can be taken out of the databases.
- (f) The law allows the transfer of ownership of firearms from evidence/property be transferred to the Sheriff's Office (through court order, donation, or other means). Only similar makes and models of firearms currently used by the Sheriff's Office shall be transferred to the Sheriff's Office for use. The Law Enforcement Division Assistant Sheriff shall approve all requests for firearm ownership transfers to the Sheriff's Office. The Firearms Lieutenant shall review all requests and forward to the Assistant Sheriff for approval. The Firearms Lieutenant shall ensure all firearms are entered into the AFS and the Sheriff's Office firearms database. Firearms that are transferred from property/ evidence shall be destroyed when they are no longer needed or serviceable. These firearms shall not be sold as surplus.
- (g) Supervisors shall notify the Firearms Lieutenant by e-mail when a firearm is transferred between Bureaus or Units, e.g., guns assigned to the Detective Bureau, from SWAT to Tactical Team etc.

- (h) The Firearms Lieutenant shall conduct an audit of all Sheriff's Office owned firearms in May of each fiscal year and the results reported on the Yearly Firearms Audit Form to the Administration Division Captain by June 15.

4.31 CARRYING FIREARMS OUT OF STATE

Pursuant to 18 USC 926B, Deputy Sheriffs who are authorized to carry firearms when on-duty (830.1(a) and 830.6(a)(1) PC) and qualified retired Deputies (See: Office Wide Policy entitled "RETIRED IDENTIFICATION CARD ISSUANCE / CARRY CONCEALED WEAPON (CCW) ENDORSEMENTS") are authorized to carry a concealed firearm in all other states subject to the following conditions:

- (a) The Deputy Sheriff shall carry his/her Sheriff's Office identification whenever carrying such weapon.
- (b) The Deputy Sheriff shall remain subject to this and all other Sheriff's Office policies (including qualifying and training).
- (c) The Deputy Sheriff may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) Deputies are cautioned that individual states may still restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks. Other states may also restrict specific ammunition (e.g. hollow point bullets) or magazine capacity. This law also does not exempt Deputy Sheriff's from the prohibitions of 18USC § 922(q)(1) concerning firearms in schools; it is up to each Deputy Sheriff to research the laws of those states they may travel to.

4.32 OUT OF STATE PEACE OFFICERS IN CALIFORNIA

Pursuant to 18 USC 926B and 926C, any Qualified Law Enforcement Officer and any Qualified Retired Law Enforcement Officer is authorized to carry a concealed firearm in California subject to the following conditions:

- (a) 18 USC § 926B requires that the individual must carry photographic identification issued by the governmental agency for which the individual is employed that identifies the employee as a peace officer or law enforcement officer of the agency.
- (b) Photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that identifies the person as having been employed as a police officer or law enforcement officer and indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm.
- (c) The out-of-state peace officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) Out of state peace officers are not authorized to carry a concealed firearm into government buildings or areas otherwise expressly restricted by state or local law.

4.33 QUALIFICATION REQUIREMENTS

Qualification requirements will be approved by the Firearms Program Manager or his designee. The qualification and training records shall be forwarded to Personnel Bureau, Training Unit by the 15th day after the ending of the quarter for record keeping.

4.32 QUALIFICATION PROCEDURES

Assistant Sheriffs or their designees are required to ensure that all sworn personnel under their command qualify and train in accordance with policy.

- (a) A Firearms Instructor shall keep a record of all members who attend trainings.
- (b) All Deputy Sheriffs shall successfully complete the course of fire for the quarter with their duty sidearm or shotgun, as follows:
 - 1. First Quarter: January through March
 - 2. Second Quarter: April through June
 - 3. Third Quarter: July through September
 - 4. Fourth Quarter: October through December
- (c) Failure to comply with regulations governing firearms training with their duty sidearm, rifle or shotgun (attendance and qualification) may result disciplinary action.
- (d) All Deputy Sheriffs authorized to carry a rifle shall qualify with it twice per year. The first qualification shall be completed within the first or second quarter. The second qualification shall be completed within the third or fourth quarter. Only one of these qualification shots may have been completed on an indoor range.
- (e) All Deputy Sheriffs who have Sheriff's Office approval to carry a secondary (back-up) firearm shall qualify with that firearm on a Sheriff's Office-approved course once per year.
- (f) If a Deputy Sheriff fails to qualify within any given quarter, the firearms instructor shall attempt to remediate the Deputy Sheriff. If a Deputy Sheriff fails to qualify after remediation, the firearms instructor shall contact the Deputy Sheriff's supervisor as soon as possible and advise them of the Deputy Sheriff's failure to qualify. The Firearms Sergeant and Firearms Program Manager shall be notified as soon as practical.
 - 1. The firearms instructor shall document the failure to qualify, and subsequent remediation attempts, in a memorandum which shall be forwarded to the Firearms Sergeant and Firearms Program Manager.
 - 2. The Firearms Sergeant, or his designee, shall arrange for further remediation as soon as practical, preferably the next day. The results of the remediation shall be forwarded to the Firearms Sergeant and Firearms Program Manager.
- (g) Only the Sheriff, an Assistant Sheriff, or their designees, may exempt a member from the provisions mandated in this policy.
- (h) The Sheriff reserves the right to revoke a Deputy Sheriff's Peace Officer status for cause. Should a Deputy Sheriff's Peace Officer status be revoked, their right to carry a firearm off duty as a peace officer per 830.1 PC shall be revoked.

5.0 DETENTION DIVISION

5.1 CORRECTIONAL DEPUTIES AUTHORIZED FIREARMS

No firearms may be carried that have not been thoroughly inspected by the firearms instructor during a regularly scheduled range date.

It is the policy of the Sheriff's Office that a Correctional Deputy may resort to the use of a firearm when lawful and when it reasonably appears to be necessary. Generally, when one of the following conditions applies:

- (a) A Correctional Deputy may use deadly force to protect him or herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) For target practice at an approved range or other form of lawful recreation.

5.2 SPECIALIZED DUTIES

Certain specialized duties may, at times, necessitate the carrying of a firearm while on-duty. The Sheriff may authorize specific types of firearms for particular situations or assignments by particular Correctional Deputies. Except as provided herein, Correctional Deputies shall not carry firearms when on-duty, nor shall they be carried within the secure perimeter of any correctional facility.

5.3 REPORTING

Except during training, recreational use, or when the Sonoma County Law Enforcement Chiefs Association countywide Protocol 93-1 has been invoked, any Correctional Deputy who discharges a firearm, whether accidentally or intentionally, shall comply with the following procedures, subject to the provisions of Government Code Section 3300, et seq. and Constitutional law:

- (a) The Correctional Deputy shall make a verbal report regarding the discharge of the firearm to the on-duty Detention Supervisor as soon as practical.
- (b) The on-duty Supervisor shall advise the Correctional Deputy to write an incident report or a memorandum (accidental discharge, etc.). The Correctional Deputy shall write a report or memo detailing the circumstances surrounding the discharge of the firearm, and shall forward a copy to the Supervisor as soon as practical.
- (c) If the Countywide Employee Involved Fatal Incident Protocol has been invoked, then the Correctional Deputy shall comply with all protocols required therein.

5.4 INVESTIGATIONS

- (a) The immediate supervisor (Detention Supervisor) of a Correctional Deputy who discharges a firearm shall contact the on duty patrol sergeant to conduct any investigation that is needed to properly document and evaluate the circumstances of the firearm discharge. Unless the Countywide Employee Involved Fatal Incident Protocol has been invoked, that supervisor shall prepare a memo detailing his/her finding(s) and conclusion(s).
 - 1. The Supervisor's memo should briefly summarize the facts and circumstances of the shooting, and whether or not the shooting was within policy.
 - 2. The Supervisor shall forward the memo and all pertinent documentation to the responsible Patrol Lieutenant.
 - 3. The responsible Patrol Lieutenant shall review all relevant documents and other necessary information and make a finding regarding any violations of law or policy.

4. The responsible Patrol Lieutenant shall forward all relevant information to the Administrative Captain who will forward it to the Detention Division Captain(s) and Detention Division Assistant Sheriff.
- (b) The Detention Division Assistant Sheriff shall recommend what, if any, disciplinary action is to be taken in accordance with County and Sheriff's Office policies. The Assistant Sheriff shall forward all original documents and any disciplinary action information to the Sheriff's Personnel Bureau for filing.

5.5 AMMUNITION

Ammunition used by Correctional Deputies shall be limited to new and commercial manufacture, unless attending a range.

5.6 CARRYING OFF-DUTY WEAPONS

The Sheriff's Office does **not** mandate the carrying of weapons while off-duty. The carrying of firearms by Correctional Deputy while off-duty is permitted by the Sheriff, but may be rescinded should any circumstances dictate (e.g., administrative leave). Correctional Deputies who chooses 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 Correctional Deputy shall carry his/her Sheriff's Office identification whenever carrying such weapon.
- (b) The Correctional Deputy shall remain subject to this Policy and all other Sheriff's Office policies (including qualifying).
- (c) The Correctional Deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug including prescription medication to include prescription medication that warns of impairment.
- (d) Correctional Deputies are cautioned that there may be restrictions that prohibit carrying firearms in certain government and private properties.

5.7 QUALIFICATION PROCEDURES

Qualification requirements will be approved by the Firearms Program Manager or his Designee. The qualification records shall be forwarded to Personnel Bureau for record keeping.

- (a) Qualified off-duty Correctional Deputies are authorized to carry concealed firearms pursuant to their status under 830.1(c) PC.
- (b) The Firearms program shall keep a record of all Correctional Deputies who attend training. The Firearms Lieutenant will track all Correctional Deputies who choose to carry an off-duty weapon and whether or not they are currently qualified.
- (c) Correctional Deputies shall attend training and range on their off-duty time. Overtime will not be authorized for Correctional Deputies attending training or range.
- (d) Correctional Deputies shall be required to attend and successfully complete a two-day Off-Duty Concealed Carry course taught by Sheriff's Office Law Enforcement Division Firearms Instructors.

- (e) After completion of the initial two-day training, all Correctional Deputies authorized to carry a handgun shall qualify with it twice per calendar year to continue carrying off-duty. The qualifications shall be completed at least three months apart. Both qualifications shall be conducted by a Sheriff's Office Law Enforcement Division Firearms Instructors.
- (f) If a Correctional Deputy fails to qualify within any given quarter, the Firearms Instructor shall attempt to remediate the Correctional Deputy. If a Correctional Deputy fails to qualify after remediation, the Firearms Instructor shall contact the Correctional Deputy's Supervisor as soon as possible and advise them of the deputy's failure to qualify. The Firearms Sergeant and Firearms Program Manager shall be notified as soon as practical.
 - 1. The Firearms Instructor shall document the failure to qualify, and subsequent remediation attempts, in a memorandum which shall be forwarded to the Firearms Sergeant and Firearms Program Manager.
 - 2. Should a Correctional Deputy fail to successfully qualify, the Sheriff or Designee shall revoke their right to carry a firearm off-duty per 830.1(c). Upon successful remediation, the Sheriff or Designee can reinstate their privilege.
- (g) The Sheriff reserves the right to revoke a Correctional Deputy's Peace Officer status for cause. Should a Correctional Deputy's Peace Officer status be revoked, their right to carry a firearm off duty as a peace officer per 830.1(c) PC shall be revoked.

6.0 REVISION HISTORY

Version: 4.07.16

Replaced v. 3.06.16; replaces v. 2.04.15, replaces v. NEW 1.09.14, Law Enforcement Policy 312 and Detention Policy "Firearms – Carrying Off Duty" (both deleted)

Appendix J

SONOMA COUNTY SHERIFF'S OFFICE OFFICE -WIDE POLICY AND PROCEDURE MANUAL

TASER USE

1. PURPOSE AND SCOPE
 2. POLICY
 3. VERBAL AND VISUAL WARNINGS
 4. USE OF THE TASER
 5. CUSTODIAN OF TASER RECORDS
 6. MEDICAL TREATMENT
 7. TRAINING
-

1.0 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the Taser device is considered a less lethal conducted electrical weapon that is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer injuries to officers and suspects.

2.0 POLICY

Personnel who have completed an Office-approved training course shall be authorized to carry a Taser. The instructor shall issue a certificate to the Deputy. The instructor shall send a copy of the certificate to the Training Unit to be filed in the Deputy's training file.

Deputies shall only use the Taser and cartridges that have been issued by the Sheriff's Office. The device may be carried either as part of a uniformed Deputy's equipment in an approved holster or secured in the driver's compartment of the Deputy's vehicle so that it is readily accessible at all times.

- A. When the Taser is carried as part of a uniformed Law Enforcement Deputy's equipment, the Taser shall be carried on the side opposite the duty weapon.

When the Taser is carried as part of a uniformed Correctional Deputy's equipment, the Taser shall be carried on the strong hand side.

- B. All Tasers shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- C. In preparation for deployment, Deputies should consider carrying a total of two or more Taser cartridges on their person when carrying a Taser. Care should be taken to avoid exposing the spare cartridge to static electricity which could cause an unintended deployment of the spare cartridge.

- D. Deputies shall be responsible for insuring that their issued Taser is properly maintained and in good working order at all times. Deputies shall download and save the firing data from their assigned Taser once each quarter. In the Detention Division, a designated Taser instructor shall be responsible for ensuring that all Tasers are downloaded once each quarter.
- E. Deputies should never hold both a firearm and the Taser at the same time unless lethal force is justified.

3.0 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Taser should precede its application, unless it would otherwise endanger the safety of Deputies or when it is not practicable due to the circumstances. The purpose of the warning is for the following:

- A. Provide the individual with a reasonable opportunity to voluntarily comply.
- B. Provide other Deputies and individuals with a warning that a Taser may be deployed.

If, after a verbal warning, and individual is unwilling to voluntarily comply with a Deputy's lawful orders and it appears both reasonable and practical under the circumstances, the Deputy may, but is not required to, display the laser in a further attempt to gain compliance prior to the application of the Taser. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal and/or other warning was given or the reasons it was not given shall be documented by the Deputy deploying the Taser in the related report.

4.0 USE OF THE TASER

As with any law enforcement equipment, the Taser has limitations and restrictions requiring consideration before its use. The Taser should only be used when its operator can safely approach the subject within the operational range of the Taser. Although the Taser is generally effective in controlling most individuals, Deputies should be alert to the potential for failure and be prepared with other options.

4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE

The application of the Taser is likely to cause intense, but momentary pain. As such, Deputies should carefully consider and balance the totality of circumstances available to using the Taser including, but not limited to, the following factors:

- A. The conduct of the individual being confronted (as reasonably perceived by the Deputy at the time).

- B. Deputy/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of Deputies vs. subject(s)).
- C. Influence of drugs/alcohol (mental capacity).
- D. Proximity of weapons.
- E. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- F. Time and circumstances permitting, the availability of other options (what resources are reasonably available to the Deputy under the circumstances).
- G. Seriousness of the suspected offense or the reason for contact with the individual.
- H. Training and experiences of the Deputy.
- I. Potential for injury to citizens, Deputies and suspect(s).
- J. Risk of escape.
- K. Other exigent circumstances.

4.2 APPLICATION OF THE TASER

Authorized personnel may use the Taser when circumstances known to the Deputy at the time indicate that such application is reasonable to control a person in any of the following circumstances:

- A. The subject is violent or physically resisting.
- B. Within factors listed in 4.1, a subject who is fleeing in order to avoid arrest, in circumstances where Deputies would pursue on foot and physically affect the arrest.
- C. A subject who by words or action has demonstrated an intention to be violent or to physically resist and who reasonably appears to present the potential to harm Deputies, him/herself, or others.
 - 1. When practicable, the Deputy should give a verbal warning of the intended use of the Taser followed by a reasonable opportunity to voluntarily comply.

4.3 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the Taser should generally be avoided in the following situations unless the totality of the circumstances indicate that other available options reasonably appear ineffective, impractical, or would

present a greater danger to the Deputy, the subject or others, and the Deputy reasonably believes that the need to control the individual outweighs the risk of using the Taser:

- A. Pregnant females.
- B. Elderly individuals or obvious juveniles.
- C. Individuals who are handcuffed or otherwise restrained.
- D. Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any flammable material.
- E. Passively resisting subjects.
- F. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
- G. Use of Taser on animals.
 - 1. Using a Taser against animals may reduce the need for greater, more injurious force against such animals.
 - 2. A Taser may be deployed on an animal when the animal is threatening or attacking a person (including Deputies), another animal(s), property, or poses an active threat to Deputies in their efforts to perform their duty.
 - 3. The animal is causing a continuing public nuisance and the animal needs to be captured for reason of public peace or safety, preservation of property, or other legitimate purpose.

Because the application of the Taser in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised. The application in drive-stun mode should be limited to brief applications and the minimum number of cycles in which pain compliance would reasonably appear necessary to achieve control.

The Taser shall not be used to torture, psychologically torment, elicit statements or punish any individual.

4.4 TARGETING CONSIDERATIONS

While the manufacturers generally recommend that reasonable efforts should be made to target lower center mass when deploying a Taser and to avoid intentionally targeting the head, neck, chest and groin, it is recognized that the dynamics of each situation and officer safety may not permit the Deputy to limit the application of the Taser probes to a precise target area. As such, Deputies should take prompt and ongoing care to monitor the condition of the subject if one or more probes strike the head, neck, chest or groin until he/she is released to the care of paramedics or other medical personnel.

4.5 MULTIPLE APPLICATIONS OF THE TASER

If the first application of the Taser appears to be ineffective in gaining control of an individual and if circumstances allow, the Deputy should consider the following before additional applications of the Taser:

- A. Whether the probes are making proper contact.
- B. Whether the use of the Taser is limiting the ability of the individual to comply.
- C. Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any Deputy from deploying multiple, reasonable applications of the Taser on an individual.

4.6 REPORT OF USE

All Taser discharges shall be documented in the related report and notification made to a supervisor in compliance with the Office-Wide Use of Force Policy. Accidental discharges of a Taser cartridge will also be documented via a memo to the deploying individual's supervisor. Any report documenting the discharge of a Taser cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

4.7 EVIDENCE COLLECTION (DOES NOT APPLY TO IN-SERVICE TRAINING)

1. Photographs shall be taken of the person who has been subjected to the discharge of the Taser (probes or direct contact). The photographs shall include the area struck by the projectile and any area alleged by the person to be injured. The photographs shall be booked into evidence. In the Detention Division the photographs shall be attached to the incident report.
2. Used Taser probes shall be considered a sharp biohazard, similar to a used hypodermic needle, and disposed of accordingly.
3. Discharged Taser cartridges, as well as the insulated wire from the cartridges, shall be collected and booked into evidence.
4. Taser Downloads: Firing data shall be downloaded after each use. Downloaded data will be saved to a secure area on the "S" Drive.
5. Downloaded data such as the date, time and duration of firing shall be referenced in the associated report. Do not attach a printout of this data to the crime report, incident report or the Use of Force report.

4.8 TASER CAM®

If the issued Taser is equipped with the TASER CAM, which is an audio-video recording device

integrated into the power supply, the TASER CAM is activated any time the safety is in the off position. The safety should not be in the off position unless the Deputy intends to use the device and the guidelines established in §§ 311.3 and 311.4 are met. Any time the TASER CAM is activated in a non-training deployment, the video and audio data should be downloaded in accordance with Sheriff's Office evidence procedures and referenced in the related case report.

4.9 TASER INSPECTION PRIOR TO SHIFT

Prior to each shift, Deputies carrying Tasers shall remove the cartridge from the Taser and briefly test arc (to observe the current battery condition and proper function) the Taser in a safe manner. Deputies shall also visually inspect the Taser and the cartridges for noticeable wear or damage.

4.10 QUARTERLY DOWNLOAD OF DATA

Once a quarter (calendar year), Deputies shall download the data and synchronize the internal clock with the (networked) computer in their assigned Taser. In the Detention Division quarterly downloads will be completed by a designated Taser instructor for all Tasers once each quarter.

4.11 REPAIR OF TASER

Only a designated Taser Armorer or instructor may send a Taser for repair. If a Taser malfunctions, it shall be delivered to the Taser Armorer with an explanation of the problem. The Taser Armorer shall inspect the device and download the data prior to it being sent for repair.

5.0 CUSTODIAN OF TASER RECORDS

The designated Taser Armorer maintains Taser records. The Administration Division Captain is the Custodian of Taser Records and all requests for Taser download information shall be directed to this person.

6.0 MEDICAL TREATMENT

Absent extenuating circumstances or unavailability, only qualified personnel, including certified paramedics, should carefully remove Taser probes from a person's body. Used Taser probes shall be considered a sharp biohazard, similar to a used hypodermic needle, and disposed of in an approved Sharps container. Universal precautions should be taken accordingly.

Detention Division medical staff will normally remove Taser probes from a subject, but the probes may be removed by a certified Taser operator. However, Detention Division medical staff and certified Taser operators will not remove any Taser probe embedded in the face, neck, groin or female breast area. Probes in those areas will require the subject be transported to the hospital for Taser barb removal and a hospital clearance.

All persons who have been struck by Taser probes or who have been subjected to the electric discharge

of the device shall be medically assessed during or prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- A. The person is suspected of being under the influence of controlled substances and/or alcohol.
- B. The person may be pregnant.
- C. The person reasonably appears to be in need of medical attention.
- D. The Taser probes are lodged in a sensitive area (e.g., groin, female breast, near the eyes).
- E. The person requests medical treatment.

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 and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal shall be fully documented in related reports.

If an audio recording is made of the contact or an interview with the individual, and refusal should be included, if possible.

The transporting 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 application of the Taser.

7.0 TRAINING

In addition to the initial Sheriff’s Office approved training required to carry and use a Taser, any personnel who have not carried a Taser as a part of their assignment for a period of six months or more shall be re-certified by an Office approved Taser instructor prior to again carrying or using the device. A reassessment of knowledge and/or practical skill may be required at any time if deemed appropriate by the Taser instructor or any other supervisor.

The Taser instructor should ensure that all training includes the following:

- A. A review of this policy.
- B. A review of the Office-Wide Use of Force Policy.
- C. Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest and groin.
- D. De-escalation techniques.

REVISION HISTORY

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07/01/2016

HISTORY

(New)

318 – Sheriff's Office Canine Program

1. PURPOSE AND SCOPE
2. GUIDELINES FOR THE USE OF THE CANINE
3. REQUEST FOR USE OF CANINE TEAMS
4. SELECTION OF CANINE HANDLERS
5. CANINE HANDLER RESPONSIBILITIES
6. MEDICAL CARE OF THE CANINE
7. TRAINING
8. CANINE PROGRAM SUPERVISOR RESPONSIBILITIES
9. CONTROLLED SUBSTANCE TRAINING AIDS

318.1 PURPOSE AND SCOPE

The Sheriff's Office Canine Program was established to augment patrol services to the community. Sheriff's Office canines are used to supplement patrol operations to locate and apprehend criminal offenders.

318.2 GUIDELINES FOR THE USE OF SHERIFF'S OFFICE CANINES

A Sheriff's Office 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 serious offense 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; or
- (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; or
- (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.

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

318.21 PREPARATIONS FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information 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.
- (e) The potential for escape or flight if the canine is not utilized.
- (f) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

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

The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally the decision to deploy the dog shall remain with the handler; however, a supervisor sufficiently apprised of the situation may determine whether or not to deploy the dog.

318.22 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 police service dog 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 supervisor 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.

318.23 USE OF NARCOTIC-DETECTION CANINE

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

318.24 REPORTING USE OF A CANINE

Whenever the canine is deployed, an incident report shall be completed by the handler and turned in to the Canine Program Supervisor.

318.25 REPORTING CANINE BITES OR INJURIES

If a bite or injury results from the use of the canine, that information shall be documented on a report form. The report should include, at a minimum, the following:

- (a) In all cases of bites or injury resulting from the use of a canine, on or off duty, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs will be submitted to CSI. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, a deputy should standby with the suspect until treatment has been rendered.
- (b) Whenever a bite results, the handler shall notify the Animal Control Office as soon after the incident as practical.
- (c) If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed.
- (d) The Program Supervisor 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)).

318.26 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander.

Depending on the severity of the injury, 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.

The injury will be documented on an incident report form.

318.27 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the Law Enforcement Division.

Canine teams should function primarily as cover units. However, they may be assigned by the field supervisor to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary, and only with the approval of the Watch Commander.

318.3 REQUEST FOR USE OF CANINE DOG TEAMS

Personnel within the Sheriff's Office are encouraged to freely solicit the use of the canines. When bureaus outside of the Patrol Bureau request to use a canine team, the request shall be made to the Program Supervisor or the on-duty Watch Commander.

318.31 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Watch Commander or the Program Supervisor must approve all requests for canine assistance from outside agencies subject to the following provisions:

- (a) Canine teams shall not be used outside the County of Sonoma to perform any assignment, which is not consistent with this policy.

- (b) Upon arrival at the scene, the handler has the ultimate decision as to whether the canine is to be used for a specific assignment.
- (c) Canine teams shall not be called out while off duty or used outside the County of Sonoma unless authorized by the Watch Commander or the Program Supervisor.
- (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.

318.32 REQUEST FOR PUBLIC DEMONSTRATIONS

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

Handlers shall not demonstrate any "apprehension" work to the public unless authorized to do so by the Program Supervisor.

318.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of Canine Handler:

- (a) Sonoma County Sheriff's deputy (currently off probation).
- (b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates).
- (c) Have a garage that will accommodate a canine unit and which can be secured.
- (d) Live within sixty (60) minutes travel time from the Sonoma County Sheriff's Office.
- (e) Agree to be assigned to the position for a minimum of three (3) years.

318.5 CANINE HANDLER RESPONSIBILITIES

Canine Handlers shall be responsible for, but not limited to, the following:

318.51 AVAILABILITY

The handler shall be available for call-out under conditions specified by the Program Supervisor.

318.52 CARE FOR THE CANINE AND EQUIPMENT

The handler 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) The handler shall maintain all Sheriff's Office equipment under his or her control in a clean and serviceable condition and, when off-duty, maintain the canine unit in a garage, secured from public view.
- (b) When a handler takes a vacation or extended amount of days off, the canine vehicle shall be maintained at the Sheriff's Office facility.
- (c) Handlers shall permit the Program Supervisor to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, 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 Program Supervisor 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.
- (g) Under no circumstances will the canine be lodged at another location unless approved by the Program Supervisor or Watch Commander.
- (h) When off-duty, handlers shall not involve their canine in any activity or conduct unless approved in advance by the Program Supervisor or Watch Commander.
- (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 Program Supervisor so that appropriate arrangements can be made.

318.53 CANINES IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to 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 all windows and doors shall be secured.

318.54 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 members Memorandum of Understanding.

318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.62.

318.61 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Program Supervisor.

Any indication that a canine is not in good physical condition shall be reported to the Program Supervisor or the Watch Commander as soon as practical.

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

318.62 EMERGENCY MEDICAL CARE

The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Program Supervisor as soon as practicable when emergency medical care is required.

318.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. Cross-trained dog teams or those dog teams trained exclusively for the

detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the California Narcotic Canine Association or other recognized and approved certification standards.

318.71 CONTINUED TRAINING

Each canine team shall thereafter be re-certified to POST canine 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 Sheriff's Office canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Program Supervisor.
- (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 Sonoma County Sheriff's Office.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Program Supervisor or Watch Commander.

In the event a Sheriff's Office canine team misses three (3) or more maintenance training days with the master trainer (8 hour monthly trainings), that team is not to return to duty at any capacity until the following occurs:

- (a) The canine team participates in a "Return to Duty" evaluation for both patrol and narcotics detection conducted by the master trainer.
- (b) The canine team is cleared for duty by the canine sergeant and/or lieutenant.

Once the canine team is re-evaluated and cleared for duty, documentation will be placed in the canine training file clearing the team for full duty. In the event a team does not successfully complete the re-evaluation, a training plan will be developed by the master trainer and canine sergeant to bring the team up to an acceptable level.

318.72 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

No canine team failing POST canine certification shall 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.

318.73 TRAINING RECORDS

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

318.8 CANINE PROGRAM SUPERVISOR RESPONSIBILITIES

The Program Supervisor shall be appointed by staff, and shall supervise the Canine Program. The Program Supervisor is directly responsible to the canine Lieutenant. The Program Supervisor shall be responsible for, but not limited to, the following:

- (a) Maintain liaison with the vendor kennel;
- (b) Maintain liaison with Administrative Staff and functional supervisors(s);
- (c) Maintain liaison with other agency canine coordinators;
- (d) Maintain accurate records to document canine activities;

- (e) Recommend and oversee the procurement of needed equipment and services for the unit;
- (f) Be responsible for scheduling all canine related activities; and
- (g) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

318.9 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain the Sheriff's Office 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; and
- (b) Provided the controlled substances are no longer needed as criminal evidence; and
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration which 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.

318.91 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:

- (a) All necessary controlled substance training samples shall be acquired from the Sonoma County Sheriff's Office 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 agency.
- (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 Program Supervisor with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure.

- (f) The Canine Program Supervisor 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 Bureau 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.

318.92 IMMUNITY

Under Health & Safety Code § 11367.5(b), all duly authorized peace officers, while providing substance abuse training to law enforcement or the community or while providing canine drug detection training, in performance of their official duties, and any person working under their immediate direction, supervision, or instruction, are immune from prosecution.

REVISION HISTORY

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04/17/2014
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314 – Vehicle Pursuits

1. [DEPUTY RESPONSIBILITIES](#)
2. [PURSUIT UNITS](#)
3. [PURPOSE AND SCOPE](#)
4. [SUPERVISORY CONTROL AND RESPONSIBILITY](#)
5. [COMMUNICATIONS](#)
6. [INTERJURISDICTIONAL CONSIDERATIONS](#)
7. [PURSUIT INTERVENTION](#)
8. [REPORTING REQUIREMENTS](#)
9. [APPLICATION OF MOTOR VEHICLE PURSUIT POLICY](#)

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement Deputies 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 minimize the potential for pursuit related collisions. Vehicular pursuits require Deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing Deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no Deputy or Supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Sheriff's Office policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable Deputy would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.11 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement Deputies 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 willfully failing to yield to an officer's signal to stop.

314.2 DEPUTY RESPONSIBILITIES

It shall be the policy of this Office that a motor 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.

314.21 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to Deputies, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing Deputies under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Availability of other resources such as helicopter assistance.
- (l) The police unit is carrying passengers other than Deputies. Pursuits should not be undertaken with a prisoner(s) in the police vehicle.

314.22 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 Supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The factors listed in § 314.21 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and Supervisors 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(s).

In addition to the factors listed in § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing Deputies and the fleeing vehicle(s) 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) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) 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.
- (g) When directed by a supervisor, a Deputy shall immediately terminate the pursuit.

314.23 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the Deputy and Supervisor. Evaluation of vehicle speeds shall take into consideration public safety, Deputy safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, Deputies and Supervisors 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.

314.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles; however, the number of units involved will vary with the circumstances. A Deputy or Supervisor may request 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 suspect(s). All other Deputies should stay out of the pursuit, but should remain alert to its progress and location. Any Deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.31 MOTORCYCLE DEPUTIES

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

314.32 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and sirens 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 law enforcement helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to Deputies using vehicles without emergency equipment.

314.33 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 suspect(s) without unreasonable danger to themselves or other persons.

Notify Dispatch that a vehicle pursuit has been initiated and as soon as practical 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 Supervisor, secondary unit, or air support, 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.

314.34 SECONDARY UNIT(S) RESPONSIBILITIES

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

- (a) Immediately notifying the dispatcher of entry into the pursuit
- (b) Remaining a safe distance behind the primary unit, unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.35 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:
 - 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.
 - 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:
 - Requesting assistance from an air unit and the California Highway Patrol.
 - Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - Requesting other units to observe exits available to the suspect(s).
- (d) Notifying the California Highway Patrol 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.

314.36 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 or position themselves for pursuit intervention if necessary and authorized in conformance with the guidelines established in 314.74. Deputies should

remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a Supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road. The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

314.37 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 Supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

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.

314.38 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume 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 deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

The field supervisor of the Deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) 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 his/her judgment, it is unjustified to continue

the pursuit under the guidelines of this policy.

- (f) Ensuring that aircraft are requested if needed.
- (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 SCSO units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

314.41 WATCH COMMANDER RESPONSIBILITY

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

314.5 COMMUNICATIONS

If the pursuit is confined within county limits, radio communications will be conducted on the primary channel unless instructed otherwise by a Supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this Office or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

314.51 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will:

- (a) Coordinate pursuit communications of the involved units and personnel;
- (b) Notify and coordinate with other involved or affected agencies as practical;
- (c) Ensure that a field supervisor is notified of the pursuit;
- (d) Assign an incident number and log all pursuit activities;
- (e) Broadcast pursuit updates as well as other pertinent information as necessary; and
- (f) Notify the Watch Commander as soon as practical.

314.52 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.

314.6 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary Deputy or Supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not 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 Supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

314.61 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 Sonoma 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 supervisor, 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.

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.

314.62 PURSUITS EXTENDING INTO SHERIFF'S OFFICE 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 Deputies 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. The unit from this Office shall notify Dispatch and the on-duty Supervisor of his/her action.

When a request is made for this Office to assist or take over a pursuit from another agency that has entered Sheriff's Office jurisdiction, the Supervisor 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 Sheriff's Office jurisdiction.
- (e) Safety of the pursuing Deputies.

As soon as practical, a Supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or Supervisor, 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 county limits provided that the pursuing Deputies 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 Sheriff's Office 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.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

314.71 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a Supervisor. In deciding whether to use intervention tactics, Deputies/Supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the Deputies and persons in or on the pursued 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.

314.72 DEFINITIONS

Boxing-In	A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop
Pursuit Intervention Technique	A low speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit
Ramming	The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to 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

314.73 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any Deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

314.74 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) Only those Deputies trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and should only perform the maneuver with approval of a Supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to Deputies, the public and occupants of the pursued vehicle.
- (b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable and alternative method. This policy is an administrative guide to direct Deputies in their decision-making process before the fact of ramming another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act that is a matter for the courts to determine by established law. When ramming is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:
 - The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
 - The suspect is driving in willful or wanton disregard for the safety of persons; or, driving in a reckless and life-endangering manner.
 - If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (c) As with all intervention techniques, pursuing Deputies should obtain Supervisor 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 a Supervisor 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.
- (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 a Supervisor 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.

314.75 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties. Upon termination of a vehicle pursuit, Deputies should consider safety of the public and peace officers as an important factor when taking the suspect into custody.

314.8 REPORTING REQUIREMENTS

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

- (a) The primary Deputy should complete appropriate crime/arrest reports.
- (b) After obtaining available information, the Field Supervisor shall complete the following:
 - 1. The CHP 187A Allied Agency Vehicle Pursuit Form pursuant to Vehicle Code Section 14602.1(b).
 - 2. The Sonoma County Sheriff's Office Pursuit Review Form.
 - 3. Obtain the dispatch audio recording of the pursuit to be used for post-pursuit critique and training needs.

All the above shall be forwarded to the on-duty Watch Commander or, if the Watch Commander was off-duty at the time of the pursuit, to the Supervisor's assigned Lieutenant.

- (c) The Lieutenant will review the Supervisors assessment of the pursuit and determine if the pursuit was within policy and law. The Lieutenant will complete their review findings on the Pursuit Review Investigation and describe any learning points that can be used to augment training needs. The Lieutenant will ensure that the completed CHP 187A report is submitted to the CHP not later than 30 days following the pursuit (Vehicle Code Section 14602.1).

If the pursuit is determined to be outside of this policy and/or the law and discipline above a letter of reprimand will be recommended, a Policy & Procedure investigation will be conducted. Upon completion, this investigation will be forwarded to the Section or Division Captain for review. The Captain will forward the recommendation to the appropriate Division Assistant Sheriff or Sheriff to determine what, if any, disciplinary action or training is to be taken.

314.81 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary POST training on pursuits required by Penal Code § 13519.8, all sworn law enforcement members of this Office will participate no less than annually in regular and periodic Sheriff's 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))

314.82 POLICY REVIEW

Each sworn law enforcement member of this Office shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

314.9 APPLICATION OF MOTOR VEHICLE PURSUIT POLICY

This policy is expressly written, adopted and promulgated pursuant to the provisions of Vehicle Code §17004.7, with consideration of the POST Vehicle Pursuit guidelines developed in accordance with Penal Code Section 13519.8.

REVISION HISTORY

04/16/2006
01/14/2010
03/22/2010
04/24/2012
07/01/2016

408 – Special Operations Unit

1. PURPOSE AND SCOPE
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6. S.W.A.T. SPECIAL WEAPONS STORAGE POLICY
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8. TEAM BEST PRACTICES MANUALS

408.1 PURPOSE AND SCOPE

To establish guidelines for the structure, supervision and utilization of the Special Operations Unit. The Special Operations Unit (S.O.U.) will consist of the Special Weapons and Tactics Team (S.W.A.T.), the Hostage Negotiations Team (H.N.T.), the Tactical Dispatch Team (T.D.T.), the Technical Team, and the Explosive Ordinance Detail Unit.

408.2 POLICY

The Sonoma County Sheriff's Office will maintain a highly trained, highly skilled and well-equipped Special Operations Unit to reduce the risk of injury or loss of life of citizens and members of this Sheriff's Office in response to critical incidents.

408.3 MISSION

To contain, control, and resolve a critical incident while minimizing the risk to bystanders and law enforcement as well as to the criminal suspect.

408.4 DEFINITIONS

- (a) **CRITICAL INCIDENT:** Critical Incidents are defined as those law enforcement situations that are characterized by significant or imminent criminal behavior, dangerous circumstances or threatening conditions created by the suspect(s) or other factors that exceed the capabilities of patrol deputies to resolve. Examples include, but are not limited to:
1. **HOSTAGE SITUATION:** The holding of any person(s) against their will by an armed or potentially armed suspect.
 2. **BARRICADE SITUATIONS:** The standoff created by an armed or potentially armed suspect in any location, whether fortified or not, who is refusing to comply with law enforcement demands for surrender.
 3. **SNIPER SITUATIONS:** The firing upon citizens and/or Deputies by an armed suspect, whether stationary or not.

4. **HIGH RISK APPREHENSIONS:** The arrest or apprehension of armed or potentially armed suspect(s) where there is a potential for armed resistance.
 5. **HIGH RISK WARRANT SERVICE:** The service of search or arrest warrants where there is a potential of armed resistance or other factors that demonstrate a need for S.W.A.T. assistance.
 6. **CROWD CONTROL:** The deployment of the S.W.A.T. team to assist or augment the Tactical Team for purposes of crowd/protester(s) control, multiple arrests, area containment, riots and special event management.
 7. **SPECIAL ASSIGNMENT:** Any assignment, incident, or emergency situation approved by the S.O.U. Commander or higher authority, which exceeds the capability and/or capacity of the agency's first responders or investigative units, based upon a high level of threat, the need for specialized equipment or skill, or rapid deployment capabilities.
- (b) **SPECIAL OPERATIONS COMMANDER:** A Lieutenant charged with overall management responsibility of all of the teams that fall under the Special Operations Unit. The Special Operations Commander reports directly to the Patrol Bureau Captain.
- (c) **S.W.A.T. TEAM:** The Special Weapons and Tactics Team.
1. **S.W.A.T. TEAM LEADER:** A Sergeant charged with overall supervisory responsibility of the S.W.A.T. Team. The S.W.A.T. Team Sergeant reports directly to the Special Operations Commander.
 2. **S.W.A.T. TEAM SCOUT:** A member charged with the immediate supervision of a unit during training or any operation. The S.W.A.T. Team Scout reports directly to the S.W.A.T. Team Leader.
 3. **S.W.A.T. TEAM MEMBER:** A member who performs a team function as a member of a sniper team, entry/apprehension/rescue team, or containment team.
 4. **SPECIAL WEAPON:** Any weapon issued by the Office to a S.W.A.T. Team member for use during their official duties on the S.W.A.T. Team. Sheriff's Office issued duty weapons (handguns) are not considered special weapons for the purpose of this policy.
- (d) **H.N.T.:** The Hostage Negotiation Team.
1. **H.N.T. SERGEANT:** A Sergeant charged with overall supervisory responsibility of the H.N.T. Team. The H.N.T. Sergeant reports directly to the Special Operations Commander.
 2. **H.N.T. TEAM LEADER:** A member charged with the immediate supervision of a unit during training or any operation. The H.N.T. Team Leader reports directly to the H.N.T. Team Sergeant. In the absence of the H.N.T. Sergeant, a H.N.T. Team Leader will assume the role of the H.N.T. Sergeant.
 3. **NEGOTIATOR:** A member who negotiates with a barricaded or recalcitrant subject, or who assists in the negotiation process.
- (e) **TACTICAL SUPPORT UNIT:** The Tactical Support Unit consists of the Technical Team and Tactical Dispatch Team.
1. **TECHNICAL TEAM LEADER:** A Sergeant charged with the supervision of the Technical Team and Tactical Dispatchers. The Technical Team Leader reports to the Special Operations Commander.

2. **TECHNICAL TEAM MEMBER:** A member who provides technical assistance to the different teams of the Special Operations Unit.
 3. **TACTICAL DISPATCHERS:** A member who performs a team function at the Command Post. Tactical Dispatchers report to the Technical Team Leader for training, equipment and support. During an operation, Tactical Dispatchers may be assigned directly to a variety of roles in and around the Command Post. Dispatch Supervisors may be part of the Tactical Dispatch Team and assigned a Team Leader function under the Technical Team Leader.
 4. **TACTICAL MEDIC:** A person certified as a paramedic or an Advance Life Support Emergency Medical Technician who provides medical assistance, when necessary, at a critical incident. The Tactical Medic is supervised by a S.W.A.T. Team Leader
- (f) **INCIDENT COMMAND STRUCTURE:** The command structure for each special operations unit shall be as follows.
1. **INCIDENT COMMANDER (IC):** Highest ranking Sheriff's Office member, normally a Lieutenant or above, responsible for the overall operation, to include all tactical, field and support resources committed to the incident site. The IC will manage and conduct operations from the Incident Command Post. The IC assumes overall responsibility for the incident once on scene and provides the authority for all operational efforts necessary to resolve the incident. Depending on the size and scope of the operation, the IC may also assume the role of the Tactical Commander.
 2. **TACTICAL COMMANDER (TC):** A Sheriff's Lieutenant assigned to the Tactical Operations Center. When available, the S.O.U. Commander will normally assume this role. The TC is responsible for the oversight of tactical planning and execution of authorized courses of action that are put into effect to resolve an incident. The TC controls tactical units, negotiators, and any other units directly committed to the objective sight. The TC coordinates tactical operations at the objective site with the IC on a continual basis through the entire operation.
 3. **TACTICAL SERGEANT (Ops):** S.W.A.T. Team Leader assigned to the Tactical Operations Center. The Tactical Sergeant reports directly to the Tactical Commander. The Tactical Sergeant is responsible for the overall supervision of the tactical aspects of the operation. The Tactical Sergeant is responsible for deploying S.W.A.T. Team resources and providing the Tactical Commander with tactical options. Once authorized courses of action are established, the Tactical Sergeant is responsible for executing those authorized courses of action. The Tactical Sergeant is responsible for keeping the Tactical Commander advised of the progress of the Tactical Operations.
 4. **NEGOTIATIONS SERGEANT (Intel):** A H.N.T. Sergeant assigned to the Tactical Operations Center. The Negotiations Sergeant reports directly to the Tactical Commander. The Negotiations Sergeant is responsible for the overall supervision of the negotiations aspects of the operation (i.e. H.N.T. Team). The Negotiations Sergeant is responsible for ensuring equipment requested by the Tactical Sergeant (throw phone, passive overhear devices, etc) is available upon request. The Negotiations Sergeant is responsible for keeping the Tactical Commander advised of the progress of the negotiations and any gathered intelligence.
 5. **TACTICAL SUPPORT SERGEANT (Logistics):** The Technical Team Sergeant is assigned to the TOC. The Technical Team Sergeant reports directly to the Tactical Commander. The sergeant is responsible for the overall supervision of the Tactical

Dispatchers and Technical Team. The sergeant is responsible for equipment needs of the Special Operations Unit and any outside resources requested by the Tactical Commander.

6. **INCIDENT COMMAND POST (ICP):** The on-scene command post from which the Incident Commander functions. The ICP provides operational control over the entire incident, including the Tactical Operations Center. Depending on the size of the incident, the ICP may be established separately or in the immediate vicinity of the Tactical Operations Center.
7. **TACTICAL OPERATIONS CENTER (TOC):** The on-scene command post from which the Tactical Commander and/or first supervisor on-scene functions. The TOC provides operational control, from the inner perimeter forward, over teams directly committed to tactical actions or negotiations. The TOC is generally established at the outside edge of the inner perimeter.

408.5 PROCEDURES FOR SPECIAL OPERATIONS UNITS

408.51 ACTIVATION OF THE SPECIAL OPERATIONS UNIT

The Special Operations Commander or his designee shall notify the Patrol Captain of any activation of the Special Operations Unit, S.W.A.T. or Sniper Team.

- (a) **Emergency Situations:** A Watch Commander can activate the Special Operations Unit for a critical incident. If time permits, a call will be placed to the Special Operations Unit Commander or his designee prior to activation. The process of activation for urgent matters will be through the S.W.A.T. Team "Call-Out Procedure" established in Dispatch.
- (b) **Planned Event:** Requests for use of the S.W.A.T. Team for planned events can be made by any Sheriff's Supervisor, manager or outside agency through the Special Operations Commander or S.W.A.T. Team Leader. A threat assessment checklist should be completed prior to initiating a tactical action to determine the appropriate response and resources necessary, including the use of SWAT.
- (c) **Critical Incident:** These incidents shall be handled in a manner consistent with Sheriff's Office policies, utilizing a team approach employing techniques appropriate for the known circumstances and predicated on the experience, training, and resources of the team.
- (d) **Hostage Negotiations Team Call-out:** A Watch Commander can activate the Hostage Negotiations Team separate from the S.W.A.T. team or other S.O.U. groups, for emotionally disturbed or suicidal subjects who have not committed a crime and are not an immediate threat to others, or calls for service where the H.N.T. Team would be appropriate. The process for activation of H.N.T. will be through the Hostage Negotiations "Call-Out Procedure" established in Dispatch. The Special Operations Commander shall be notified of any H.N.T. activation.
- (e) **S.W.A.T. Snipers:** By Mutual Agreement, Sheriff's Office S.W.A.T. Team Snipers may be called out by the Watch Commander to assist the Santa Rosa Police Department with a critical incident that their department is handling. After receiving the request from the Santa Rosa Police Department, the Watch Commander should contact the Special Operations Commander, or in his absence, a S.W.A.T. Sergeant. If a S.W.A.T. Sergeant is not available, contact a S.W.A.T. team Leader as designated on the Dispatch S.W.A.T. call-out procedure.

408.52 MUTUAL AID REQUESTS

The Sonoma County Sheriff's Office may respond to approved outside agency requests for S.O.U. for critical incidents. Outside Agency requests for S.O.U. shall be approved by the Special Operations Commander, or in his absence, the Watch Commander. The Watch Commander should consult with the S.W.A.T. Sergeant prior to activation of S.O.U. If the request is only for H.N.T., the Watch Commander should consult with the H.N.T. Sergeant prior to activation.

- (a) All out-of-county requests for S.O.U. shall be approved by the Patrol Captain, or his designee, prior to activation.
- (b) If S.O.U. responds to an outside agency's request to handle a critical incident in the outside agency's jurisdiction, S.O.U. will normally take over the entire event (perimeter, H.N.T., etc). A supervisory or command level member of the outside agency should remain in the S.O.U. command post as a liaison. Requests to integrate various S.O.U. teams with another agency's personnel will be evaluated on a case-by-case basis.
- (c) Nothing in this policy is meant to prohibit or discourage S.O.U. personnel from responding to an in-progress emergency such as an Active Shooter where time does not permit waiting for an S.O.U. response.

408.53 INCIDENT COMMAND STRUCTURE DURING S.O.U. ACTIVATION

The following is meant to provide a structure for managing a critical incident that requires an S.O.U. response. It is understood that these are difficult situations, involve rapidly changing events, and members may have to assume roles outside their normal duties.

- (a) The first on-scene supervisor shall, as soon as practical, establish a TOC. The TOC should be located at the outer edge of the inner perimeter, in a location safe from possible suspect's fire.
- (b) The first on-scene supervisor is responsible for conducting operations at the incident site until relieved by the Tactical Commander, or higher ranking member. The first arriving S.W.A.T. Sergeant may assume the role of Tactical Commander until relieved by a Lieutenant, or higher ranking member.
- (c) If the S.O.U. Commander is available, he will normally assume the role of Tactical Commander. Otherwise, the on-call Sheriff's Lieutenant shall become the Tactical Commander.
- (d) Depending on the size, scope and duration of the operation, the roles of the Tactical Commander and Incident Commander may be combined. If the situation dictates, and there is only one Lieutenant on-scene, he may call in another Sheriff's Lieutenant (or higher ranking member) to become either the Tactical Commander or Incident Commander, depending on the member's experience in these situations.
- (e) If there is a separate Incident Commander, he shall establish an ICP. The ICP may be at a separate location or co-located near the TOC, depending on the size and complexity of the operation.
- (f) The IC may call in additional resources consistent with the Incident Command System, to assist with the overall operation.

408.54 USE OF FORCE

While the Incident Commander may exercise specific rules of engagement, in all cases they will comply with the Sheriff's Office Use of Force and Firearms policies. In the event that no specific rules of engagement have been specified, members shall operate under the Sheriff's Office Use of Force and Firearms policies and do not need the Incident Commander's prior approval to do so.

408.55 OPERATIONAL ORDER

Operational orders shall be developed and implemented for all operations where prior notice allows sufficient time for the formation of an order. Operations orders shall be reviewed and approved by a S.W.A.T. Sergeant. Operational Orders shall be filed with the incident's After Action Report. A copy of the current Operations Order form shall be included in the S.W.A.T. team's Training File.

408.56 AFTER ACTION REPORT

Each operation shall have an After Action Report that will be approved and maintained by either the S.W.A.T. or the H.N.T. Team Sergeants, dependent on the respective call.

408.57 REPORT RETENTION PERIOD

With the exception of cases that are involved with civil or criminal litigation, After Action Reports shall be retained for five years. In January of each year, the S.W.A.T. or H.N.T. Sergeant shall review the After Action Reports and purge reports over five years old.

408.58 DEBRIEF

Upon completion of all operations and significant training events, the S.O.U. Commander, or his designee, will conduct an after action debrief with all team members present. The purpose for this review is to discuss the events of the overall tactical operation and create a forum for team members to offer constructive criticism to improve the effectiveness of the team.

408.6 S.W.A.T. SPECIAL WEAPONS STORAGE POLICY**408.61 ON-DUTY S.W.A.T. MEMBERS**

S.W.A.T. Members are encouraged to carry their assigned special weapon in their vehicle during their shift. These weapons shall be locked in the trunk, unless their vehicle has an electro-lock for the weapon, in which case it may be secured in the electro lock.

408.62 OFF-DUTY S.W.A.T. MEMBERS

(a) Special Weapons shall be stored in the S.W.A.T. Locker, except under the following conditions:

1. Assigned Vehicle: S.W.A.T. members with assigned vehicles may store their special weapons in the locked trunk or vehicle electro-lock if so equipped.
2. Member's residence: Members are discouraged from storing special weapons in/at their residences. A member may choose to store a special weapon in/at their residence if it is securely locked in a gun safe or similar secure, theft resistant device.

408.7 SELECTION AND PROFICIENCY STANDARDS

408.71 S.O.U. COMMANDER

The S.O.U. Commander shall be appointed by the Patrol Captain.

408.72 S.W.A.T. TEAM MINIMUM QUALIFICATION AND SELECTION PROCESS

- (a) S.W.A.T. Team candidates must be a Deputy Sheriff II off probation at the time of appointment. The testing process will consist of an oral board, physical agility, and a weapons proficiency evaluation. Candidates who meet the standards of the S.W.A.T. testing process will be placed on an eligibility list.
- (b) Candidates are required to reside within one hour's driving time to the Main Office.
- (c) S.W.A.T. members shall be selected from the eligibility list by the Special Operations Unit Commander.
- (d) S.W.A.T. Sergeants shall be appointed by the Patrol Captain.

408.73 S.W.A.T. TEAM PROFICIENCY STANDARD

A S.W.A.T. Team member is required to respond to critical incidents that often require physical and mental conditioning above and beyond the normal expectations of a Deputy Sheriff. Therefore, S.W.A.T. Team members are expected to maintain a high degree of physical fitness and firearms proficiency.

- (a) S.W.A.T. team members are expected to meet the standards set forth in the S.W.A.T. Training File and earn at least a standard evaluation in all aspects of their employment. Members who fail to meet this performance standard may be dismissed from the team.
- (b) Physical agility and firearms testing will be conducted at least once per year.
- (c) Physical agility and firearms testing requirements shall be maintained in the S.W.A.T. Training File.
- (d) Members who are unable to pass the firearms proficiency exam shall be given four weeks to remediate. Failure to successfully pass the test after such time may be cause for dismissal from the team. Members who fail to pass the firearms proficiency exam may be used in an administrative role, but shall not be deployed tactically until they successfully pass the test.
- (e) Members who fail to pass the physical agility test due to poor conditioning shall be given four weeks to remediate. Failure to successfully pass the test after that time may be cause for dismissal from the team. Members who fail to pass the physical agility test may be used in an administrative role, but shall not be deployed tactically until they successfully pass the test.
- (f) Members who are unable to complete the physical agility test due to an industrial injury/illness:
 - 1. Members shall immediately notify their S.W.A.T. Sergeant of any industrial injury/illness that prevents members from completing the S.W.A.T. physical agility test and provide medical documentation in support. The S.W.A.T. Sergeant shall so notify the S.O.U. Commander as soon as practical.
 - 2. If a member has not been approved for Transitional Duty, he may not participate in call-outs and/or training.
 - 3. If a member has been approved for Transitional Duty, or cleared for "regular" duty, but restricted by their physician from completing the S.W.A.T. physical test,

- the S.O.U. Commander may place the member on an Inactive Status, depending on the severity of the injury/illness and the restrictions placed by a physician.
4. Inactive members may, consistent with the above-listed restrictions and Sheriff's Office policy, be used in administrative roles during call-outs or training.
 5. Once cleared for full, unrestricted duty (including the S.W.A.T. physical agility test), members will be given at least four weeks to complete the S.W.A.T. physical agility test. Members may be in an Inactive Status for up to one year if supported by a physician's note. At the conclusion of one year from date of injury/illness, members will be given four weeks to complete the S.W.A.T. physical agility test. Failure to complete the S.W.A.T. physical agility test after one year plus four weeks shall be cause to remove the member from the team.
 6. Members who are removed from the team under this section may apply for future team openings.
- (g) Members who are unable to complete the physical agility test due to a non-industrial injury/illness:
1. Members shall immediately notify their S.W.A.T. Sergeant of any non-industrial injury/illness that prevents members from completing the S.W.A.T. physical agility test, and provide medical documentation in support. The S.W.A.T. Sergeant shall so notify the S.O.U. Commander as soon as practical.
 2. If a member has not been approved for Transitional Duty, he may not participate in call-outs and/or training.
 3. If a member has been approved for Transitional Duty, or cleared for "regular" duty, but restricted by a physician from completing the S.W.A.T. physical agility test, the S.O.U. Commander may place the member on an Inactive Status depending on the severity of the injury/illness and restrictions placed by the physician.
 4. Inactive members may, consistent with the above restrictions and Sheriff's Office policy, be used in administrative roles during call-outs or training.
 5. Members shall be given six months from the date of injury/illness to successfully complete the S.W.A.T. physical agility test. The S.O.U. Commander may extend the recovery time an additional six months depending on the severity of the injury, prognosis for recovery, and needs of the Sheriff's Office (e.g., whether other S.W.A.T. members are injured). The total time from the date of the injury shall not exceed one year.
 6. Members who are removed from the team under this section may apply for future team openings.
- (h) Members who are removed from the S.W.A.T. Team pursuant to this policy may appeal the decision to the Law Enforcement Assistant Sheriff.

408.74 H.N.T. MINIMUM QUALIFICATION SELECTION PROCESS

- (a) Candidates must have a minimum of three years law enforcement experience and be off probation at the time of appointment to the team.
- (b) Candidates are required to reside within one hour's driving time to the Main Office.

- (c) Candidates shall participate in an interview and skills test consistent with the duties of a negotiator. Candidates who pass the testing process will be placed on a list.
- (d) H.N.T. Team members shall be selected by the Special Operations Commander.
- (e) H.N.T. Sergeants shall be selected by the Patrol Captain.
- (f) H.N.T. members who fail to maintain the standards of the H.N.T. may be dismissed from the team.

408.75 TACTICAL SUPPORT SELECTION PROCESS

- (a) Technical Team Members shall be selected by the S.O.U. Commander based on the recommendations from current Technical Team Members of the individual's technical skills and suitability for the position.
- (b) Tactical Dispatchers shall be selected by the S.O.U. Commander based on recommendations of the Technical Team Leader regarding the individual's skills and suitability for the position. The Technical Team Leader may conduct testing necessary to evaluate candidates.
- (c) Tactical Medics shall be selected by the S.O.U. Commander based on recommendations from the S.W.A.T. Sergeant(s) regarding the individual's skills and suitability for the position. S.W.A.T. Sergeant(s) may conduct testing necessary to evaluate the candidates.
- (d) Tactical Support Members or Tactical Medics who fail to maintain the standards of their unit may be dismissed from the team.

408.8 TEAM TRAINING FILES

S.W.A.T. and H.N.T. Sergeants shall maintain Team Training Files for their prospective team.

408.81 THE TEAM TRAINING FILE SHOULD INCLUDE, AT A MINIMUM, THE FOLLOWING:

- (a) Locally identified specific missions the team is capable of performing
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies (i.e. minimum monthly training standards, physical standards, shooting test standards, and yearly training plan);
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response
- (h) Out-of-jurisdiction response
- (i) Specialized functions and supporting resources
- (j) Equipment and vehicles. (I.e. authorized uniform and equipment, required safety equipment, and equipment replacement schedule);

408.82 REVIEW

Team Sergeants shall review their manuals annually and update them as necessary to ensure they remain current with POST standards and best practices. As necessary, a self-critical analysis of completed operations may be conducted to ensure best practices are reviewed and maintained.

408.83 APPROVAL

The S.O.U. Commander shall approve the Team Training File and any changes thereto, prior to distribution to team members.

REVISION HISTORY

06/28/2006

04/17/2014

02/22/2016

414 – Hostage and Barricade Incidents

1. PURPOSE AND SCOPE
2. POLICY
3. COMMUNICATION
4. FIRST RESPONDER CONSIDERATIONS
5. SUPERVISOR RESPONSIBILITIES
6. CRISIS RESPONSE UNIT RESPONSIBILITIES
7. REPORTING

414.1 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.

414.1.1 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 unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

414.2 POLICY

It is the policy of the Sonoma 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.

414.3 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 requested, 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.

414.3.1 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 and/or record, otherwise confidential oral communications of individuals within a location 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 Section 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.

414.4 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 supervisor's response 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 supervisor 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.

414.4.1 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.
- (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 non-injured 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.

414.4.2 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.
- (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 non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or 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.

414.5 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 SOU response if appropriate and apprising the SOU 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) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (f) Designate assistants who can help with intelligence information and documentation of the incident.
- (g) If it is practicable to do so, arrange for video documentation of the operation.
- (h) 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. The supervisor must ensure the Sheriff's Office obtains a court order, in accordance with Public Utilities Code section 7908, 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 (Public Utilities Code § 7908).
- (i) 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 Dispatch.
- (j) Identify a media staging area outside the outer perimeter and have the Sheriff's Office Public Information Officer or a designated temporary media representative to assist the media.
- (k) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (l) Debrief personnel and review documentation as appropriate.

414.6 SPECIAL OPERATIONS UNIT RESPONSIBILITIES

The Incident Commander will decide, with input from the SOU Commander, whether to deploy the SOU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SOU 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 SOU. The Incident Commander and the SOU Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

REVISION HISTORY

12/2004
12/10/2010
04/07/2011
10/31/2011
07/10/2015

Appendix O

Sonoma County Sheriff's Office

Law Enforcement Division

308 - Less Lethal Control Devices

1. Purpose and Scope
2. Use of Impact Weapons
3. Use of Tear Gas
4. Chemical Agent Spray
5. Use of an XREP Electronic Control Device
6. Use of Kinetic Energy Projectile(s)

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to deputies and suspects, the Sheriff's Office authorizes the use of selected less lethal control devices. Certain less lethal control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to deputies and suspects. The below procedures are for the use and maintenance of less lethal control devices (i.e. baton, oleoresin capicum spray, tear gas, kinetic energy projectiles, PepperBall projectiles or XREP Shotgun projectiles). Deputies shall use only that amount of force that appears reasonable to effectively bring an incident under control, in accordance with the Use of Force policy.

308.11 APPROVED CONTROL DEVICES

Only Sheriff's Office-approved control devices will be used.

308.12 TRAINING REQUIRED FOR USE

Deputies who have successfully completed an approved Departmental training course shall be authorized to use less lethal control devices. Deputies assigned to the SWAT Team, Tactical Team, and Patrol Supervisors who have completed a Sheriff's Office training course, may carry and employ Department-approved less lethal projectiles while performing Special Weapons and Tactics or Tactical Team missions, or patrol duties pursuant to this policy.

308.13 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, an approved less lethal control device may only be used when its use appears reasonable under the circumstances.

308.14 REQUEST FOR USE OF LESS LETHAL CONTROL DEVICES - LAUNCHED PROJECTILES

The request for a launched projectile less lethal control device to be used should be made through the on-duty Watch Commander or shift supervisor. The shift supervisor or the Watch Commander may authorize the use of such a less lethal control device by selected personnel or members of specialized units provided the person(s) authorized has/have the required training.

308.15 REPORT OF USE/USE OF FORCE TRACKING AND REPORTING FORM

Except in training situations, all uses of less lethal control devices, including accidental discharges, shall be documented, in the incident/arrest/crime report and on the Sheriff's Office Use of Force Tracking and Reporting Form. Deputies shall verbally notify their supervisor as soon as practical after the use.

- (a) The Supervisor who reviews the crime report shall ensure consistency between the incident/arrest/crime report and the Use of Force Tracking and Reporting Form.
- (b) The original Use of Force Tracking and Reporting form shall be sent to the Use of Force Lieutenant. The Use of Force Lieutenant will send a copy to the Less Lethal Sergeant to review for training issues. The Less Lethal Sergeant shall destroy the copy after reviewing it.
- (c) The Use of Force Lieutenant shall send the original Use of Force Tracking and Reporting Form to the Personnel Bureau Lieutenant for filing in the Use of Force Tracking and Reporting Form file. Use of Force Tracking and Reporting Forms shall be purged after five years unless there is criminal or civil proceedings pending.

308.16 LESS LETHAL LIEUTENANT AND SERGEANT RESPONSIBILITIES

The Lieutenant in charge of the Use of Force specialty shall monitor the use of less lethal control devices. All damaged, inoperative and/or expended less lethal control devices shall be returned to the Less Lethal Sergeant or his/her designee for disposition, repair or replacement. All normal maintenance, charging or cleaning shall remain the responsibility of members using the various devices.

308.2 USE OF IMPACT WEAPONS

Deputies shall carry only Sheriff's Office-approved impact weapons. This policy provides deputies a list of approved impact weapons they may carry in the performance of their duties.

308.21 LEGAL AUTHORITY

Penal Code § 12020 exempts peace officers from the regulations regarding the possession of certain weapons when on-duty, and the use is authorized by their agency and is within the course and scope of their duties.

308.22 CARRYING OF AN IMPACT WEAPON

Deputies who have completed Sheriff's Office-approved training may carry an impact weapon as outlined in the Uniform and Grooming Policy.

308.23 APPROVED IMPACT WEAPONS

- (a) Wooden, plastic, or metal straight police baton.
 - 1. Short billy (secondary or special assignment only).
 - 2. Patrol length 20" to 31".
 - 3. Crowd control length 30" to 44".
- (b) Wooden, plastic, or metal side handle police baton.
 - 1. 20" to 28".
- (c) Plastic or metal straight or side handle expandable police baton.
 - 1. Two piece or telescoping with expanded length of 20" to 31".

2. Expandable batons of an expanded length of 16" to 20" may be approved for special assignments.

(d) Issued flashlights:

1. Flashlights may be used as an impact weapon per Sheriff's Office training.

308.24 NON SHERIFF'S OFFICE ISSUED AUTHORIZED IMPACT WEAPONS

Authorized impact weapons not issued by the Sheriff's Office, must be approved by the Sheriff's Office Defensive Tactics Lieutenant Coordinator and documented on a Personal Property Use Authorization Form the prior to use.

308.25 IMPACT WEAPON TRAINING

Deputies will be trained in the use of the approved impact weapons and must receive training prior to use. Use of the impact weapons will be in accordance with the Sheriff's Office training and Use of Force policy.

308.26 EVIDENCE COLLECTION

Photographs shall be taken of the person who struck with an impact weapon. The photographs shall include the area struck and any area alleged by the person to be injured. The photographs shall be booked into evidence.

308.3 USE OF TEAR GAS

The use of tear gas for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, Incident Commander or SWAT Team Commander may authorize the delivery and use of tear gas, after evaluating all conditions known at the time and determining that lesser force would not reasonably appear to result in the safe control of the suspect(s). Where practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only deputies or supervisors trained in the use of tear gas weapons should discharge such devices.

308.31 TREATMENT TEAR GAS

Persons who have been affected by the use of tear gas should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be examination by competent medical personnel. Deputies shall inform medical and/or booking staff that the person has been subject to the use of chemical agents.

308.32 EVIDENCE COLLECTION

Photographs shall be taken of the person who was sprayed with tear gas. The photographs shall include the area sprayed and any area alleged by the person to be injured. The photographs shall be booked into evidence.

308.4 CHEMICAL AGENT SPRAY

Only authorized members may possess a Sheriff's Office issued oleoresin capsicum (OC) spray. OC spray should only be used in situations where such force reasonably appears justified and necessary.

308.41 CARRYING OF O.C. SPRAY

Uniformed members who exercise the option of carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry the OC spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor. Malfunctioning or damage canisters shall be returned into the Purchasing Unit for exchange.

Purchasing Unit for exchange.

308.42 PEPPERBALL® SYSTEMS

PepperBall® Projectiles are plastic spheres that are filled with OC powder. A high-pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. The potential exists for the projectiles to inflict injury if they strike the face, eyes, neck, or groin. Therefore, deputies deploying the PepperBall® System should not intentionally target those areas, except when the deputy reasonably believes the individual may cause serious bodily injury or death to the deputy or others. The use of the PepperBall® System is subject to the following requirements:

- (a) Deputies encountering a situation that requires the use of the PepperBall® System shall notify a sergeant as soon as practical. The sergeant shall respond to all PepperBall® System deployments where the suspect has been hit. The sergeant shall ensure that all notifications and reports are completed as required by the Sheriff's Office Use of Force policy.
- (b) Only Sheriff's Office deputies certified as having completed the Office-approved training on the use of the PepperBall® System shall be allowed to deploy and use the PepperBall® System.
- (c) Each deployment of a PepperBall® System shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a sergeant and documented on the appropriate report form. Only non-incident deployments, such as training and product demonstrations, are exempt from the reporting requirement.

308.43 TREATMENT FOR O.C. SPRAY EXPOSURE OR CHEMICAL AGENTS

Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by competent medical personnel. Deputies shall inform medical and/or booking staff that the person has been subject to the use of chemical agents.

308.44 EVIDENCE COLLECTION

Photographs shall be taken of the person who was sprayed by OC Spray or a chemical agent. The photographs shall include the area sprayed and any area alleged by the person to be injured. The photographs shall be booked into evidence.

308.5 USE OF AN XREP ELECTRONIC CONTROL DEVICE

- (a) Definitions: XREP Extended Range Electronic Projectile. The XREP is a non-flexible, kinetic energy impact projectile, and self-contained wireless ECD, with an X12 Mossberg 12 Gauge Less Lethal Shotgun which will only fire the XREP Round.
- (b) Deputies who deploy the XREP shall notify a Sergeant as soon as practical. The Sergeant shall respond to all XREP deployments where the suspect has been hit. The Sergeant shall make all notifications and reports as required by the Sheriff's Office Use of Force policy.
- (c) Only qualified, Sheriff's Office trained Deputies and Sergeants shall be allowed to deploy and use the XREP.

308.51 XREP DEPLOYMENT CONSIDERATIONS

- (a) Target Area: The XREP round may be delivered to the subject's body in accordance with the following guidelines:

Primary Target Areas:

1. Belt line
2. Abdomen

3. Legs
 4. Buttocks
 5. Back (off of center - avoiding the spine)
- (b) Deputies will keep in mind the manufacturer's recommendations regarding deployment when using kinetic energy munitions, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated based on the totality of circumstances at the time of deployment.
 - (c) In cases where the use of deadly force is justified or immediate incapacitation must be accomplished to prevent death or serious injury, Deputies are authorized to consider close range or extended range shots.
 - (d) A secondary X26 Taser may be attached to the forend of the X12 for use in close range situations with a supervisor's approval.

Note: While manufacturers have generally recommended that reasonable efforts should be made to target lower center mass and avoid intentionally targeting of the head, neck, groin and chest, it is recognized that the dynamics of each situation and officer safety may not permit the Deputy to limit the application of the XREP to a precise target area. As such, Deputies should take prompt and ongoing care to monitor the condition of the subject if one or more darts strikes the head, neck, chest or groin.

308.52 MEDICAL TREATMENT FOR PERSONS STRUCK BY XREP PROJECTILE

- (a) Subjects who are struck by a kinetic energy impact projectile shall be transported to a medical facility for examination and removal of the XREP probes from the subject's body. Photographs shall be taken of the area affected by the XREP projectile.
- (b) Persons who have been struck by an XREP projectile should be closely monitored for any signs of medical distress. The XREP projectile shall only be removed by medical personnel at a hospital. Deputies shall inform medical and/or booking staff that the person has been struck by an XREP projectile and provide medical clearance for booking.

308.53 EVIDENCE COLLECTION

- (a) Photographs shall be taken of the person who was struck by XREP projectile. The photographs shall include the area struck by the projectile and any area alleged by the person to be injured. The photographs shall be booked into evidence.
- (b) Except in training situations, any deployed XREP projectile shall be collected and booked into evidence. If the projectile cannot be located, the deploying Deputy will document the efforts taken to locate the projectile.

Note: All XREP projectiles should be handled with care as they have numerous sharp areas which are designed to penetrate the body. Any deployed XREP should be considered a biohazard due to bodily fluid contamination.

308.6 USE OF KINETIC ENERGY PROJECTILE(S)

The Sheriff's Office is committed to reducing the potential for violent confrontations with the suspects we encounter. Less lethal force technology and equipment are those items which, when used properly, are less likely to result in death or serious physical injury.

Less lethal technology includes several types of kinetic energy projectiles, approved by the Sheriff's Office, that fire from 12 gauge shotguns, 37 mm or 40 mm launchers. Kinetic energy projectiles can be used in an attempt to de-escalate a potentially deadly situation with a reduced potential for death or serious physical injury.

Kinetic energy impact weapons are restricted to trained members of the SWAT Team, Tactical Team, Patrol Supervisors and Court Security Bureau.

308.61 DEPLOYMENT

Kinetic energy munitions are justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving the situation at hand.

Deputies are not required or compelled to use kinetic energy munitions in lieu of other reasonable tactics if the involved deputy(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent third party citizens, and deputies, takes priority over the safety of subjects engaged in criminal or suicidal behavior.

308.62 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of less lethal munitions,
- (b) Has made credible threats to harm himself or others,
- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at citizens and/or deputies.

308.63 DEPLOYMENT CONSIDERATIONS

Before discharging kinetic energy projectiles, the deputy should consider the following factors:

- (a) Severity of the crime or incident.
- (b) Subject's capability to pose an immediate threat to the safety of deputies or others.
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
- (d) The credibility of the subject's threat as evaluated by the deputy's present, & physical capacity/capability.
- (e) The proximity of weapons available to the subject.
- (f) The deputy's versus the subject's physical factors (i.e., age, size relative strength, skill level, injury/exhaustion, the number of deputies versus subject(s)).
- (g) The availability of other force options and their possible effectiveness.
- (h) Distance and angle to target.
- (i) Type of munitions employed.
- (j) Type and thickness of subject's clothing.
- (k) The subject's actions dictate the need for an immediate response and the use of less lethal munitions appears appropriate.
- (l) The availability of a cover deputy to provide lethal force if necessary.

308.64 DEPLOYMENT DISTANCES

Deputies will keep in mind the manufacturer's recommendations regarding deployment when using kinetic energy munitions, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated based on the totality of circumstances at the time of deployment.

tactical situation must be evaluated based on the totality of circumstances at the time of deployment.

In cases where the use of deadly force is justified or immediate incapacitation must be accomplished to prevent death or serious injury, deputies are authorized to consider close range or extended range shots.

308.65 SHOT PLACEMENT

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death.

308.66 TRANSITIONAL LOADING PROCEDURES

Absent compelling circumstances, Deputies transitioning from conventional ammunition to kinetic energy shall employ the "two person rule" for loading. The "two person rule" is a safety measure obtained by having a second deputy watch the loading process. This is to ensure that the weapon is completely emptied of conventional ammunition and that kinetic energy munitions only are loaded into the weapon. This is to ensure that conventional munitions are not loaded by mistake.

308.67 MEDICAL TREATMENT

Once a person has been struck with a kinetic energy impact projectile the person shall be provided first aid, if necessary, and then transported to the hospital for medical clearance. See section 308.43 for treatment for PepperBall deployment and section 308.52 for XREP projectile deployment.

308.68 EVIDENCE COLLECTION

- (a) Photographs shall be taken of the person who was struck by the kinetic energy impact projectile. The photographs shall include the area struck by the projectile and any area alleged by the person to be injured. The film shall be booked into evidence.
- (b) Except in training situations, any projectile delivered through a kinetic energy impact weapon shall be collected and booked into evidence. If the projectile cannot be located, the deploying Deputy will document the efforts taken to locate the projectile.

REVISION HISTORY

06/30/2006
01/13/2010
03/02/2010
11/24/2010
10/26/2011

309 - Excited Delirium

309.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to individuals suffering from Excited Delirium (ED). The purpose is not to confine deputies into a particular response, but rather to recognize the dangers to all parties involved, and to give deputies an opportunity to have necessary resources on hand.

309.2 DEFINITIONS

EXCITED DELIRIUM: Excited Delirium is described as a state of extreme mental and physiological excitement sometimes associated with drug use characterized by exceptional agitation, hyperactivity, overheating, excessive tearing of the eyes, hostility, superhuman strength, high pain tolerance, aggression, acute paranoia and endurance without apparent fatigue.

309.3 DEPARTMENT RESPONSE

(a) Identifying Excited Delirium

Although the describable symptoms of an individual suffering from ED vary, the following are the most common:

- The individual may be sweating profusely and stripping off clothing
- The individual may be destroying property, especially reflective objects or glass
- Individuals may show superhuman strength and high pain tolerance
- Acute Onset: You are told or observed that the individual "just snapped"
- The individual may be confused as to who they are or where they are
- The individual may not follow verbal commands to stop their behavior
- The individual may be incoherent and shouting unintelligible or bizarre content
- The individual may have a history of drug abuse

(b) Dispatch Responsibility

1. Although there are many different ways law enforcement can come into contact with individuals suffering from ED, the most common is being dispatched to an incident after a 911 call has been made to the Dispatch Center. Therefore, it is imperative that Dispatch Center personnel screen calls for indicators that the incident may involve someone experiencing ED.

It will not be the dispatcher's responsibility to identify that an individual is showing symptoms of ED, only to recognize that possibility and relay to

responding deputies the symptoms/behavior that they are aware of. Questions may include, but are not limited to:

2. Does the individual have a history of mental illness?
3. Does the individual have a history of drug use/abuse?
4. Has the individual recently stopped taking any prescription drugs?
5. Is the individual destroying items and/or acting violently?
6. Has the individual removed clothing and/or complaining of being hot?
7. Is the individual sweating profusely or are their eyes tearing excessively?
8. Is the individual speaking, what are they saying?
9. Finally the dispatcher should use available databases to check for prior law enforcement contacts with the individual or at the location of the incident.

(c) Deputy Responsibility

1. If a Deputy receives information leading them to believe the incident they are involved in has an individual experiencing ED they should:
 - (a) Request Dispatch to have a supervisor respond to their location.
 - (b) Request Dispatch to have EMS respond and stage. Make sure EMS knows that the incident possibly involves an individual experiencing ED.
 - (c) If possible, secure the scene to keep others from entering the location and evacuate the building the individual is located in.
 - (d) If time permits, deputies should put on gloves before attempting to physically control an ED subject.
 - (e) Whenever possible, when trying to physically restrain an individual suffering from ED, a minimum of four deputies should be employed. However Deputies should avoid "dog piling" onto a subject and instead act as a multi-officer takedown team.
 - (f) Generally speaking, individuals experiencing ED have a high pain tolerance, therefore pain compliance methods (Impact weapons, O.C. Spray, etc.) can be ineffective.
 - (g) If possible, at least one deputy should be armed with a Taser. The device should not be used to gain compliance, but to create a window of disablement during which deputies can gain physical control of the subject. If possible, multiple applications of the Taser should be avoided. Additionally, using the Taser in "stun" mode can be ineffective as this primarily is a pain compliance technique.
 - (h) As soon as the suspect is safely restrained and has been searched for weapons, EMS personnel should evaluate the subject and determine whether a "chemical restraint" is necessary. If a chemical restraint is given, the subject **shall** be transported to

a hospital by ambulance. EMS personnel will determine what medical treatment the individual receives.

- (i) If possible, a deputy shall follow the ambulance to the hospital and brief medical personnel at the hospital regarding the subject's behavior.
 - (j) The deputy will document the incident as they would under normal circumstances (Criminal Act, 5150 W&I, Use of Force, etc).
 - (k) Although those individuals suffering from ED have been described as being in a "medical crisis", this should never deter department personnel from taking appropriate measures to ensure their safety and the safety of others.
- (d) Supervisor Responsibility
1. A supervisor who becomes aware of an incident involving an individual experiencing Excited Delirium:
 - (a) Shall broadcast over the air that they are aware of the call and that they are enroute.
 - (b) While it is desirable that a supervisor be on scene before deputies attempt to physically take control of the subject, it is not necessary. Supervisors should not stop deputies on scene from taking action unless they feel that an unresolved safety issue exists.
 - (c) The supervisor will notify the Watch Commander of the incident as soon as practical after the incident is under control.
 - (d) The supervisor will review reports keeping in mind that the detail of the report should be comparable to that of a critical incident. Reports will be forwarded to the Watch Commander, Use of Force Lieutenant and the Patrol Captain.
 - (e) If the incident is not a critical incident, the supervisor should debrief the incident within the next seven days.

402 - Bias Based Policing

402.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It is the policy and practice of this Department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality. All law enforcement members must treat every member of the community fairly without regard to race, ethnicity, age, gender, sexual orientation or nationality.

402.2 DEFINITION

No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics. [Penal Code § 422.6(a)]

402.3 GUIDELINES

The practice of racial profiling is illegal [Penal Code § 13519.4(e)] and will not be tolerated by this Department.

- (a) It is the responsibility of every member of this Department to prevent, report and respond appropriately to clear discriminatory or biased practices.
- (b) Every member of this Department engaging in a non-consensual detention shall be prepared to articulate reasonable suspicion to justify the detention independent of the individual's membership in a protected class.
 - 1. To the extent that written documentation would otherwise be completed (e.g. arrest report, FI card, etc.), the involved Deputy should include those facts giving rise to the member's reasonable suspicion or probable cause for the contact.
 - 2. While the practice of "bias based policing" is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by a Deputy in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g. suspect description is limited to a specific race or group).

402.4 TRAINING

It is the responsibility of this Department to ensure that sworn members of this agency attend POST approved training on the subject of "biased based policing" and that regular refresher courses occur to keep member's current with changing racial and cultural trends.

All members of Sonoma County Sheriff's Department are encouraged to familiarize themselves with cultural issues within their respective communities to ensure that police powers are exercised in a manner that is fair, unbiased and respects the dignity of all individuals.

415 - Active Shooter Policy

415.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth procedures to be used by the Sonoma County Sheriff's Department in the handling of active shooter situations and to develop techniques and tactics which are swift, decisive and organized so that these incidents may be resolved with maximum safety and as rapidly as possible, neutralizing the active threat to life.

415.2 DEFINITIONS

(a) Active Shooter

1. An "Active Shooter" is defined as one or more subjects who participate in a random or systematic shooting spree demonstrating an intent to continuously harm others. Their overriding objective appears to be mass murder rather than some other criminal conduct (i.e., robbery, hostage taking, etc.). Incidents such as Littleton, Colorado; Springfield, Oregon; or Jonesboro, Arkansas are examples of an "active shooter."
2. Consider the suspect(s) an "active shooter" if, after law enforcement arrives, the suspect is still actively shooting, has access to additional potential victims, injured victims require life saving medical attention or an immediate, active response would be required to save lives.
3. "Active Shooters" may be heavily armed (i.e., explosives, booby traps and body armor).
4. "Active Shooters" may have a planned attack and be prepared for a sustained confrontation with law enforcement.

(b) Immediate, Active Response

1. An immediate, active response is defined as, "The swift and immediate deployment of law enforcement resources to ongoing, life threatening situations where delayed deployment could otherwise result in death or great bodily injury to innocent persons." This is not to be confused with, or substituted for, conventional response tactics to a barricaded or hostage situation.

415.3 AGENCY RESPONSE TO AN ACTIVE SHOOTER

415.31 INITIAL OFFICER

- (a) The "initial officer" is the first law enforcement officer on scene. He should establish an Incident Command Post. Incident Command responsibility can be delegated to another officer if desired.

- (b) He should request all appropriate resources (additional patrol units, SWAT, EOD, etc.) while broadcasting all pertinent information.
- (c) Determine if an immediate, active response is necessary.
- (d) The following information should be determined/broadcasted by the Initial Officer.
 - 1. Location and number of suspects.
 - 2. Type(s) of weapons involved.
 - 3. Type of location involved.
 - 4. Safe approach routes.
 - 5. Command Post location.
- (e) Assemble a Contact Team to respond immediately to the "active shooter." Someone should be assigned as the Team Leader of the Contact Team, preferable a SWAT Team member or a senior officer. It may be necessary to assemble several Contact Teams.
- (f) Form some type of perimeter to contain suspects.
- (g) Assemble a Rescue Team when enough personnel become available.
- (h) Assign an officer to secure a safe, secure location for those civilians who are evacuated (NOTE: Suspects may attempt to pose as evacuated civilians).

415.32 CONTACT TEAM

- (a) The priority of the Contact Team is to locate and stop the deadly behavior of the "active shooter."
- (b) The Contact Team(s) should attempt to limit the suspect(s)'s movement and prevent escape.
- (c) Move directly toward the threat.
- (d) The Contact Team(s) must continue past victims.
- (e) Maintain communications with the Command Post to indicate direction of travel, victim locations, and suspect(s) location.
- (f) The Contact Team should be made up of the following members:
 - 1. Team Leader—Officer assigned to delegate team member responsibilities, formulates and implements plans.
 - 2. Assistant Team Leader—Officer who communicates with Command Post. May be assigned the responsibility covering the team "six," that direction through which the team has already moved.
 - 3. Contact Officer—Officer who conducts searches or engages suspect if necessary.
 - 4. Cover Officer—Officer who is responsible for covering the Contact Officer. Provides cover during entry and egress if necessary.

5. Consider selecting officers for the Contact Team that have experience, special training, offensive weapons, etc.
- (g) Movement is made in a direction, in conjunction with other Contact Teams to "shrink the perimeter" and locate the suspect(s).

415.33 RESCUE TEAM

- (a) The objective of the Rescue Team is to recover victims. If multiple victims are present, the Rescue Team should ask the Command Post to increase the number of Rescue Teams.
- (b) The Rescue Team may be made up with the same number of personnel as the Contact Team – dependant on the situation. Ideally it should also have a Team Leader and Assistant Team Leader.
- (c) The Rescue Team should enter and/or approach the location to locate victims.
- (d) The Rescue Team should extract victims to a safe area, and notify the Command Post of that location.

415.34 WATCH COMMANDERS/SERGEANTS

- (a) When you arrive, assume control of the Command Post. Since Contact Teams may have already been inserted, use additional law enforcement personnel to establish a perimeter.
- (b) Set up an emergency response zone for fire and EMS, as well as establishing a corridor for their responses.
- (c) Activate an Incident Command System (Incident Commander, Logistic officer, intelligence officer, public information officer, etc...)

415.35 DISPATCH

- (a) Once advised of an "active shooter" incident by personnel on scene or based upon information received from the public, clear a channel and advise all units of such. Notify other agencies immediately by radio or phone.
- (b) Advise all units of the location, specific threats, shots fired, suspect description, location of the reporting party, injuries and any other pertinent information.
- (c) Confirm that the Watch Commander/Field Supervisor is aware/enroute to the scene.
- (d) Advise all available units to respond.
- (e) Notify fire and EMS. Determine if Sonoma County Sheriff Department's helicopter (Henry-1) and/or CHP Air Support Services are available.
- (f) Notify those within your agency that need to be notified (administration, management, etc.).
- (g) Maintain limited traffic on the main channel.

415.36 SWAT TEAM COMMANDERS

- (a) Have members respond directly to the incident.
- (b) Assemble your team as fast as possible, if necessary use smaller teams.
- (c) Once on scene, and in coordination with the Command Post, move your team directly towards the threat.
- (d) Shrink the inner perimeter with those established Contact Teams.
- (e) Move to the threat as quickly as possible, without stopping to render first aid or assistance to anyone unless an unusual circumstance present itself and necessitates departure from the usual pre-agreed upon standard operation procedure.

415.37 SUBSEQUENT LAW ENFORCEMENT PERSONNEL RESPONSE

- (a) Respond to the Command Post so that staging, assignment, and/or deployment can be made.
- (b) Radio traffic should be kept to a minimum so that dispatch and the initial Deputies can give out vital information.
- (c) Additional Deputies can be used to form a perimeter, deal with the public, gather intelligence, etc...

415.38 ALLIED AGENCY RESPONSE

- (a) Other responding agencies should coordinate with the primary agency prior to deployment by responding to the Command Post for assignment.
- (b) Incident Command will be the responsibility of the agency that has jurisdiction.
- (c) Separate Command Post may be established as needed (i.e., for SWAT, fire, EMS), but representatives from those Command Posts need to be in the Incident Command so that communication can be maintained.

Appendix S



SONOMA COUNTY LAW ENFORCEMENT CHIEFS' ASSOCIATION

PROTOCOL: 93-1
ADOPTED: 02/19/93
REVISED: 07/1996
11/1998
06/2004
02/2005
09/2005
04/2007
01/2009
09/2010
09/2015
06/2016

SUBJECT: LAW ENFORCEMENT EMPLOYEE-INVOLVED FATAL INCIDENT
PROTOCOL - (*FORMERLY ENTITLED OFFICER INVOLVED CRITICAL
INCIDENT PROTOCOL*)

PURPOSE: The purpose of this Protocol is to set forth procedures and guidelines used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. While this Protocol represents the understanding and agreement among Member Agencies about how Law Enforcement Employee-Involved Fatal Incidents are to be investigated, this Protocol is neither a statute, ordinance nor regulation. Members expect that its provisions will be followed when Protocol incidents occur but it is anticipated that agencies may make minor modifications, which will not affect the Protocol's basic principles, to meet agency requirements. It is the intention of SCLECA membership that best practices have been incorporated into this protocol, including those gleaned from the guidelines of the International Association of Chiefs of Police (IACP) Police Psychological Services Section in 2013. All Sonoma County law enforcement agencies are encouraged to carefully review the guidelines ratified by the IACP, share these guidelines with all their respective personnel and consider all recommended procedures prior to, during and after a law enforcement employee-involved fatal incident.

I. DEFINITIONS

A. Actor:

1. A person whose action is actually or conceivably a proximate cause of death, or serious bodily injury to another person or themselves; or
2. A person who intends an action to be the cause of serious bodily injury to a second party but the second party is actually injured or killed by another person.
3. An actor may be a law enforcement employee or may be a private citizen.

B. Administrative Investigation: The investigation conducted by the employer agency arising from a specific incident(s) that determines whether or not an employee has violated employer agency rules, regulations or conditions of employment.

C. Criminal Investigation: The investigation conducted by personnel from member agencies which identifies facts that demonstrate whether or not violations of criminal law occurred in a specific incident.

D. Employer Agency: The law enforcement agency from which the involved law enforcement employee is employed or affiliated. An employer agency may also be a venue agency in a specific incident.

E. Fatal Injury: Death, or injury which is so severe that death is a likely result.

F. Injured Person: Any person who sustains death or serious bodily injury as a result of an intentional or unintentional act of an actor in which force is used.

G. Law Enforcement Employee:

1. Any sworn peace officer, whether on or off-duty, and whether or not acting within or outside the scope of employment.
2. Any law enforcement civilian employee; on-duty, or off-duty who is acting within the scope of employment at the time of a specific incident.
3. Any on-duty reserve peace officer; or any off-duty reserve peace officer who is acting within the scope of employment at the time of a specific incident.
4. Any temporary law enforcement employee or any volunteer, whether paid or unpaid, who is on-duty or who is acting within the scope of employment at the time of a specific incident.

H. Law Enforcement Employee-Involved Fatal Incident: A specific incident occurring in Sonoma County involving one or more persons, in which a law enforcement employee is involved as an actor or injured person; when a fatal

injury occurs. Examples of such specific incidents may include the following:

1. Intentional and unintentional shootings.
2. Use of any dangerous or deadly weapons (e.g., firearms, knives, clubs, etc.).
3. Assaults upon sworn peace officers; assaults upon other law enforcement employees who are on duty or acting within the scope of employment.
4. Attempts by law enforcement employees, within the scope of employment, to make arrests or to otherwise gain physical control of a person.
5. Acts of physical violence in which a law enforcement employee is acting as a private citizen.
6. A law enforcement employee suicide.
7. Fatal injury while a person is in law enforcement custody which includes suicide and/or ingestion of toxic substances, or any unexplained death, but excludes the death of a person who dies as the result of a diagnosed disease or physical condition for which the person was receiving physician's treatment prior to death and a physician has agreed to sign the death certificate.
 - a. Fatal injury, while in the custodial facilities of the Sonoma County Sheriff's Office, will be investigated by the Sheriff's Office Violent Crimes Unit. The Sheriff's Office Violent Crimes Supervisor shall contact the on-call Sonoma County District Attorney's Investigator and advise them of the in custody fatal injury. The D.A. Investigator will determine if the District Attorney's Office should assist with the investigation. Depending upon the circumstances, the Sheriff's Office may request that another Sheriff's Office be the lead agency or assist in the investigation. However, an independent pathologist/Coroner's Office shall be requested to conduct the Coroner's investigation in any fatal injury occurring within the custodial facilities of the Sonoma County Sheriff's Office.
 - (1) The District Attorney's Office will review any investigation wherein they responded or assisted.
 - b. Fatal injury, while in custody at the Juvenile Justice Center shall be investigated by the Santa Rosa Police Department. Fatal injury, while in custody at the Sonoma County Juvenile Probation Camp shall be investigated by the Sonoma County Sheriff's Office.
8. Fatal injury to a person who is a passenger of an on-duty law enforcement employee (e.g., ride-along, emergency transport, etc.).

9. Vehicular collisions with fatal injury including those involving a law enforcement pursuit, except the following:
 - a. Collisions involving off-duty, civilian law enforcement employees who are not at the time of the collision acting for an actual or apparent law enforcement purpose.
 - b. Single vehicle collisions, not involving a law-enforcement pursuit, in which the injury is sustained by a law enforcement employee who was the driver and sole occupant of a vehicle which was not involved in a collision with any other person or occupied vehicle.

I. Lead Agency

The investigative agency charged with overall responsibility for supervising, coordinating and conducting the criminal investigation of a Law Enforcement Employee-Involved Fatal Incident. The Petaluma Police Department, Santa Rosa Police Department, or the Sonoma County Sheriff's Office can be a lead agency. When the proximate cause of death or injury is a vehicle collision, the Venue or Lead Agency may, depending on the circumstances and complexity of the investigation, seek the assistance of the California Highway Patrol. Also, the CHP is not precluded from being the lead agency in such cases. (See I. H. 9.) If extraordinary circumstances exist, the District Attorney's Office is not precluded from being the lead agency.

As a matter of routine, the employer agency will not directly participate in the criminal investigation. However, if no other agency is available to assume the lead agency role, the employer agency, with the consent of the venue agency, may elect to be the lead agency. Additionally, if the member agencies are unable to provide sufficient staffing for the criminal investigation team, the employer agency can provide investigators to participate as members of the investigation team. Also, when deemed necessary and appropriate, investigators from member agencies who are experienced and trained, may be invited to join the Lead Agency investigation team, whether or not the investigator is employed by the Lead Agency. (See section III, 4 d.) Any fatal or severe injury collision involving on-duty CHP employees occurring within any jurisdiction will be investigated by the CHP Golden Gate Division Multi-disciplinary Accident Investigation Team (MAIT) in conjunction with the venue agency

J. Member Agency

Any Sonoma County law enforcement agency which is a signatory to this Protocol.

K. Proximate Cause

A cause which, in a natural and continuous sequence, produces death or fatal injury, without which cause the death or fatal injury would not have occurred.

L. Venue Agency

The law enforcement agency, or agencies, within whose primary geographical jurisdiction a specific incident occurs.

II. INVOKING PROTOCOL PROVISIONS

A. Mandatory Invoking

When a Law Enforcement Employee-Involved Fatal Incident occurs, the criminal investigative provisions of this Protocol shall be immediately invoked by member agencies to ensure that the employer agency, or the venue agency if the necessary investigative resources are not available, does not lead or have overall responsibility for the criminal investigation.

B. Participation of Member Agencies

1. Member agencies shall participate and cooperate in Protocol provisions relevant to mandatory invoking. Should a member agency be unable to fulfill its responsibility in the mandatory invoking process due to lack of necessary personnel resources, or other articulable reason, such information shall be immediately relayed to the member agency requesting assistance.
2. In the event that the criminal investigative provisions of this Protocol are invoked, but necessary resources from member agencies are not sufficient to provide a lead agency to conduct the criminal investigation, or where an issue arises as to which agency should be the lead agency, the department heads of the employer agency and venue agency should consult with the Sonoma County District Attorney to discuss how to best proceed under the given circumstances. A request for investigative support may then be made to other appropriate local, state, or federal criminal investigative agencies.

C. Notification of Agencies

1. When a Law Enforcement Employee-Involved Fatal Incident occurs and the criminal investigative provisions of the Protocol are invoked, the venue agency notifies the following agencies and/or persons as promptly as possible:
 - a. Intra-departmental staff as required by that agency's internal procedures.
 - b. The employer agency, if not the venue agency.
 - c. The requested lead agency.

III. INVESTIGATIVE PROVISIONS AND RESPONSIBILITIES

A. Criminal Investigation

1. **Intent**

The purpose of the criminal investigation is to establish the presence or absence of criminal liability on the part of those persons involved in the incident. The criminal investigation has investigative priority over an administrative investigation and begins immediately after the Law Enforcement Employee-Involved Fatal Incident occurred. The investigation follows the rules of law which apply to criminal proceedings and focuses upon objectively identifying and documenting all relevant information about the Law Enforcement Employee-Involved Fatal Incident.

2. **Participants**

The criminal investigation is conducted by supervisors, criminal investigators and evidence technicians from member agencies in accordance with section #I, sub-section I, above.

- a. A Deputy District Attorney is assigned to provide legal support to the criminal investigator.
- b. A District Attorney Investigator is assigned to assist the deputy district attorney and provide liaison with the Office of the District Attorney.
- c. The employer agency should assign staff personnel to liaison with the lead agency. The role of the liaison is to facilitate the investigation. The assigned liaison(s) shall not be involved in the questioning of witnesses, evidence gathering, or any aspect of the criminal investigation. The employer agency liaison responsibility can include coordinating the flow of information between agencies and facilitating access to records information, personnel and facilities.

3. **Venue Agency**

The employer agency makes a determination at the time of a Law Enforcement Employee-Involved Fatal Incident as to which member agency will be requested to be the lead agency regardless of venue.

- a. The request for a member agency to be the lead agency, and the acceptance by that member agency to be the lead agency, is made by command staff, or an identified designee, of the respective member agencies.
- b. Within the provisions of section #I, sub-section I, above, the venue agency may also be the lead agency.
- c. When a Law Enforcement Employee-Involved Fatal Incident occurs in part in two or more jurisdictions, on the boundary of two jurisdictions or at a location where the boundary is not readily ascertainable or is in dispute; the venue agency is the member agency which has the predominant law enforcement involvement in the incident and/or the majority of acts related to the fatality occur in its jurisdiction.

- d. For criminal incidents occurring on state property not otherwise under the primary jurisdiction of a state law enforcement agency, i.e., Sonoma State University, State Parks, etc., the CHP is the venue agency, e.g. the State building at 50 'D' Street, Santa Rosa; DMV offices in Santa Rosa and Petaluma, etc. The CHP may request investigative assistance from other law enforcement agencies. For criminal incidents occurring on Sonoma State University, Sonoma State University Police Services is the venue agency. For criminal incidents occurring on the property of the Santa Rosa Community College District, the Sonoma County Junior College District Police Department is the venue agency.
- e. Law Enforcement Memorandum of Understandings between two agencies that transfer venue authority from one to the other shall be honored.
- f. For incidents involving vehicular collisions occurring in areas not within the primary jurisdiction of the CHP, the CHP may be requested to provide investigative assistance to the lead agency.

4. **Lead Agency**

Pursuant to its responsibility to supervise, conduct and coordinate the criminal investigation, the lead agency does the following:

- a. Contacts the on-call District Attorney Investigator to advise them of the fatal injury investigation and/or request assistance from the District Attorney's Office.
- b. Upon confirmation of a death, notifies the Coroner's Office and other member agencies as necessary.
 - (1) If the employee agency is the Sonoma County Sheriff's Office, the Sonoma County Coroner's office will notify and request an independent pathologist/Coroner's Office to conduct the Coroner's investigation.
- c. Assigns a supervisor to manage the overall criminal investigation and has a supervisor respond to the field incident within two hours of notification. The supervisor is of the rank of a sergeant or above, has supervised a sworn investigative unit, and has attended the following training programs:
 - (1) Officer Involved Shootings Investigation
 - (2) Homicide Investigation
 - (3) Internal Affairs Investigations
- d. Assigns a minimum of two criminal investigators to investigate the case and has them respond to the field incident within two hours of notification. Additionally, all lead agency

criminal investigators shall have a minimum of five years sworn experience and be, or have been, a specifically designated investigator. A lead case investigator is designated who shall have attended the following training programs:

- (1) Officer Involved Shooting Investigations
- (2) Interview and Interrogation Techniques
- (3) Homicide Investigations

Traffic collision investigators are exempt from the requirement (3) above but shall have Advanced Accident Investigation at a minimum.

- e. Obtains the assistance of sworn criminal investigators from other member agencies as needed excluding employer agency staff whenever possible. All member agency investigators assigned to assist the lead agency have a minimum of five years sworn experience and are, or have been, specifically designated detectives. These investigators work with and under the direction of the lead agency supervisor during the course of the criminal investigation.
- f. Assigns a trained evidence technician or crime scene investigator to collect, preserve, process, and document evidence. The technician/investigator is or has been employed as an evidence technician/crime scene investigator and has successfully completed a POST-certified crime scene investigation training program.
- g. Is responsible for documentation of the scene and for the collection, preservation and analysis of physical evidence. The lead agency may further request the assistance of experienced evidence collection personnel from other member agencies and/or the California Department of Justice when deemed necessary.
 - (1) Lead agency investigators will give advance notice to the employer agency when the crime scene is expected to be released from criminal investigative processing. Administrative investigators may conduct independent crime scene processing activities once criminal investigators have completed their tasks.
 - (2) Evidentiary items are maintained by the lead agency until such time as otherwise directed by the Office of the District Attorney, court order, statute, or mutual agreement between the lead and venue agency. These items are made available for appropriate review in a timely manner to those member agencies with an identified interest in the investigation. The lead agency

disposes of evidentiary items in accordance with law and shall notify other involved member agencies prior to final disposition of evidence or other property.

- h. Is responsible for ensuring that all criminal investigators write full, complete and objective reports documenting their investigative activities. The lead agency also has the responsibility to collect relevant reports from other member agencies, maintain all documentation in accordance with statutory guidelines and submit all relevant documentation and information to the Office of the District Attorney upon completion of the lead agency investigation. The lead agency should make every reasonable effort to complete their investigation within 90 days. The primary objective shall be to conduct a thorough and complete criminal investigation. Accordingly, depending on the unique circumstances involved, some investigations may require more than 90 days to complete. Subsequent supplemental information will be submitted upon completion and approval.
- i. Is responsible, unless otherwise agreed upon by the lead and employer agencies, for providing news media releases of information directly relevant to the criminal investigation for a period of a minimum of 72 hours following occurrence of the incident. Public statements regarding criminal investigative information shall only be made by the lead agency until such time as otherwise agreed upon by involved member agencies. The lead agency does not comment upon the administrative or employer-employee issues that are the responsibility of the employer agency.

Refer to Section IV of this Protocol for further guidelines.
- j. Is responsible for conducting a full briefing for District Attorney staff, employer agency staff and other relevant member agency staff having a "right to know." The briefing is conducted at a time when the criminal investigation is not yet submitted to the Office of the District Attorney for full review, but is at a stage of completion where involved member agencies provide critical analysis to ensure all investigative concerns have been satisfactorily addressed.

5. **Crime Scene Procedures and Security**

Emergency life saving measures have first priority in any incident and are attended to immediately by providing first aid and summoning medical support personnel when safe to do so. Supervisors and investigators need be sensitive to the possibility that involved employee(s) may have been exposed to bodily fluids during life saving measures and/or sometime during the incident. Every effort should be made to photograph employees in what they were wearing

at the time of the incident. However, no employee should be kept from having bodily fluids cleaned off of them or from removing contaminated clothing to reduce the possibility of exposure to communicable diseases if a camera is not immediately available. Additionally, any employee(s) exposed to bodily fluid will not be kept from seeking medical attention as part of their agency's blood exposure protocol.

- a. When an injured person is transported to a hospital, an uninvolved law enforcement officer should accompany the person in order to:
 - (1) Locate, preserve, safeguard, and maintain the chain of physical evidence.
 - (2) Obtain information as permitted by law, including dying declarations.
 - (3) Dependent on medical condition, maintain custody if the person has been arrested.
 - (4) Provide information to medical personnel about the incident as relevant to treatment, and obtain information from medical personnel relevant to the investigation.
 - (5) Identify relevant people, including witnesses and medical personnel.
 - (6) Be available for contacts with the injured person's family, if appropriate.
- b. Each involved law enforcement agency is responsible for securing and protecting crime scenes. The venue agency assumes responsibility that includes preservation of the integrity of the scene(s) and its contents, access, control, and the identification and sequestration of witnesses. The venue agency maintains these responsibilities unless and/or until it is relieved by the lead agency.
 - (1) A secure perimeter is established ensuring that personal safety is protected and evidence is appropriately preserved.
 - (2) Access to the crime scene is strictly limited to those law enforcement and other authorized officials who have a right or recognized lawful need to be there for a life saving or investigative purpose.
 - (3) A written log is established as quickly as possible to identify persons entering/exiting the scene, their purpose for entry, and the times of entry/exit.
 - (4) Evidentiary items shall not be removed from the scene or manipulated without the approval of the criminal

investigators or unless necessary for safety reasons or preservation of evidence.

- c. If a weapon or instrument was used in the incident, the on-scene supervisor ensures that the weapon is protected and/or collected as follows:
- (1) If the scene is secure, loose weapons or instruments are left in place until collected and processed by investigators.
 - (2) If the scene is not secure, the on-scene supervisor directs whether or not a weapon or instrument is left in place. If the weapon or instrument is moved for protection, in-place photographs are taken before movement, if possible, and the initial location of the item is marked.
 - (3) If an involved officer has personal possession of a firearm discharged in the incident, the on-scene supervisor (uninvolved in the firearm's discharge) shall assign an uninvolved officer to guard the involved officer. The guarding officer shall have the responsibility of providing security for the involved officer. The guard shall make certain that the involved officer's weapon, gear, and person remain undisturbed for the purpose of evidence collection by a member of the criminal investigation team, which may include processing for trace evidence, i.e., swabs, particulate matter, etc. Should the involved officer's person, uniform or gear contain bodily fluids or any other bio hazard substance, the on-scene supervisor shall have the contaminated objects removed from the officer immediately and collected and preserved as evidence. Involved officers' weapons are to remain holstered (or if already unholstered, secured as found) and not to be handled by non-investigating members unless issues of officer safety exist. The above procedures may be adjusted if exigent circumstances exist (i.e., safety, weather, inability to secure scene, etc.). The firearm, ammunition and, if applicable, duty belt will be secured by a criminal investigation team member, adhering to chain of custody procedures. Secondary or back-up firearms in the possession of an involved officer will also be taken and secured as detailed above. When the firearm is removed from the involved officer, a supervisor from the employer agency shall consider providing a like firearm to the involved officer.

(4) The on-scene supervisor shall make a full account of all firearms that were present when the incident occurred. The on-scene supervisor shall confirm that all firearms and personally possessed magazines that are believed to be uninvolved (not fired) are fully loaded. If any apparently uninvolved officer is in possession of a weapon(s) or magazines that are not fully loaded, the on-scene supervisor shall place a guard on this officer, in accordance with the manner stated in paragraph (3), above. All firearms that were present at the time of the occurrence shall be examined by a member of the criminal investigative team to determine if they have been fired. All firearms that were discharged shall be identified and collected. If the supervisor is an actor or injured person, the responsibility for security of weapons or instruments then rests with an uninvolved supervisor or senior uninvolved officer.

d. Any other physical evidence at the scene which is at risk of contamination, destruction, or removal is observed, recorded and protected for collection. At risk evidence requiring immediate and special care includes gunshot residues on involved persons, blood stains, footprints, fingerprints, and volatile substance, etc.

6. **Interviewing Non-Law Enforcement Witnesses**

Sequestered witnesses, excluding witnesses who are taken into custody or lawful detention, shall not be unnecessarily deprived of any freedom of movement. All reasonable efforts should be made to gain and retain their patience and cooperation.

7. **Interviewing Law Enforcement Employees**

Law enforcement employees are protected by the same constitutional provisions as are all citizens. As Law Enforcement Employee-Involved Fatal Incident Protocol investigations are criminal investigations, criminal case law provisions (Miranda, et al) are followed whenever lawfully required.

a. Law enforcement employees are treated as witnesses or victims unless factual circumstances dictate they be treated otherwise.

b. Law enforcement employees may consult with a representative prior to interview and have the representative present during the interview.

(1) The contents of private conversations between the representative and the law enforcement employee may

not be privileged absent statutory authority, i.e., doctor, attorney, psychotherapist, etc.

- (2) The representative is allowed to privately consult about the facts of the incident with only one law enforcement employee at a time.
- (3) The lead agency investigator(s) may wish to conduct a walk-through of the crime scene with the actor(s). When deciding whether or not to conduct a walk-through, the lead agency investigator(s) should consider the emotional state of the actor(s), the possible contamination of the crime scene and the timeliness of the walk-through. The actor(s) shall not be compelled to participate in the walk-through.
- (4) An Employee-Involved Fatal Incident is one of the most stressful and time-consuming incidents an officer may encounter. The emotional and physiological effects of an event of this magnitude will often be taxing on all involved parties. Care should be taken to weigh the need to obtain an immediate statement with the need to maintain the involved officers' well-being. While it is always a good idea to obtain a statement immediately following the incident, there may be times when allowing one or all of the involved officers to obtain sleep and sustenance prior to the interview is warranted.

If circumstances dictate that interviews of the involved officers be conducted at a later time, that decision should be a collaborative one between the involved officer, his/her counsel and the Lead Agency investigators. "Reasonable preparation" with the involved officer's counsel shall be permitted and each case should be evaluated on a case-by-case basis with all parties equally informed as to the necessity and gravity of this action, prior to the final decision being made. Officers who are allowed to provide interview information at a later time based on the event circumstances or conditions used to invoke this decision, should be advised not to discuss the circumstances of the case with anyone or subject themselves to sources of information that would alter their understanding or perception of the incident.

- (5) During the interview of the involved officer(s), investigators may elect to use a pre-designated questionnaire as part of their approach to obtain basic information before beginning direct questions about

the specific actions of the officer(s). The questionnaire shall be consistent with all Member Agencies.

- c. California Government Code Section 3300 et seq (Public Safety Officers Procedural Bill of Rights) does not apply to:
 - (1) A law enforcement employee who is not a peace officer; or
 - (2) A law enforcement employee being interviewed by someone other than their employer; or
 - (3) A law enforcement employee being interviewed for a criminal investigation that is solely and directly concerned with alleged criminal activities.
- d. The criminal investigators are not accompanied by staff from the employer agency during interviews with employer agency employees.
- e. To ensure proof of voluntary statements in a non-custodial interview, the criminal investigators should advise the interviewee that:
 - (1) The interviewee is not in custody and is free to leave at any time.
 - (2) The interviewee is not obligated to answer any questions asked by the investigators.
 - (i) In the event the interviewee elects to refuse to provide a voluntary statement, all questioning shall cease. However, if there is a public safety emergency, further questions may be compelled of the interviewee.
- f. Law enforcement employees present at the scene when the incident occurs, whether as actors or witnesses, are relieved of their duties as soon as is safe and practical. First priority for relief is for an actor(s), who is then driven to the police station or other secure location by a supervisor or designated uninvolved law enforcement officer. Other involved employees drive or are transported to their own station or other agreed upon secure location. Sworn personnel not involved in the incident are assigned to accompany the involved employees.
- g. Evidence collection needs regarding involved employees are accomplished prior to the employee engaging in any activity that may destroy evidence.
- h. An uninvolved sequestering officer remains with the involved employees until relieved by a supervisor. The sequestering officer ensures the involved employees are appropriately situated, and the integrity of each employee's later statements

to investigators is not tainted by group or outside discussion. The sequestering officer is not present during confidential (privileged) conversations between the employee and any designated representative(s). The sequestering officer has an affirmative obligation to report information relevant to the criminal investigation to the lead agency.

- i. Viewing of video and audible recording: Care should be given not to allow the involved officer(s) to view any video or hear any audio recordings captured on any device before the initial interview by the Lead Agency investigators. However, if requested, the involved officer's legal counsel may be allowed to view such recordings prior to the initial interview. After the initial interview with the involved officer, and with the concurrence of the officer's legal counsel, the officer may view or hear any collected recordings, prior to any follow up interview.
 - (1) The following admonition should be provided to Involved Law Enforcement Employees prior to viewing any audio/visual recordings:
 - i. In this case there is audio/video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of video may limit the camera's ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident.
 - ii. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you. If listening to audio recordings or viewing video recordings provides additional clarity to what you remember that is fine; if it doesn't, that's fine too.
- j. All interviews are conducted separately and are audio recorded.

8. **Intoxicant Testing**

- a. The rules of criminal law apply to intoxicant testing in a Law Enforcement Employee-Involved Fatal Incident investigation. As standard procedure, all actors are requested to voluntarily submit to a blood test to determine if intoxicants are present.
- b. If an actor elects not to voluntarily submit to intoxicant testing and when investigators determine that an actor's state of potential impairment is relevant to the investigation, the following options are available when lawfully permissible:
 - (1) Obtain the test sample incidental to valid arrest; or,
 - (2) Obtain a search warrant.

9. **Autopsy**

- a. Prior to any post-mortem examination, the autopsy pathologist receives a briefing on all relevant case information from investigators representing the lead agency.
- b. At least one investigator from the lead agency and one from the Office of the District Attorney attend the autopsy.

10. **Office of the District Attorney**

- a. The Office of the District Attorney has the following responsibilities in the investigative process:
 - (1) Participate with the lead agency in conducting the investigation.
 - (2) Provide advice and direction to the investigators on relevant criminal law issues.
 - (3) Upon receipt of the investigation from the Lead Agency, analyze the facts of the incident in light of relevant statutes to determine whether or not violations of criminal law are believed to have occurred. The Office of the District Attorney will make every reasonable effort to prepare a summary report within ninety (90) days of receiving the completed investigation with the recognition that additional investigation and/or receipt of autopsy findings may result in a delay of the summary report beyond the ninety day goal. The Lead Agency shall be given the opportunity to review the District Attorney's summary prior to its dissemination.
 - (4) As deemed appropriate, prosecute those persons believed to have violated criminal law.
 - (5) Provide the Deputy District Attorney's summary of the incident and recommendation to the Foreperson on the Sonoma County Grand Jury.

(6) Upon request, present investigative information to the Sonoma County Grand Jury for their consideration and review.

b. The Office of the District Attorney has investigative authority independent of that of other member agencies. When deemed appropriate by the District Attorney, the Office of the District Attorney may perform an independent investigation separate from the lead agency.

11. **Report Writing and Dissemination of Reports**

- a. Law enforcement employees who witnessed or were involved in the occurrence (or who have specific information related to the occurrence) shall not write a report in most instances. Instead these individuals shall be interviewed by a member(s) of the criminal investigative team. Law enforcement employees who are involved in conducting the criminal investigation shall prepare a report that fully documents their investigation. Law enforcement employees who are not a part of the criminal investigation team, but who assist in the furtherance of the investigation (i.e., scene security, transportation of witnesses, etc.) shall document their involvement in a report. All original reports shall be forwarded to the lead agency's supervising investigator for review and approval. Once approved, the reports shall be retained by the lead agency as part of the cumulative investigative report. A copy of any approved report may be retained by the employing agency of the report writer, if desired. The immediate supervisor of the criminal investigation is authorized to request a written report from any law enforcement employee, including management, if it is deemed to be in the best interest of the criminal investigation.
- b. It is the responsibility of each involved agency to direct the necessary writing of reports by their employees. Reports should be written and distributed to the lead agency within 72 hours of actions taken or investigated.
- c. The lead agency has the ultimate responsibility to ensure that reports are collected from other agencies.
- d. Upon completion of the lead agency investigation, the Lead Agency shall provide copies of the entire case to the District Attorney's Office, the Federal Bureau of Investigation and the Employer Agency. Once the District Attorney has completed their review and issued a finding, the District Attorney will provide a complete copy to the Sonoma County Civil Grand Jury. In the event that additional case work is performed after submission of the case to the above parties, it shall be the

responsibility of the Lead Agency to provide subsequent reports or investigation documentation to the above entities.

B. ADMINISTRATIVE INVESTIGATION

1. **Intent**

An administrative investigation is an investigation conducted by the employer agency for the purposes of:

- a. Determining whether or not an employee violated rules, regulations or conditions of employment of the employer agency.
- b. Determining the adequacy of employer agency policies, procedures, training, equipment, personnel and supervision. Nothing in this Protocol prohibits the employer agency from compelling a statement during the course of an administrative investigation. Prior to taking a compelled statement, every effort shall be made to consult with the District Attorney to ensure the criminal investigation is not compromised.

2. **Responsibility**

Whether or not an administrative investigation is conducted is the concern and responsibility solely of the employer agency.

- a. The criminal investigation conducted by the lead agency is always given investigative priority over an administrative investigation. It is intended that this prioritization will minimize conflict between the two investigations and it will prevent the criminal investigation from being compromised by an untimely exercise of employer agency administrative action.

3. **Disclosure**

Interview statements, physical evidence, toxicology test results and investigative leads which are obtained by administrative investigators when ordering law enforcement employees to cooperate shall not be revealed to criminal investigators unless clear legal authority exists and then only when directed by the District Attorney. Results of the administrative investigation may or may not be privileged from disclosure to others, depending upon applicable law.

4. **Investigator**

The employer agency may assign an administrative investigator to conduct independent administrative investigative activities.

- a. An administrative investigator has access privilege to briefings, crime scenes, physical evidence and interviewees' statements in the criminal investigation. The administrative investigator does not accompany the criminal investigator during interviews.

5. **Intoxicant Testing**

- a. Intoxicant test results obtained in the criminal investigation are available for use in an administrative investigation.
- b. In the event the criminal investigation does not obtain samples for intoxicant testing or the employer agency wishes its own independent samples, the employer agency may seek samples following the criminal investigator's intoxicant testing actions by:
 - (1) Obtaining valid consent from the employee; or,
 - (2) When lawfully permissible, ordering the employee to provide samples based upon an employment relationship.

IV. **RELEASE OF INFORMATION TO THE NEWS MEDIA**

A. General Information

- 1. The community's interest to know what occurred in a Law Enforcement Employee-Involved Fatal Incident must be balanced with investigative responsibilities and the rights of involved individuals. In all cases, the information released to the public and manner in which it is released by member agencies is in accordance with legal mandates.
 - a. Member agencies ensure that intentionally misleading, erroneous, or false statements are not made.
 - b. Only those individuals with appropriate knowledge and member agency approval should make public statements regarding an incident.
 - c. Member agencies communicate directly with each other to ensure information releases and community statements do not jeopardize the integrity of the criminal investigation.

B. Lead Agency

- 1. Unless otherwise agreed upon by the lead and employer agencies, the lead agency is responsible for providing news media releases of information directly relevant to the criminal investigation.
- 2. Release of criminal investigative information, including public statements about the investigation, is only done under the guidance and/or approval of the lead agency until such time as otherwise agreed upon by involved member agencies.
- 3. The lead agency does not comment upon the employer-employee issues that are the responsibility of the employer agency.

C. Employer Agency

1. The employer agency is responsible for providing news media release of information directly relevant to the employer-employee relationship, including the status of any administrative investigation.
2. The employer agency may prepare the initial press release involving the incident. The press release will be confined to the following areas:
 - a. The initial statement about what occurred.
 - b. An employee of the employer agency was involved.
 - c. The Sonoma County Law Enforcement Employee-Involved Fatal Incident Protocol has been invoked.
 - d. The identification of the lead and participating agencies.
 - e. The employment status of the involved employee(s).
3. The employer agency should coordinate the release of any employer-employee information so that it does not conflict with criminal investigative concerns.
4. The employer agency may make statements or issue press releases regarding the criminal investigation when approved by the lead agency as long as it does not conflict with a criminal investigation or concern.

D. Office of the District Attorney

1. The Office of the District Attorney is responsible for providing news media release of information directly relevant to the District Attorney's statutory authority. News media releases regarding investigative findings and any subsequent prosecution based upon the criminal investigation are the responsibility of the Office of the District Attorney.

V. REPORTING IN-CUSTODY DEATH

Pursuant to Government Code Section 12525, each law enforcement agency in which a person dies while in their custody, shall report, in writing to the Attorney General, within 10 days after the death, all facts concerning the death. Deaths occurring in the Sonoma County Jail shall be reported to the Attorney General by the Sonoma County Detention Division per policy entitled "Emergencies – Inmate Death."

428 – Immigration Violations

1. PURPOSE AND SCOPE
2. BASIS FOR CONTACT
3. EQUAL ENFORCEMENT OF THE LAWS
4. IMMIGRATION SWEEPS
5. INDIVIDUAL REQUESTS BY ICE FOR FIELD ASSISTANCE
6. JOINT OPERATION WITH ICE
7. PROCEDURES FOR IMMIGRATION COMPLAINTS
8. U-VISA/T-VISA NON-IMMIGRANT STATUS

428.1 PURPOSE AND SCOPE

The Sheriff's Office is committed to equal enforcement of the law and equal service to the public -- regardless of alien status. Confidence in this commitment will increase the Sheriff's Office's effectiveness in protecting and serving the entire community.

428.2 BASIS FOR CONTACT

The United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the Immigration and Nationality Act (Title 8 of the United States Codes) as to both civil and criminal immigration violations. California peace officers are not authorized under federal law to arrest an individual for violation of a civil immigration law, such as being illegally present in the country (i.e., an undocumented alien).

If a Sheriff's Office member suspects that an individual is unlawfully present in the United States, such a suspicion shall not, by itself, serve as the basis for contact, detention, or arrest. Absent a separate law enforcement reason, Sheriff's Office members shall not question such persons directly about their immigration status, nor telephone ICE while in the field to obtain such information.

428.3 EQUAL ENFORCEMENT OF THE LAWS

Sheriff's Office members shall give equal consideration to all persons with whom they come into contact. As stated in other policies, law enforcement actions shall not be taken against persons on the basis of race, ethnicity, national origin, age, gender, sexual orientation, religion, socioeconomic status, or other protected classification. In addition, the disposition of each contact (i.e., warning, citation, arrest, etc.), while discretionary in each case, shall not be affected by any of those factors.

428.4 IMMIGRATION SWEEPS

The Sheriff's Office shall not independently conduct "sweeps" or other concentrated efforts for the purpose of locating and detaining persons who are solely suspected of being illegally present in the United States.

428.5 INDIVIDUAL REQUESTS BY ICE FOR FIELD ASSISTANCE

If a specific request for assistance is made by ICE or another federal law enforcement agency, the Sheriff's Office will provide available support services such as traffic control, keep-the-peace efforts, or mutual aid, during the federal operation.

428.6 JOINT OPERATIONS WITH ICE

The Sheriff's Office will work cooperatively with ICE and other federal law enforcement agencies to help locate known or suspected criminals and gang members. All other requests to conduct joint operations with ICE or other federal law enforcement agencies shall be referred to the Sheriff or designee for prior approval and to establish operational parameters.

As a condition to working with ICE on a joint operation in the field, the Sheriff's Office shall require ICE to refrain from arresting or taking custody of persons solely based on a suspicion that they are unlawfully present in the country (i.e., civil immigration violations), or solely based on low level traffic violations (e.g., Vehicle Code § 12500). Under such condition, ICE must agree at the outset of a joint operation not to arrest persons for civil immigration violations unless the subject was identified as a target of the joint operation, or if probable cause exists to believe the subject has engaged in criminal activity.

428.7 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the United States Bureau of Immigration and Customs Enforcement (ICE) in San Francisco.

428.8 U-VISA/T-VISA NON-IMMIGRANT STATUS

Under certain circumstances, Federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T) or 8 USC § 1101(a)(15)(T)). The Sonoma County Sheriff's Office "shall certify" victim helpfulness and a declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services must be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the victim of a qualifying criminal activity has been helpful, is being helpful, or is likely to be helpful to the detection, investigation or prosecution in order for a U-Visa/T-Visa to be issued. Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the sergeant assigned to supervise the handling of any related case. The sergeant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether a supplemental report or further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website at <http://www.uscis.gov/portal/site/uscis>.
- (c) Contact the appropriate prosecutor assigned to the case and District Attorney Victim Advocate, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted. If the District Attorney's Office files charges against the perpetrator of the crime and the Sheriff's Office receives a I-918 U-Visa request for that victim, the documents will be forwarded to the District Attorney's Office to complete.

- (d) Review all relevant information regarding the petitioning victim and their cooperation with the investigation and prosecution to ensure that they reasonably cooperated with the investigation.
- (e) Address the request and complete the declaration/certification within 90 days of receiving the request, unless the non-citizen is in removal proceedings, in which case the declaration/certification shall be processed within 14 within receiving the request.
- (f) Ensure that any decision to complete or not complete the form is documented.
- (g) No information pertaining to the legal status of the petitioner should be retained in the report writing system.
- (h) If a petitioner's request for certification is declined by the Investigations Sergeant, the information shall be reviewed by the Investigations Bureau Lieutenant.
- (i) The petitioner is responsible for filing the completed certification with the I-918 Form.

428.8.1 HUMAN TRAFFICKING T-VISA

Deputies and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).

REVISION HISTORY

08/10/2011

12/2004

06/05/2012

07/02/2015

01/01/2016

Appendix U

Immigration Status

- 1.0 POLICY STATEMENT
 - 2.0 DEFINITIONS
 - 3.0 MANDATES
 - 4.0 GENERAL INFORMATION
 - 5.0 PROCEDURES
 - 6.0 REVISION HISTORY
-

Sheriff's Office Detention Division Version 8.2017

1.0 POLICY STATEMENT

The Sonoma County Sheriff's Office will equally enforce the laws and serve the public without regard to immigration status. No person shall be held solely on the basis of their immigration status. The immigration status of a person, and the lack of immigration documentation, should have no bearing on the manner in which Sheriff's Office personnel execute their duties.

2.0 DEFINITIONS

ICE Immigration and Customs Enforcement

ICE Access Means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the Office, to include all of the following:

Responding to an ICE hold, notification, or transfer request.

Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.

Providing ICE non-publically available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.

Allowing ICE to interview an individual.

Providing ICE information regarding date and times of probation or parole check-ins.

ICE Immigration Detainer/Hold

An ICE Immigration Detainer/Hold is a request for voluntary action by the Sheriff’s Office to maintain custody of an inmate for a period not to exceed 48 hours beyond the time when he or she would have otherwise been released from custody.

ICE Request for Voluntary Notification

An ICE request for notification is a request to voluntarily notify ICE of the pending release of an inmate from custody. It does not authorize the Sheriff’s Office to hold an individual beyond the point at which he or she would otherwise be released.

Immigration Notification Criteria

A list of conditions that when met requires ICE to be notified of an inmate being, or will be, released on a certain date.

3.0 MANDATES

*AB 4 (TRUST ACT)
AB 2792 (TRUTH ACT)
Government Code 7282, 7282.5, 7283, 7283.1 and 7283.2
8 CFR 287.7
Miranda-Olivares v Clackamas County*

4.0 GENERAL INFORMATION

- A. **Immigration Enforcement Jurisdiction.** The U.S. Department of Homeland Security’s Immigration and Customs Enforcement agency (ICE) has primary responsibility to investigate and enforce federal immigration laws. Sheriff’s Office personnel may assist ICE in the enforcement of federal immigration laws upon its specific request. Assistance to ICE will also be provided in response to officer safety issues. Refer to Law Enforcement Division Policy 428 – Immigration Violations

- B. The Sonoma County Sheriff’s Office no longer honors ICE Immigration Detainers, **in compliance with the Trust Act**, unless ICE presents proof that it has probable cause for the detention, for example by providing an arrest warrant. Detainers and warrants are entirely separate and should not be confused. Duly issued warrants and probable cause statements signed by a Magistrate in all cases will be honored.

- C. The Sheriff’s Office regularly receives requests from ICE asking to be notified of an inmate’s impending release from custody. The Sheriff’s Office will only notify ICE of an inmate’s pending release from custody if the inmate falls within the Sheriff’s Office immigration notification criteria.

- D. If members of the public contact the Sheriff's Office to report suspected immigration violations, such individuals will be directed to ICE.
- E. The Sergeant and/or the Supervising Legal Processors will need to verify inmate releases using the Pre-Release Check Off Form.

5.0 PROCEDURES

- A. The Office complies with the **TRUTH ACT** (Transparent Review of Unjust Transfers and Holds Act) by:
 - 1. In advance of any interview between ICE and an inmate regarding civil immigration violations, the Office shall provide all inmates with a written consent form (ICE Interview Consent Form) that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form is available in English, Spanish, Chinese, Tagalog, Vietnamese and Korean.
 - 2. If it is determined an inmate falls within the Sheriff's Office Immigration Notification Criteria and upon receiving any ICE hold, notification, or transfer request, the Office shall provide a copy of the request to the inmate and inform them on an Immigration Notification Form (Spanish) (Chinese) (Korean) (Tagalog) (Vietnamese) that the Office intends to comply with the request, along with the Immigration Notification Review Form attached. When the Office provides ICE with notification that an inmate is being, or will be, released on a certain date, the Office shall promptly provide the same notification in writing to the inmate and to his attorney of record or to one additional person who the inmate shall be permitted to designate.
 - a. An inmate and/or their designee may request an immigration notification review by completing an Immigration Notification Review Form and forwarding the form to the Pre-Trial Sergeant. A review will occur (when possible) before ICE is notified. The Pre-Trial Sergeant will notify the inmate or requestor of the outcome of the review.
 - 3. If an inmate does not fall within the Sheriff's Office immigration notification criteria and upon receiving any ICE hold, notification, or transfer request, the Office shall provide a copy of the request to the inmate and inform them on an Immigration Notification (ICE DENIAL) Form that the Office will not comply with the request.
 - 4. All records relating to ICE access provided by the Office, including all communication with ICE, shall be public records for the purposes of the

California Public Records Act, including the exemptions provided by that act, as permitted under that act all personal identifying information will be redacted prior to public disclosure. Records relating to ICE access shall include, but not limited to, data maintained by the Office regarding the number and demographic characteristics of inmates to whom the Office has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means.

5. The Office will maintain statistical data relating to the “**TRUTH ACT**” in the Office’s shared drive in the County computer system.
 - a) All Immigration Notification Forms to inmates.
 - b) All Request for Voluntary Notification of Release of Suspected Priority Alien ICE forms.
 - c) All communications to and from ICE notifying them of an inmate’s impending release.
 - d) ICE access to Sheriff’s Office facilities for the purpose of effecting an arrest.
 - e) ICE will be provided with non-publically available information (as would any law enforcement agency) such as home addresses, work addresses, and phone numbers whether through computer databases, jail logs, or otherwise on request, only if the inmate is currently in custody. If the inmate is not in custody the request must be submitted to the Central Information Bureau (CIB). All requests received from ICE along with responses will be documented.

6.0 REVISION HISTORY

Version: 8.2017

Replaces version 3.2017; Replaces version 1.2017; Replaces version 11.2014; Replaces version 2/2014; Replaces 1.2014

Appendix V

IOLERO Community Outreach Activities April 2016 to July 2017

Name	Date	Meeting Type	Location	Supervisory District
National Association for Civilian Oversight of Law Enforcement Academic Symposium	04/22/16	Civilian Oversight	John Jay College of Criminal Justice, NY	
Community Meet & Greet with IOLERO Director	04/25/16	General Community Meeting Event	The Rotunda	3
The Sonoma County Alliance	05/04/16	General Community Meeting Event	Santa Rosa Golf & Country Club Roseland Village	5
Cinco de Mayo Celebration	05/05/16	Disadvantaged Communities Meeting/Event	Neighborhood Center	5
"Peace Officer" Film Showing	05/09/16	General Community Meeting Event	Rialto Cinemas	5
Peace Officers Memorial	05/16/16	General Community Meeting Event	Sonoma County Sheriff's Office	3
Los Cien Luncheon	05/19/16	Disadvantaged Communities Meeting/Event	Flamingo Hotel	3
Use of Force Summit	05/25/16	Civilian Oversight	San Francisco Main Library	
Main Adult Detention Facility Tour	06/01/16	Law Enforcement	Main Adult Detention Facility	3
Department of Health Services Meet & Greet	06/06/16	General Community Meeting Event	The Rotunda	3
Family Justice Center Tour	06/06/16	Law Enforcement	Family Justice Center	3
Rotary Club of Sebastopol Sunrise	06/08/16	General Community Meeting Event	Masonic Lodge	5
Latino Service Providers	06/23/16	Disadvantaged Communities Meeting/Event	Nurse-Family Partnership	3
Los Cien Luncheon	06/24/16	Disadvantaged Communities Meeting/Event	Flamingo Hotel	3
NAACP Meeting	06/28/16	Disadvantaged Communities Meeting/Event	Steele Lane Community Center	3
Jails and Mentally Ill Inmates	06/28/16	Law Enforcement	Teleconference/Webinar	
Use of Force Training	06/30/16	Law Enforcement	Sonoma County Sheriff's Office	3
Sonoma County Sheriff's Office Data and Statistics	07/06/16	Law Enforcement	Sonoma County Sheriff's Office	3
Sonoma County Sheriff's Office Grievance Policy	07/07/16	Law Enforcement	Teleconference/Webinar	
Racial and Identity Profiling Advisory Board Meeting	07/08/16	Civilian Oversight	Teleconference/Webinar	
SWAT & Building Search Training	07/09/16	Law Enforcement	Sonoma County Sheriff's Office	3
Rotary Club Santa Rosa East	07/12/16	General Community Meeting Event	Flamingo Hotel	3
Field Training Officer Program	07/13/16	Law Enforcement	Sonoma County Sheriff's Office	3
Introduction to Restorative Justice Training	07/20/16	General Community Meeting Event	Restorative Resources	3
Sonoma County Human Rights Commission	07/26/16	General Community Meeting Event	PRMD Hearing Room	3
Firearms Training	08/24/16	Law Enforcement	Sonoma County Sheriff's Office	3
Santa Rosa Kiwanis	08/25/16	General Community Meeting Event	Fountaingrove Inn	3
Public Defender Immigration and Law Enforcement Community Partners Meeting	08/26/16	Disadvantaged Communities Meeting/Event	The Imaginists Theatre Collective	3
Field Training Officer Manual Review	08/26/16	Law Enforcement	Sonoma County Sheriff's Office	3
Sonoma County Grand Jury Meet & Greet	08/30/16	General Community Meeting Event	Sonoma County Sheriff's Office	3
Santa Clara County Conference on Civilian Oversight	09/07/16	Civilian Oversight	Santa Clara Board Chambers, San Jose CA	
Los Cien Luncheon	09/09/16	Disadvantaged Communities Meeting/Event	Flamingo Hotel	3
Day of Caring	09/14/16	Disadvantaged Communities Meeting/Event	Andy's Unity Park	5
Detention Division Orientation	09/21/16	Law Enforcement	Main Adult Detention Facility	3
Windsor Democratic Club	09/22/16	General Community Meeting Event	Round Table Pizza	4
National Association for Civilian Oversight of Law Enforcement Annual Conference	09/25/16	Civilian Oversight	Albuquerque, NM	
National Association for Civilian Oversight of Law Enforcement Annual Conference	09/26/16	Civilian Oversight	Albuquerque, NM	
National Association for Civilian Oversight of Law Enforcement Annual Conference	09/27/16	Civilian Oversight	Albuquerque, NM	
National Association for Civilian Oversight of Law Enforcement Annual Conference	09/28/16	Civilian Oversight	Albuquerque, NM	
National Association for Civilian Oversight of Law Enforcement Annual Conference	09/29/16	Civilian Oversight	Albuquerque, NM	
Protecting Cops in the 21st Century Symposium	10/14/16	Law Enforcement	San Jose, CA	
Detention Division Orientation	10/19/16	Law Enforcement	Main Adult Detention Facility	3
Sonoma County Taxpayers Association	10/20/16	General Community Meeting Event	Fountaingrove Inn	3
Project Censored at Sonoma State	10/21/16	General Community Meeting Event	Sonoma State University	3

Name	Date	Meeting Type	Location	Supervisory District
Internal Affairs Investigator Training	11/01/16	Law Enforcement	San Pablo, CA	
Internal Affairs Investigator Training	11/02/16	Law Enforcement	San Pablo, CA	
Internal Affairs Investigator Training	11/03/16	Law Enforcement	San Pablo, CA	
Meet & Greet with Youth	11/09/16	General Community Meeting Event	Hanna Boys Center	1
Tomorrow's Leaders Today Criminal Justice Day	11/14/16	General Community Meeting Event	Spring Hills Community Church	4
Sonoma Valley Connect	12/08/16	General Community Meeting Event	El Verano School	1
Constituent Fair with Congressmen Thompson and Huffman	12/12/16	General Community Meeting Event	Finley Community Center	5
Community Advisory Council Meeting	01/02/17	General Community Meeting Event	PRMD Hearing Room	3
English Language Advisory Committee	01/12/17	Disadvantaged Communities Meeting/Event	Prestwood Elementary	1
MLK Celebration	01/15/17	Disadvantaged Communities Meeting/Event	Santa Rosa High School	3
MLK Panel on "Know Your Rights"	01/16/17	Disadvantaged Communities Meeting/Event	Community Baptist Church	3
Rotary Club of Sebastopol Sunrise	01/18/17	General Community Meeting Event	Masonic Lodge	5
Moorland Neighborhood Action Plan Meeting	01/19/17	Disadvantaged Communities Meeting/Event	Carrillo Place Apartments	5
English Language Advisory Committee	01/20/17	Disadvantaged Communities Meeting/Event	El Verano School	1
English Language Advisory Committee	01/24/17	Disadvantaged Communities Meeting/Event	Adelle Harrison Middle School	1
El Verano Parent's Meeting	01/25/17	Disadvantaged Communities Meeting/Event	El Verano School	1
Worker Leaders Meeting	01/26/17	Disadvantaged Communities Meeting/Event	Graton Day Labor Center	5
Los Cien Luncheon	01/27/17	Disadvantaged Communities Meeting/Event	Flamingo Hotel	3
Roseland Elementary Pozole Fundraiser	01/27/17	Disadvantaged Communities Meeting/Event	Roseland Elementary	5
"Andy" Documentary Screening	01/29/17	General Community Meeting Event	Worth our Weight	3
Community Advisory Council Meeting	02/06/17	General Community Meeting Event	PRMD Hearing Room	3
Know Your Rights Discussion	02/08/17	Disadvantaged Communities Meeting/Event	El Verano Family Resource Center	1
Community Engagement Circle	02/08/17	Disadvantaged Communities Meeting/Event	El Verano Elementary School	1
COLE Meeting	02/13/17	General Community Meeting Event	Quaker Meeting House	3
"Under the Shield" Training	02/23/17	Law Enforcement	Spring Hills Community Church	5
National Exchange Club Keynote Address	03/01/17	General Community Meeting Event	Fountaingrove Inn	3
MAGNET Ride Along	03/02/17	Law Enforcement		
Community Advisory Council Meeting	03/06/17	General Community Meeting Event	PRMD Hearing Room	3
Sonoma Springs Alliance	03/16/17	General Community Meeting Event	La Luz	1
Los Cien Luncheon	03/17/17	Disadvantaged Communities Meeting/Event	Flamingo Hotel	3
Strengthening Police & Community Trust Seminar	03/24/17	Civilian Oversight	Stockton, CA	
Achieving Social & Environmental Justice Conference	03/27/17	General Community Meeting Event	Sonoma State University	3
Community Advisory Council Meeting	04/03/17	General Community Meeting Event	PRMD Hearing Room	3
Latino Informational Forum	04/20/17	Disadvantaged Communities Meeting/Event	Guerneville Elementary School	5
Los Cien Luncheon	04/21/17	Disadvantaged Communities Meeting/Event	Flamingo Hotel	3
Sonoma County Growers Alliance Meet & Greet	04/26/17	General Community Meeting Event	Steele and Hops	3
Community Advisory Council Meeting	05/01/17	General Community Meeting Event	PRMD Hearing Room	3
Cinco de Mayo Celebration	05/05/17	Disadvantaged Communities Meeting/Event	Roseland Village Neighborhood Center	5
Assessing the Credibility of Witnesses	05/18/17	Civilian Oversight	Teleconference/Webinar	
Los Cien Luncheon	05/26/17	Disadvantaged Communities Meeting/Event	Flamingo Hotel	3
Andy Lopez Mural Dedication	06/02/17	Disadvantaged Communities Meeting/Event	Roseland Village Neighborhood	5
Sonoma Pride Parade	06/04/17	Disadvantaged Communities Meeting/Event	Guerneville, CA	5
Community Advisory Council Meeting	06/05/17	General Community Meeting Event	PRMD Hearing Room	3
Sonoma County League of Women Voters	06/10/17	General Community Meeting Event	Finley Community Center	5
Sonoma Springs Festival	06/11/17	General Community Meeting Event	Maxwell Park	1
Juneteenth Celebration	06/17/17	Disadvantaged Communities Meeting/Event	MLK Park	3
North Bay Organizing Project Sustainer Breakfast	06/24/17	General Community Meeting Event	First Congressional Church	3
Mark West Civic Engagement Summit	06/28/17	General Community Meeting Event	Riebli Elementary School	4
National Association for Civilian Oversight of Law Enforcement Community Engagement Webinar	07/27/17	Civilian Oversight	Teleconference/Webinar	

Appendix W

Biographies of Current Community Advisory Council Members

Joanne M. Brown, MSW, JD

I live in Sonoma (“the Springs”). I am a graduate of UC Berkeley and have lived most of my life in the East Bay (Berkeley/Oakland), with some time in New Mexico and Washington DC. Since 2015, when my husband and I moved to Sonoma, we have been fortunate to connect with a vibrant community invested in the well being of neighbors and working together towards preserving the land and increasing opportunities for all. Last year, I was appointed by Supervisor Susan Gorin to serve on the Sonoma County Commission on the Status of Women; I joined the planning committee of FISH (Friends in Sonoma Helping); and I am a member of the RISK (Resources for Families) founding Board of Directors.

My professional career has largely been in the public-sector centering on criminal and juvenile justice including: practice as a criminal lawyer; New Mexico Department of Corrections (Director of Adult Institutions); Alameda County Superior Court Commissioner; General Counsel, New Mexico Children’s Youth and Families Department (CYFD); Associate County Counsel, Montgomery County, Maryland; senior consultant Center for Children and the Law (American Bar Association); and consultant in the criminal and juvenile justice system.

Currently, I am an Instructor for UC Davis, Northern Training Academy, and I continue to consult for the Delancey Street Foundation. I also serve on the Executive Committee of the Life Learning Academy on Treasure Island, which provides high school education through a supported small classroom and technology enhanced model for high risk youth from the Bay Area.

My decision to apply to the Community Advisory Committee (CAC) comes from my commitment to supporting the justice system, in this case law enforcement, do the best job possible to protect the rights of the public. The responsibility that we place on others to enforce the law and the authority that we delegate as citizens, is complex, often misunderstood, and generally, underappreciated. The active participation of an informed public is essential to accountable law enforcement and the protection of the public.

My personal goals for the CAC:

- (1) Improve communication and mutual respect between law enforcement and all segments of our community, including an ongoing forum for the discussion of critical topical issues.
- (2) Develop a foundation for the honest discussion of and resolution of historic obstacles to communication between law enforcement and segments of our community.
- (3) Facilitate an open discussion about the role of law enforcement and the duties and authority delegated to law enforcement by the public and public officials.

Rick Brown, PhD

I have lived in Sonoma County since 1992, first in West County, and then in Petaluma for the past seven years. I am married and the father of two daughters. As Managing Partner of The Results Group, from 1992-2007, I provided consultation on organizational strategy and leadership to numerous public, private and non-profit organizations, including:

- Santa Rose Police Dept Community Oriented Policing (1993-1995)

- Santa Rose Police Dept Community Oriented Policing (1993-1995)
- Sonoma County Juvenile Justice Oversight Committee (1995-1998)
- Sonoma County Domestic Violence Policy Committee (1997)

In 2009, I launched TerraVerde Renewable Partners, an energy and solar advisory firm where I lead a team that has implemented solar, battery and energy conservation measures at over 250 schools and other public agency sites around the State, including, solar projects at the Sonoma County YMCA, Petaluma City Schools and Wright Union School District.

I was elected to the Twin Hills Unified School District Board from 1993-1999, serving as President for four years, and was a member of the Board and a trainer for the Karuna Center for Peacebuilding, providing training and consultation to peacebuilders in Africa from 2001-2010.

I originally decided to apply to the CAC to address deep concerns I felt about the direction of law enforcement practices regarding use of force, and the need to develop greater trust and accountability within and between law enforcement and the community. More recently, in light of the national election, I want to make sure that our local law enforcement agencies have the best possible understanding of State and County laws, policies and values that protect the rights of all members of our community.

Statement of My Goals for the CAC:

- Improved channels of communication between the community and local law enforcement, so as to increase mutual understanding and accountability.
- Increase community trust in, and the effectiveness of, Sonoma County's law enforcement agencies in carrying out their mission.

Emilia Carbajal (Bilingual/Bilingüe: English/Spanish)

My name is Emilia Carbajal and I was born in Los Angeles and raised in the small town of Bell, California. I grew up in a primarily immigrant town comprised of many people from México, Central and Southern American countries and a small community of families of the Muslim faith. I became interested in the psychological, sociological, economic, and political impact that resulted from the dynamic relationships between the immigrant community and local city, county, and police agencies- specifically, its correlation to negative outcomes of Latino youth. I also sought to understand the cause of its positive exceptions. Because of this interest, I ventured to U.C.L.A. and sought to learn more. I double majored in Psychology and Sociology and double minored in Latin American Studies and Spanish Literature.

As I began to learn about the subjects above I began to understand the immigrant experience in the United States. As I saw many people around me settle in California I pondered how residents viewed and interacted with their community. Sadly, it was not a positive view in the town I lived in. The city of Bell, its neighbor, Huntington Park, and the city of Vernon were wrought with city and police corruption scandals that were only proven recently on or near 2010. The corruption existed in the community significantly before then and the residents and I included, felt the long-term impact of such scandals that created a cloud of distrust, frustration, psychological and sociological devaluation, and a terrible example of leadership in the community.

As a child living in Los Angeles in the 1990s, I was also impacted by riots that broke out on April 29, 1992-only 8 miles from where I lived at the time (I came to live in South Los Angeles in my late teens).

The Los Angeles riots reflected a severe breakdown of communication and community/police relations. The question for me then became, what happens when there is no leadership or healthy relationships between community and government? How does that affect the outcomes for youth? These were the experiences that shaped the latter half of my academic and work pursuits.

With these scandals and the crime that occurred in between, my goal is to advocate for the creation of a healthy relationship comprised of open communication, trust, transparency, and reciprocal support between residents and local government. I have lived in Sonoma County for approximately 8 years now and I consider it my home.

By default, I want and seek a better future for all its residents but especially to nurture Latin youth into better opportunities. My commitment derives from my own personal experience of losing a childhood friend to gangs. His involvement resulted in his murder at the age of 16. Apart from the cause of a loss, nothing is more painful than a parent outliving their child and for it to result from a homicide must be more difficult. I have witnessed the emotional destruction of the parent; the hurt felt family members; friends; schoolmates; and the community at large.

Healing is crucial, better relationships must be fostered. We can easily fall into the pitfalls of a negative or non-existent community relationship between residents, government, and local law enforcement. Sonoma County is not immune. Sadly, the tragic and emotionally painful passing of Andy Lopez had to bring our community to that realization. We need better understanding of each other and we need to heal as a community. We also need to demonstrate to the residents that action has been taken.

There are cautionary tales out there but we are in a position of having a county and strong community advocates to avoid becoming a statistic. We need a stronger community. That is the reason for my interest to serve in the Council. I want to be a good representative of my community, equipped and ready to apply my academic, life, and work experiences to positive outcomes. I'm ready for change.

Goals for the Community Advisory Council:

1. Actual community outreach that involves tabling or participation/attendance at community events where members can have one-on-one conversations with residents.
2. Active listening of community feedback.
3. Establishing clear procedures for the complaint process. Making the process English/Spanish friendly tailored in the format that the community can easily understand.
4. Holding public meetings or events in bilingual English/Spanish and other languages if possible.
5. Community education regarding applicable policies, processes, protocols, and the law.
6. Develop and promote a social media presence for IOLERO and the CACAs many youth communicate online. Develop a presence in Spanish radio, local television, if possible as many older Spanish-speaking adults still use these platforms to obtain news and information.

Evelyn Cheatham

I have lived in Sonoma County for 30 years. Born and raised in San Francisco, the child of socially active and civically responsible parents, I moved to Sonoma County to work with renowned pastry chef, Lindsey Shere, a founder of Chez Panisse. I found my little town of Healdsburg to be idyllic, open and welcoming. I could safely walk to work at 4am. What if, I thought, we had grown up in a town like Healdsburg? A town where my mother wouldn't have to caution us, on a daily basis, to never run for the

bus, even if we were going to be late. After many arguments with her she finally told me that she wasn't going to have any of her children shot by law enforcement because they were running from the scene of a crime. At the time I thought that was ludicrous, but with the shootings of Jeremiah Chass and Andy Lopez I now have a painful understanding.

I served on the Community and Local Law Enforcement Task Force and was on the Law Enforcement Accountability Subcommittee. I recently attended a 21st Century Policing Conference at the University of Wisconsin. I have attended 3 National Association for Civilian Oversight of Law Enforcement conferences. After hearing Ron Davis, Director of the COPS office of the Department Of Justice, speak at a NACOLE conference, I am steadfast in supporting any efforts to adopt community policing practices.

How IOLERO Proceeds with the Community Advisory Council:

1. Community Feedback and Outreach
2. Feedback from the community on Law Enforcement issues
3. Facilitate public discourse regarding policies and procedures of Law Enforcement
4. Provide Advice to Law Enforcement regarding policies and procedures
5. Provide neutral location for complaint filing
6. Complaint tracking and trend analysis using technology
7. An Annual Report
8. Independent and confidential audit review of internal department investigation of officer Use of Force Incidents, Officer Misconduct, and Complaints

It is my hope the the Community Advisory Council will be very active in setting and achieving these goals.

Elizabeth Cozine

My name is Liz Cozine, I was born and raised in the Los Angeles area, and came to live in Sonoma County almost 30 years ago. It was here in Santa Rosa that I met my husband, a firefighter in the old Bellevue Fire District, and raised our 4 children. I have been a preschool teacher for 32 years, and have been lucky enough to own (and play) at my own school, A Child's Farm, for the last twenty seven.

In the wake of the Andy Lopez shooting, I became involved in law enforcement reform: initially attending protests, working with the Justice Coalition for Andy Lopez, researching best practices in other departments across the nation, attending the Community and Law Enforcement Task Force meetings, working with the Community Policing Subcommittee, meeting with members of the Board of Supervisors, and the Santa Rosa police chief to discuss new models of policing, and advocating for the demilitarization of our local law enforcement (particularly after the Swindell tragedy in Larkfield in 2014).

I believe that good policing is good for everyone, and that by adopting the philosophy and practices of procedural justice and community policing, we can have a sheriff's department that better protects the physical and emotional safety of its officers, as well as the citizens they are sworn to serve. Community trust will be regained when the public feels their interactions with law enforcement are just and transparent. My hope is that the IOLERO can help us get there.

Goals for the Community Advisory Council:

- As the first CAC, it is paramount that we get the word out and advertise the services of the IOLERO. We need to establish where our complaint phone number and services are posted (jails, hospitals, medical facilities, squad cars, public buildings etc?)
- Establish procedures and expectations for the complaint process, so that people feel their voices are heard and know what to expect in the form of resolutions.
- Establish clear and transparent process for the review of critical incidents and uses of excessive force. These need to be easily accessible to the public so they know what, and what not to expect from this office. We should also create a protocol for our board to follow in the event of a major critical incident.
- Listen and carefully consider the input of the community. Make recommendations to the Sheriff's Department to work toward the highest and best practices in policing including (but certainly not limited to): ongoing implicit bias training, ongoing de-escalation training, reality based training, staffing schedules that promote community policing, and the establishment of hiring practices that help build a police force that truly reflects our community.

Alma Roman Diaz (Bilingual/Bilingüe: English/Spanish)

My name is Alma Roman Diaz. I was born and raised in Sonoma County. I grew up in Sebastopol but now live in the Southwest Santa Rosa Area. I am a wife and mother of 2 children. I have a 12 year old boy and a 3 year old girl. I currently work at the Sonoma County Clerk's office and serve as a Deputy Clerk and a Deputy Marriage Commissioner. Before that I worked at the Sonoma County Sheriff's Office at the Main Adult Detention Facility as Legal Processor and Correctional Office Trainee. My past work experience includes working at Mendocino College as a High School Equivalency Program manager, Migrant Education as an Identification and Recruitment Specialist, CHDC as a Family Development Specialist, and El Molino High school as a Bilingual teacher Assistant.

I have a BA in Chicano Latino Studies from Sonoma State University and a Correctional Academy Certificate from Santa Rosa Junior College. I am also one of the Founding Mothers of the first Multicultural Sorority at Sonoma State University.

I have lived in Sonoma County the majority of my life and therefore have a vested interest in bettering the community. One of my goals while serving on the CAC is to assist with strengthening the ties between the Sonoma County Sheriff's office and the Sonoma County Community. I believe that my past education and work experience can help IOLERO meet its goals.

Jim Duffy

My name is Jim Duffy. I was born and raised in the New York Metropolitan Area (born in New York City and raised in Northern New Jersey). I received a BS in Business Administration from Louisiana State University with a focus on International Trade and Finance. I have been employed in both the for-profit and non-profit arenas, from being a Unit Manager at Chase Manhattan Bank (now JP Morgan Chase) to the Executive Director at Sonoma County Conservation Action. I am currently employed as the Sales Manager for Auric Blends, a small fragrance manufacturer in Santa Rosa. I moved to the Bay Area in 1990 and to Rohnert Park in 1999. Since I was a teen, I have tended to be involved, either as an employee or a volunteer, in progressive efforts. Upon becoming a parent 17 years ago, that work became smaller and more focused as I have enjoyed the parenting part of my life which I realized would

be over in the blink of an eye. Andy Lopez was killed in a field about 4 houses away from the home of dear friends. I have brought my children to summer barbeques at their home and had my son (2 years younger than Andy) asked to go play with another child with some toy guns at one of those barbeques, I would have allowed it without a second thought. The tragedy of Andy's death shook me to my core and got me to focus on what I could do locally to help prevent future events like that one.

I became an active Civilian Participant in the Community and Local Law Enforcement Task Force and its Law Enforcement Accountability Subcommittee, with my primary focus being on making sure that one of the process results be a meaningful mechanism for the Public to have a transparent 360 degree dialogue with the Sheriff's Office on its policies, procedures, training and hiring practices. I believe that the Public has not only a right, but an obligation, to provide input into how we, as a community, are policed.

There are a wide variety of policies and training practices that I would like to see affected by this body, either through being updated or more clearly explained to the public (e.g., increased Crisis Intervention training, bringing Sonoma County Sheriff's Office policies regarding electro-shock tools into compliance with the UN Committee Against Torture's guidelines, a thorough review of Sonoma County Sheriff's Office Use of Force policies, development of a state-of-the-art Early Intervention System for the Sonoma County Sheriff's Office, etc. - the list is quite long - I believe it can be prioritized by listening to the members of the Public who choose to attend our meetings) I would also like to see this body assist in defining appropriate topics to be given sunlight in the IOLERO's Annual Report including Sonoma County Sheriff's Office 1033 Program equipment, Civil Asset Forfeiture information, and information regarding the limitations placed on Sonoma County Sheriff's Office management regarding employee discipline due to current collective bargaining contracts and current state laws.

I would also like to see this body act as a safe place for the public to come with any complaints or concerns regarding the Sonoma County Sheriff's Office practices.

Ramon Meraz (Bilingual/Bilingüe: English/Spanish)

Born in Chihuahua Mexico, Ramon Meraz is a private concierge and recent graduate from Sonoma State University's Urban Planning Program. He emigrated with his family in 1985 to live in Orange County, and became a citizen through the "Amnesty" program. During a chance visit in 1993, Ramon fell in love with Sonoma County and has called it home ever since. He worked as a substitute teacher after obtaining his first bachelor's degree in Mexican-American studies at Sonoma State University in 2002. Ramon later became a concierge and received the "Spirit of Sonoma" award for his contributions to the local tourism industry. He is currently part of the Human Rights Commission representing the 5th district and a Member of the Board of Directors at Restorative Resources of Santa Rosa, and lives with his partner Terah and his dog "Lentil" in Santa Rosa. Mr. Meraz's goal is to participate in, and encourage others to join, the dialog that the CAC is currently conducting. And in that way, help IOLERO and all the other agencies to ultimately facilitate a mutually respectful and appreciative relationship between the law enforcement community and the community at large.

Maria Pachecho (Bilingual/Bilingüe: English/Spanish)

Background:

Currently employed as Public Health Nurse for Nurse Family Partnership working with high risk, first time pregnant women. Provide home visits until the baby is 2 years old. I have worked in nursing in a variety of positions: nurse practitioner at a wellness center, forensic medical examiner, hospital nursing,

provider at pediatric school based clinic, clinic manager, instructor for nursing school in Leon, Nicaragua, parent educator and instructor at CPI, home visit nurse and more.

Experience and interest in law enforcement and community relations:

Have Associate Degree in Criminology, applied for position as officer in Foster City and missed acceptance score by 0.63%. They asked what would I do if I felt threatened and I responded that I would shoot to disable the perpetrator. I'm not sure if this response influenced the %. I had passed the physical and written portions of the exam.

When I was a forensic medical examiner, I worked with law enforcement and met many dedicated, supportive officers. I noticed my preconceived biases and a shift occurred. There is good and bad in all groups and I believe we need to nurture what we want not complain about what we don't like.

Once again, I'm working in the community primarily with Latinos, I see the divisions and fear and would like to be involved in developing more of a collaborative approach between law enforcement and the community. Many Latinos are unaware of their rights and fear deportation. This area is ripe for change and we need to seek out ways to achieve this without threatening either party. I also want more accountability and community involvement by the Sheriff's Office.

Other interests:

I practice Aikido brown belt, am a level 1 Somatic Experience Practitioner, am interested in trauma recovery, writing as healing, music, gardening and more

Ben Terry

I am now retired and have been a resident of Sonoma County for more than 30 years, living in Santa Rosa. I was the NAACP President, Sonoma County Chapter for five and a half years and have a long history of working on issues of social and racial justice and equity in Sonoma County. I have previously served on the Sonoma County Grand Jury, as well as the Sonoma County Juvenile Justice Commission. I was also the Vice-President of Sonoma County People for Economic Opportunity for four years, also the President of Ben E. Terry Youth Foundation. I also served as an advocate for students in Sonoma County's school districts, as well as for youths in the Juvenile Court System and adult court.

I applied to be on the CAC Board because I have seven children and fourteen grandchildren; all living in Sonoma County except for three. I hope that some of them will become parents, teachers, law enforcers, good citizen, etc., and continue to live in Sonoma County.

We must change the way we look at policemen, police officers must change the way they look at each person and we, as citizens, have to change our perception and attitude towards each other. We are all Sonoma County residents and must treat each other with respect regardless of race, economic and social status.

If we can accomplish this, we will become a model for other communities.

The community needs to come together; get involved and work on these issues so this county will be a better community for our children, grandchildren and future generations.

Appendix X

IOLERO 2016-2017 Media Contact, Articles, and Interviews

Article Title	Publication	Date	Link
Sonoma County picks independent watchdog for Sheriff's Office	Press Democrat	3/2/16	http://www.pressdemocrat.com/news/5315479-181/sonoma-county-hires-independent-watchdog
Jerry Threat outlines vision for post monitoring Sonoma County Sheriff's Office	Press Democrat	3/5/16	http://www.pressdemocrat.com/news/5326378-181/jerry-threat-outlines-vision-for
Sonoma County Board of Supervisors approves park at site of Andy Lopez shooting	Press Democrat	3/5/16	http://www.pressdemocrat.com/news/5382131-181/sonoma-county-board-of-supervisors?artslide=0
Sonoma County law enforcement auditor begins work	Press Democrat	4/25/16	http://www.pressdemocrat.com/news/5534956-181/sonoma-county-law-enforcement-auditor?artslide=0
Independent Office of Law Enforcement Review and Outreach Fully Operational	Sonoma County Gazette	8/2/16	http://www.sonomacountygazette.com/cms/pages/sonoma-county-news-article-5556.html
Sonoma County police auditor outlines plan to handle allegations of misconduct	Press Democrat	8/9/16	http://www.pressdemocrat.com/news/5948940-181/sonoma-county-police-auditor-outlines
Veterans, Supporters Defend Sonoma Sergeant Who Killed Andy Lopez	KQED News	9/1/16	https://www.kqed.org/news/2016/09/01/veterans-supporters-defend-sonoma-sergeant-who-killed-andy-lopez/
Close to Home: Healing from Lopez shooting requires participation	Press Democrat	9/8/16	http://www.pressdemocrat.com/opinion/6063428-181/close-to-home-healing-from
Sonoma County Residents See Changes Years After Andy Lopez Death	KQED News	9/20/16	https://www.kqed.org/news/2016/09/20/sonoma-county-residents-see-changes-years-after-andy-lopez-death/
"New enforcement oversight director addresses Democratic Club"	The Windsor Times	9/28/16	http://www.sonomawest.com/the_windsor_times/news/new-law-enforcement-oversight-director-addresses-democratic-club/article_cc891f0a-85c2-11e6-bf02-f7155f42b6a6.html
Law Enforcement Review and Outreach (IOLERO)	La Voz Bilingual Newspaper	10/1/16	
5th District candidates want more accountability from Sonoma County Sheriff's Office	Press Democrat	10/10/16	http://www.pressdemocrat.com/news/6173084-181/5th-district-candidates-want-more
Former sheriff's deputy being investigated for excessive force	Press Democrat	10/20/16	http://www.pressdemocrat.com/news/6213768-181/former-sonoma-county-sheriffs-deputy
Debriefing: October 25, 2016	Bohemian	10/26/16	https://www.bohemian.com/northbay/debriefer-october-25-2016/Content?oid=3007355
Springs meeting to focus on law enforcement	Sonoma Valley Sun	12/4/16	http://sonomasun.com/2016/12/04/springs-meeting-to-focus-on-law-enforcement/
President-elect Donald Trump's shadow looms over IOLERO	Sonoma Index-Tribune	12/12/16	http://www.sonomanews.com/news/6426587-181/trump-looms-over-iolero-debut?artslide=0
Law Enforcement talks to the Springs	Sonoma Valley Sun	12/19/16	http://sonomasun.com/2016/12/19/law-enforcement-talks-to-the-springs/
Sheriff watchdog on listening tour	Petaluma Argus Courier	1/8/17	http://www.petaluma360.com/news/6484887-181/sheriff-watchdog-on-listening-tour
Former Sonoma County Sheriff's deputy arrested in alleged on-duty assault	Press Democrat	1/11/17	http://www.pressdemocrat.com/news/6533803-181/former-sonoma-county-sheriffs-deputy
Sonoma County body-camera programs: transparent or opaque?	Press Democrat	1/12/17	http://www.pressdemocrat.com/news/6537865-181/sonoma-county-body-camera-programs?artslide=0
Sonoma County Sheriff's Office, Santa Rosa police pull out of California gang database	Press Democrat	1/13/17	http://www.pressdemocrat.com/news/6538766-181/sonoma-county-sheriffs-office-santa?artslide=0
MLK Day a chance to honor vision of Dr. King	Press Democrat	1/15/17	http://www.pressdemocrat.com/news/6548530-181/mlk-day-a-chance-to
Law enforcement listening session	Sonoma Index-Tribune	1/30/17	http://www.sonomanews.com/news/6607245-181/law-enforcement-listening-session
Panel to discuss Sonoma County Sheriff's immigration protocols	Press Democrat	2/5/17	http://www.pressdemocrat.com/news/6632489-181/panel-to-discuss-sonoma-county
Community panel asks Sonoma County Jail to not cooperate with ICE	Press Democrat	2/6/17	http://www.pressdemocrat.com/news/6631806-181/community-panel-asks-sonoma-county
Sonoma County's jail is central to role of local authorities in immigration enforcement	Press Democrat	2/13/17	http://www.sonomanews.com/home/6662194-181/sonoma-countys-jail-is-central?artslide=0

Article Title	Publication	Date	Link
PD Editorial: Immigration with an eye on public safety	Press Democrat	4/9/17	http://www.pressdemocrat.com/opinion/6866231-181/pd-editorial-immigration-with-an
Santa Rosa councilman, former policeman Ernesto Olivares first to declare bid for Sonoma County Sheriff	Press Democrat	4/13/17	http://www.pressdemocrat.com/news/6879217-181/santa-rosa-councilman-former-policeman?artslide=7
Santa Rosa police auditor: Change internal investigations process	Press Democrat	4/17/17	http://www.pressdemocrat.com/news/6898216-181/santa-rosa-police-auditor-change
Total Recall	Bohemian	4/26/17	https://www.bohemian.com/northbay/total-recall/Content?oid=3459201
Sonoma County law enforcement use virtual reality to train officers on use of force	Press Democrat	4/27/17	http://www.sonomanews.com/news/6934314-181/sonoma-county-law-enforcement-use?artslide=0
Sonoma County Sheriff restricts cooperation between jail and ICE	Press Democrat	5/1/17	http://www.pressdemocrat.com/news/6946572-181/sonoma-county-sheriff-restricts-cooperation?artslide=0
Further analysis of IOLERO public process	Sonoma Valley Sun	5/5/17	http://sonomasun.com/2017/05/05/further-analysis-of-iolero-public-process/
Sonoma County Sheriff's Office still notifying ICE on inmates	Press Democrat	5/10/17	http://www.pressdemocrat.com/news/6954855-181/sonoma-county-sheriffs-office-still
Sonoma County sheriff's captain endorsed by deputies in race for sheriff	Press Democrat	6/1/17	http://www.pressdemocrat.com/news/7036262-181/sonoma-county-sheriffs-captain-endorsed?artslide=0
Radio Appearances/Program	Station	Date	
Voz del Pueblo	KBBF	7/22/16	
"Santa Rosa Residents Wonder Why Promote Deputy Who Shot 13-Year Old" Newstory	KQED	8/18/16	
Power of Community Radio Program	KOWS	8/28/16	
The Drive with Steve Jaxon	KSRO	9/9/16	
KQED Newscast	KQED	10/21/16	
KSVY Morning Show	KSVY	2/6/17	
Foro del Ruido ("Noise Forum")	KBBF	3/31/17	
Other Media Requests	Organization	Date	
Press Democrat Editorial Board Meeting	Press Democrat	1/11/17	
Press Democrat Media Request	Press Democrat	7/27/17	

450 – Body Worn Cameras and Audio Recorders

1. PURPOSE AND SCOPE
2. POLICY
3. MEMBER PRIVACY EXPECTATIONS
4. MEMBER RESPONSIBILITIES
5. ACTIVATION OF BODY WORN CAMERAS
6. PROHIBITED USE OF BODY WORN CAMERAS
7. CATEGORIES AND RETENTION OF RECORDINGS
8. REVIEW OF RECORDINGS
9. RELEASE OF RECORDINGS
10. REQUESTS FOR DELETION OF A RECORDING
11. CRITICAL INCIDENTS

450.1 PURPOSE AND SCOPE

The purpose is to provide policy and procedures for the use of portable audio/video recording devices by sworn members of the Sonoma County Sheriff's Office while in the performance of their official duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

The purpose of body worn cameras (hereinafter referred to as BWC) and audio recorders is to provide documentary evidence for criminal investigations, internal or administrative investigations and civil litigation. Members shall utilize the BWCs and audio recorders in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

While BWC recordings can provide an objective record of events, it is understood that video/audio recordings may not necessarily reflect the entire experience or state of mind of the individual employee(s) in a given incident. In some circumstances, the BWC will capture information that may not have been heard and/or observed by the involved employee(s). Similarly, there will be situations where the BWC will not capture information that was heard and/or observed by the involved employee(s).

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes.

450.2 POLICY

The Sonoma County Sheriff's Office Law Enforcement Division will provide sworn personnel BWC's for use during the performance of their official duties.

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Sheriff's Office regardless of whether those recordings were made with Office-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES

The Sonoma County Sheriff's Office Law Enforcement Division will issue sworn deputies and sergeants BWC's.

- (a) Uniformed personnel will be responsible for making sure that he/she is equipped with a BWC prior to going into service and for ensuring the BWC is in good working order. If the BWC is not in good working order or malfunctions at any time, the member shall report the failure to his/her supervisor and obtain a functioning device as soon as practicable.
- (b) Uniformed members shall wear the recorder in a conspicuous manner.
- (c) Extra help Deputy Sheriff's will not be issued BWC's unless they are assigned to the Civil Bureau or unless approved by the BWC administrator Lieutenant.
- (d) Non-uniformed personnel may carry, and use, an approved BWC any time the member believes such a device may be useful. Non-uniformed field training officers who are in the final phase of training are required to wear BWC's.
- (e) Members are encouraged to advise private persons they are recording if the advisement may gain compliance or assist in the investigation, and it will not interfere with the investigation or officer safety. i.e., a hostile contact during a traffic stop.
- (f) All specialty units are required to use BWC's as set forth in this policy, except the following units:
 - 1. Explosive Ordinance Detail Unit
 - 2. Helicopter Unit
 - 3. Honor Guard
- (g) Any BWC that contains recordings shall be docked and uploaded daily. Practically speaking, this can occur within a 24 hour period of time. Case by case exceptions may be made with the prior approval of a supervisor.
- (h) Any uniformed member who desires to carry an audio digital recorder (in addition to the BWC) may do so for the purpose of surreptitiously recording if the member determines it would be beneficial for the investigation. An example of this could be placing an audio recorder in the back seat of a patrol car to record a suspect, etc. Uniformed members are not allowed to carry an audio digital recorder in place of the Office issued BWC.
- (i) If an audio recording of evidentiary value is obtained from an audio digital recorder from either a uniformed, or non-uniformed member, a copy of the recording shall be entered into evidence.
- (j) The wearing or use of any other personal **video** recorder, other than the BWC, is not authorized. However, during an exigent circumstance with a high evidentiary value, where the BWC is either unavailable or becomes non-functional, and the member has

access to an alternative means of recording the incident (Cell phone, etc.), the member may use his or her discretion to record the incident on the alternate recording device. In this case, a copy of the video recording shall be entered into evidence and the member's supervisor shall be notified of the recording. This section applies to both uniformed and non-uniformed members.

- (k) Members shall document the existence of a recording in any report, citation, or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. The reason for not recording an incident required by this policy shall be documented in the report.
- (l) Only trained personnel shall operate BWC equipment.

450.4.1 BWC ADMINISTRATOR RESPONSIBILITIES

The system administrator is the designated Lieutenant responsible for the Sheriff's Office's BWC program. The administrator will have oversight responsibilities to include the following:

- (a) Operation and user administration of the system.
- (b) Training.
- (c) Policy development, implementation, review, and evaluation.
- (d) Coordination with IT and Taser regarding system related problems.
- (e) Ensuring the recorded media files of evidentiary value are secure and retained per this policy.
- (f) Ensuring the recorded media files are reviewed, preserved, and released in accordance with federal, state, and local statutes and in accordance to the retention schedule and policy of the Sheriff's Office.
- (g) Establishing and setting roles and permissions in Evidence.com for members of the Sheriff's Office based on their job assignment/classification.

450.4.2 SUPERVISORY RESPONSIBILITIES

Supervisors will ensure that members are using their BWC's according to the policy of the Sheriff's Office.

- (a) Supervisors are to review the recorded media files according to the provisions set forth in this policy.
- (b) Supervisors shall ensure recorded media files related to critical incidents are uploaded to Evidence.com.
- (c) Supervisors may have the ability to immediately resolve citizen complaints by reviewing recorded media files captured on the BWC. In those circumstances where a complaint is resolved with no further action needed, supervisors shall add an additional category of citizen complaint to the recording and make appropriate notes in the notes section of Evidence.com.
- (d) Supervisors may not randomly access BWC recordings for arbitrary or capricious purposes, however, supervisors may conduct periodic audits of BWC recordings to verify adherence to this policy. Accordingly, during such periodic audits, minor policy infractions (not criminal in nature) discovered during routine review should be viewed as

training opportunities and not intended to initiate disciplinary actions. However, should the behavior or action continue after being informally addressed by a supervisor, the appropriate disciplinary or corrective action should be pursued.

450.5 ACTIVATION OF THE PORTABLE RECORDERS

This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate for legitimate law enforcement interests. Unless, it would be unsafe, impossible, or impractical for the situation, members are required to activate their BWC prior to making contact when responding to all calls for service, and during any law enforcement related encounters and activities that occur while the member is on duty. Examples include, but are not limited to:

- (a) All enforcement and investigative contacts including arrests, pursuits, suspicious persons, detentions, and field interview (FI) situations.
- (b) Traffic stops including, traffic violations, traffic collisions and stranded motorist assistance.
- (c) Probation or parole searches.
- (d) Service of search or arrest warrants.
- (e) Self-initiated activity in which a member would normally notify the Dispatch center.
- (f) During suspect interviews, Miranda Rights advisement, and obtaining verbal consent to search.
- (g) During building searches, searches for suspects, and building checks at alarms.
- (h) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (i) Any use of force or tactical intervention.

Exceptions to activating BWC:

- (a) During interviews with crime victims, confidential informants, or witnesses who do not wish to be recorded. Examples of this can include witness interviews or victim interviews on sensitive cases (sexual assault, child abuse, etc.).
- (b) Generally, in most cases, it may not be necessary to record a prisoner transport to a detention facility. However, it is discretionary on the part of the member on whether to record, or not record, the transport. The evidentiary need combined with the actions and demeanor of the suspect are factors to consider when making this decision.
- (c) It is not expected that the BWC be activated during conversations involving case strategies or tactical planning.
- (d) Members are not required to record if they are in positions where the recordings are reasonably anticipated to be fruitless, e.g., long-rifle team members in prone position, etc.

450.5.1 SURREPTITIOUS USE OF BODY WORN CAMERAS

Members of the Sheriff's Office may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another Office member, or any other law enforcement agency member, without a court order unless lawfully authorized by the Sheriff or an authorized designee.

450.5.2 CESSATION OF RECORDING

Once activated, the BWC should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation, i.e., prisoner in custody and seated in a patrol car. Members can deactivate the recording for purposes of exchanging confidential information (e.g., operational tactics and strategies) or conducting interviews with crime victims, confidential informants, or witnesses who do not wish to be recorded. Examples of this can include witness interviews or victim interviews on sensitive cases (e.g., sexual assault, child abuse, etc.). Members should include the reason for the deactivation in their report.

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 typically resume once the identified privacy concern has been addressed and/or resolved.

Recording may be stopped during significant periods of inactivity such as report writing, assignments include perimeter or static post positions, and members who are not in contact with citizen's and they are not actively part of the investigation.

450.5.3 PRIVATE PARTY RESIDENCES

Although private residences are protected under the fourth amendment, this does not preclude the use of BWC's. Members who are lawfully inside a private residence have a lawful right to record the encounter. If a citizen asks the member not to record an encounter inside a private residence, the member should use good judgment and reason while weighing the legitimacy of the law enforcement interest, including, but not limited to, the investigative importance of the recording versus the legitimacy of the request from the citizen to cease the recording.

450.6 PROHIBITED USE OF BODY WORN CAMERAS

- (a) It will be a violation of this policy for any member who fails to activate their BWC or intentionally terminates a recording in order to commit a violation of law or policy.
- (b) Members shall not remove, dismantle, or tamper with any hardware and/or software component of the BWC.
- (c) The BWC shall not be used to record non-work related activity and shall not be activated in places where a reasonable expectation of privacy exists such as locker rooms, restrooms, and dressing rooms.
- (d) Members are prohibited from making personal copies of recordings, including utilizing secondary/personal recording devices to create a duplicate recording. Members shall not duplicate or distribute such recordings, except for authorized Sheriff's Office business purposes.

- (e) Members are prohibited from retaining recordings of activities or information obtained.
- (f) Recordings shall not be used by any member for the purpose of embarrassment, intimidation, or ridicule.

450.7 CATEGORIES AND RETENTION OF RECORDINGS

Members using the BWC's shall identify each recording by category as outlined below. Not all BWC recordings will be required to be categorized in Evidence.com. However, if a case number is attached to the event, the event shall be recorded and the metadata associated with that event shall be entered into Evidence.com. In the event a recording does not fall into a listed category and has no apparent evidentiary or administrative value, the member may leave the recording as uncategorized. Retention periods are established by the Sheriff in accordance with state and federal mandates as outlined in the County of Sonoma's records retention schedule. The retention of all recordings will be a minimum of three years and 1 day unless deleted by the BWC Administrator prior to the retention period expiring. Examples of this can include accidental BWC activations, training recordings that do not contain evidentiary value, etc.

The following categories are available on Evidence.com:

- (a) Arrests and Citations:
If an arrest or citation occurs, the user shall choose this category and complete the necessary information in Evidence.com.
- (b) Enforcement Contacts
This category may be selected for any enforcement contact that the user wants to document. Enforcement contacts includes, traffic stops, bicycle stops, suspicious persons, etc.
- (c) Citizen's Complaint
This category will typically be used by supervisors who are investigating a Citizen's Complaint. The user should complete the necessary data within Evidence.com.
- (d) Critical Incidents
In the event of a Critical Incident, a supervisor shall upload the recording to Evidence.com as soon as practical. The supervisor should select the Critical Incident category and complete the necessary data. All Critical Incidents will be "Flagged".
- (e) Reports
This category shall be selected for all reports taken and the necessary information shall be entered into Evidence.com.
- (f) Training
This category can be selected by the user to document training recordings.
- (g) Use of Force
Anytime there is a Use of Force captured on recording, the user shall select this category and complete all the data in Evidence.com.
- (h) Uncategorized

Any recording that is uploaded where a category is not selected will automatically default to the uncategorized category.

Note: Members should notify their supervisor and "flag" any recording that the member believes may result in a citizen's complaint.

450.8 REVIEW OF RECORDINGS

Access to the recordings is managed on a need to know, right to know basis. All access to the system at Evidence.com is logged and available for audit purposes. Members authorized under this policy may review recordings according to the provisions of this policy.

Once uploaded to Evidence.com, members may only view recorded data at Sheriff's Office authorized computers or MDC's. The member will need to document the reason for access in the "Notes" section prior to viewing any data. Evidence.com automatically time/date stamps and records each access by employee name.

A member may review recorded files as it relates to:

- (a) Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports. Members should not use the fact that a recording was made as a reason to write a less detailed report.
- (b) Prior to courtroom testimony or for courtroom presentations.
- (c) Providing a statement during an administrative inquiry.
- (d) For potential training purposes.
- (e) Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct.
- (f) Generally, non-supervisory personnel will not have access to other employees' BWC recordings unless requested for a legitimate law enforcement investigation or purpose.
- (g) In response to court orders, subpoenas, public records act (PRA) requests, etc., a member's BWC recording(s) may be reviewed by Sheriff's Office members who have a legitimate law enforcement reason to view the BWC recording (Custodian of Records, BWC Administrator, Command Staff, etc.).

Exception: Administrative users of Evidence.com may access Evidence.com from a computer or device outside of the Sheriff's Office for the purpose of completing administrative tasks such as viewing recordings on sensitive cases when a Sheriff's Office computer is not available, locking or unlocking users, etc.

450.9 RELEASE OF RECORDINGS

- (a) Law Enforcement Agency requests

All requests shall be in writing to the Custodian of Records with sufficient information to locate the BWC recording to the discovery clerk at the Sheriff's Office.

- (b) Non-Law Enforcement requests

Media requests, as well as all other requests for a BWC recording shall be processed in accordance with federal, state, and local statutes and Office policy (court cases, subpoena's, public records act, etc.). Any recording that is released to the media or other external sources, shall require the approval of the Sheriff or designee. When practical, personnel involved in the recording will be notified prior to release.

- (c) A BWC recording may be utilized as a training tool for individuals, specific units, and the Office as a whole.
1. If an involved member objects to the showing of a recording, his/her objection will be submitted to the Sheriff or designee to determine if the employee's objections outweigh the training value.
 2. The Sheriff or designee shall review the recommendation and determine how best to utilize the BWC recording considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the recording versus other means (e.g., General Order, Training Bulletin, Officer Safety Bulletin, briefing or other training).

450.10 REQUESTS FOR DELETION OF A RECORDING

In the event an employee becomes aware of an accidental or inadvertent activation of the BWC, or training recordings that do not contain evidentiary value, the recording employee shall request that the BWC file be deleted by submitting an e-mail request with sufficient information to locate the BWC file to the system administrator who shall review the file and approve or deny the request.

450.11 CRITICAL INCIDENTS

In the event of a critical incident:

- (a) All BWC recordings shall be uploaded to the server as soon as practical.
- (b) The initial investigative interview of an involved deputy should occur before the officer has reviewed any audio/video recordings of the incident. An involved deputy will have the opportunity to review recordings after the initial statement has been taken. Investigators may decide to allow the involved deputy(s) attorney(s) an opportunity to view the recordings prior to the initial interview. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an involved deputy. If the Investigator shows any audio/video recordings to an involved officer after the initial interview, the Investigator should admonish an involved deputy about the limitations of audio/video recordings. The following is an example of an appropriate admonishment in a case involving video evidence:

"In this case, there is video evidence that you will have an opportunity to view. Video evidence has limitations and may depict the event differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The frame rate of video may limit the camera's ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to

assist your memory and ensure that your initial statement explains your state of mind at the time of the incident".

REVISION HISTORY

02/03/2014 *Interim Policy*

07/10/2015

01/21/2016

03/25/2016

Appendix Z

Sonoma County Sheriff's Office

Law Enforcement Division

322 - Search and Seizure

1. PURPOSE AND SCOPE

2. REASONABLE EXPECTATION OF PRIVACY

3. SPECIFIC SITUATIONS

4. CONSENT

322.1 PURPOSE AND SCOPE

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines which may assist a Deputy in evaluating search and seizure issues. Specific situations should be handled according to current training and a Deputy's familiarity with clearly established case law.

322.2 REASONABLE EXPECTATION OF PRIVACY

Both the United States and the California Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of the Sheriff's Office should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without:

- A valid search warrant; or
- Exigent circumstances; or
- Valid consent.

322.21 SEARCH PROTOCOL

- (a) Members of the Sheriff's Office will conduct person searches with dignity and courtesy.
- (b) Members of the Sheriff's Office will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Members of the Sheriff's Office should attempt to gain keys to locked property when a search is anticipated, and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex of the officer, a Deputy of the like sex should be summoned to the scene to conduct the search.
- (e) A search may be undertaken of a member of the opposite sex when it is not practical to summon a Deputy of the like sex. In these instances the Deputies will adhere to the following guidelines:
 1. A supervisor and/or one other Deputy should witness the search, if practical.
 2. Deputies will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
- (f) The Deputy will explain to the person being searched the reason for the search and how the Deputy will

- (f) The Deputy will explain to the person being searched the reason for the search and how the Deputy will conduct the search.

322.3 SPECIFIC SITUATIONS

322.31 RESIDENCE

Absent a valid search warrant, exigent circumstances or valid consent, every person has a reasonable expectation of privacy inside their home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g. mailmen, salesmen, visitors) would reasonably be permitted to go.

322.32 VEHICLE

Vehicles may be searched when one or more of the following conditions are met:

- (a) When probable cause to search the vehicle exists.
- (b) When it is reasonable to believe that the vehicle contains evidence of the offense of the arrest of the occupant.
- (c) With the consent of the operator.
- (d) Incident to an arrest if the occupants of the vehicle have not been secured and remain within reaching distance of the passenger compartment.
- (e) To make a limited search for weapons when reasonable suspicion exists that a suspect is dangerous and the suspect may gain immediate control of a weapon.
- (f) Under emergency circumstances not otherwise enumerated above.
- (g) Pursuant to a valid search warrant.

322.33 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items which are in plain view, no "search" has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

An item in plain view may generally be seized when:

- (a) It was viewed from a lawful location;
- (b) There is probable cause to believe that the item is linked to criminal activity; and
- (c) The location of the item can be legally accessed.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

322.34 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include:

- Imminent danger of injury or death; or
- Serious damage to property; or
- Imminent escape of a suspect; or

- Imminent escape of a suspect; or
- The destruction of evidence.

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

322.4 CONSENT

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. However, consent is only valid if it is:

- (a) Voluntary (i.e. clear, specific and unequivocal); and
- (b) Obtained from a person with authority to give the consent.

While there is no requirement that an individual be told of their right to refuse consent, such a warning and the use of the "CONSENT TO SEARCH" form provide strong support for the validity of any consent.

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

At any point that an individual withdraws consent, any related search should be discontinued unless and until otherwise legally permitted.

REVISION DATE

12/2004

03/09/2011