

## **VOLUME 5 - CHAPTER 9**

### **MISCELLANEOUS LINE PROCEDURES**

#### **5-09/000.00 EMERGENCY AID PLAN**

The County is required to pay for reasonable necessary emergency medical care provided by a County contract hospital, to persons in the custody of law enforcement officers if such persons:

- are under arrest;
- have not yet been booked; and
- are committed to a county jail following such care.

When a prisoner receives medical care at a contract hospital, an "In-Custody Medical Treatment Form" (Department of Health Services Form #761472) shall be completed and signed by the handling Deputy. If the inmate has been released, the handling Deputy shall include the disposition, i.e., "Inmate Released - Cite # 1234567 issued," which will inform the hospital that the individual is no longer in our custody. The hospital should have this form available.

An In-Custody Medical Treatment Form shall also be utilized for medical services provided in the gathering of evidence for the purpose of prosecution, e.g., blood alcohol withdrawal and sexual abuse evidence collection.

#### **5-09/000.05 RESPONSIBILITIES OF FIELD PERSONNEL**

When a call for emergent medical services is received by Station/Unit desk personnel, they shall be responsible for prompt notification to the County Fire Department dispatcher. A field unit shall also be dispatched to the scene of an emergency.

When a suspect is arrested and requires emergency medical care, he shall be transported by ambulance to the nearest contract hospital. Normally, in an emergency situation, paramedics are present and will request the ambulance.

At the hospital, the handling Deputy shall complete the In-Custody Medical Treatment Form. If the inmate has been released, the handling Deputy shall include the disposition, i.e., "Inmate Released - Cite # 1234567 issued," which will inform the hospital that the individual is no longer in our custody. The Deputy will receive a copy which shall be attached to the report.

In-Custody Medical Treatment Forms are to be used only for persons arrested and in the custody of the Department.

When a suspect is arrested and requires nonemergent medical care they shall normally be transported to LAC and USC Medical Center Jail Wards by Department vehicle, not by an ambulance.

When a juvenile is injured, the procedures governing emergency treatment for juveniles in the Juveniles chapter shall be observed.

Make complaint reports only when:

- a crime is involved;
- injured as result of traffic accident; or
- gross negligence.

### **5-09/000.10 PERSONS IN CUSTODY**

The following procedures shall be followed when a person in custody at a Department facility, including court lockups, becomes ill or injured.

In most emergency situations, paramedics are called and they request the ambulance. When the paramedics do not feel that an emergency exists or that an ambulance is necessary, but recommend the individual be taken to a hospital or doctor, the Station or Unit personnel shall arrange/provide transportation. Nonemergent cases shall normally be transported to LAC and USE Medical Center Jail Wards by Department vehicle.

An ambulance is to be used only for transporting sick and/or injured in-custody patients requiring emergency medical care.

If paramedics have not arrived and it is apparent that an emergency exists and the situation requires an ambulance for transportation, a contract ambulance company shall be called.

Persons in custody shall be searched for concealed or dangerous weapons prior to being placed in the ambulance, if feasible. Otherwise, such search shall be made when the doctor in attendance permits. A Deputy shall accompany persons in custody and shall obtain the names of doctor, ambulance driver, etc. and pertinent information on the condition of the injured person for the report. This information shall be documented in a supplemental report using the original URN.

Handcuffs shall be used on injured prisoners or persons in custody except in those cases where their use is prohibited due to their injuries or physical condition. Handcuffs may be placed on the prisoner with his hands in front to allow him to be placed on a stretcher.

Patients transported by ambulance will normally be transported to the nearest County-operated emergency room unless the situation dictates otherwise. The Deputy accompanying the patient shall complete the In-Custody Medical Treatment Form for the

hospital and receive a copy for his report. If the inmate has been released, the handling Deputy shall include the disposition, i.e., "Inmate Released - Cite # 1234567 issued," which will inform the hospital that the individual is no longer in our custody.

Under no circumstance will the ambulance company be requested to return an employee to their Unit. The Unit shall arrange/provide for such transportation.

In the event an injured prisoner or person in custody requires further immediate medical attention unavailable at the emergency contract hospital, the Deputy shall telephone his Watch Sergeant, notify him of the circumstances and furnish the following information:

- name and age of the prisoner;
- possible diagnosis; and
- reason for the request for emergency transportation.

The Watch Sergeant shall contact the LAC and USC Medical Alert Center for transportation arrangements.

A record of the names of doctors, ambulance drivers and attendants, time of request and time of arrival shall be obtained for the Deputy's report.

#### **5-09/000.15 SEXUAL ASSAULT AND BLOOD ALCOHOL CASES - LABORATORY SPECIMENS**

An In-Custody Medical Treatment Form 76I472 (furnished by participating hospitals) shall be completed when evidence is gathered from victims of sexual assaults and when a blood sample is taken for a blood alcohol analysis.

Section 5-09/350.10 of this chapter outlines the procedures for submitting data to Fiscal Administration for billing purposes.

#### **5-09/000.20 DEPARTMENT EMPLOYEE**

Regular employees, including Reserve Deputies and law enforcement explorers, injured in the course of duty shall be provided with an ambulance and/or hospital service when needed. Use original crime or incident code on all reports written.

Except for explorers, a copy of the incident report, and the form SH-AD-92 with the same URN as the report, are to be forwarded to Return to Work Unit, as soon as possible.

Non-emergency injury/illness is covered by the Medical Service Order Form (76M119F).

Law Enforcement Explorers injured in the course of duty shall be provided with ambulance and/or hospital service when needed except that emergency and

non-emergency injury/illness is covered, primarily, by the medical insurance of the explorer or his parents. Instructions to this effect should be given to the ambulance and hospital staff by field personnel.

After primary coverage is utilized and exhausted, secondary coverage for explorers is available through:

- group insurance purchased by his Explorer Post (optional coverage);
- Sheriff's Explorer Scout Volunteers Accident and Disability Insurance (Department furnished coverage for all explorers); and
- Los Angeles County Accident Insurance for Volunteers (Countywide plan).

A copy of the non-employee injury report (SH-AD-668) is to be sent to Reserve Forces Bureau, Attn: Explorer Coordinator.

A form SH-AD-92 is not completed for Explorers.

### **5-09/002.00 PORTABLE LIVESCAN PROCEDURES**

The portable livescan enables applicant related information to be processed electronically, including automated searches by name, date of birth, and the Automated Fingerprint Identification System (AFIS).

All livescan operators are required to have a background clearance from DOJ to operate the livescan; however, Sheriff's Department employees are exempt from this clearance. All livescan operators shall be required to attend livescan training prior to using the device. In addition, no persons under the age of 18 may operate the livescan.

- **Fingerprinting An Applicant**
  - the applicant must provide a completed "Request for Livescan Service" form (BCII-8016). The applicant must also have the requesting agency's **ORI, Mail Code, and Billing Code** entered on the form prior to getting fingerprinted. If the applicant is a Los Angeles County Sheriffs applicant, for either a sworn or civilian position, the department's **ORI** (CA0190000) shall be used;
  - the livescan operator shall verify the identity of the applicant by any valid photo identification;
  - the information from the form shall be entered into the livescan.
  - the livescan device will determine the total amount of fees to be collected automatically; and
  - applicant can now be fingerprinted.
- **Collection of Fees**
  - fees will automatically be charged to the requesting agency per the ORI, Mailing Code and the Billing Code provided by the applicant; and

- the Station will only collect the indicated fee per the Departmental fee schedule indicated in the Manual of Policy and Procedures section 7-03/030.00.

The livescan operator will provide two copies of the three part 8016 form to the applicant and one copy will be retained by the unit for record keeping purposes.

- **Applicant Resubmissions**

- Livescan transactions shall not be submitted more than once unless DOJ contacts the Station or requesting agency and advises them that the request was unable to be processed. DOJ will then authorize the agency to resubmit the fingerprints.

- **Correcting Errors On A Transmition**

- if an error or question arises by the operator, DOJ's fingerprint unit can be contacted at (916) 227-3312 (24 hours, 7 days a week). If the livescan is not working prior to any input of information, the livescan operator should call the LACRIS help desk at (562) 345-4400, 24 hours a day;
- DOJ will request the LSID number to each specific machine. This number can be located on a sticker on both the laptop and on the scanner;
- once the transaction is deleted by DOJ, a new transaction can be sent; and
- if a transaction is sent with an error in one of the mandatory data fields, the operator must submit a BCII 8017 form "request form for correction to livescan submission." This form shall then be faxed to the number listed on the form.

## **5-09/005.00 SPEECH OR HEARING IMPAIRED COMMUNICATIONS**

Effective communication is a prerequisite to the effective delivery of many services that the Department provides. U.S. Justice Department regulations for Title II of the Americans with Disabilities Act (ADA) specifically require that the Department take the necessary steps to ensure that communication with individuals with speech and hearing impairments is as effective as communication with individuals without such disabilities. Effective communications can be accomplished through auxiliary aids and services such as qualified interpreters, written materials and note pads. Department members should give primary consideration in providing the choice expressed by the individual with the hearing impairment. Primary consideration means that the member should honor the choice, unless he can show that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration in the service, program or activity or in undue financial or administrative burdens.

There are times when immediate communication is essential and any method that is available and works, including gestures and hand signals, will have to be attempted. Nevertheless, in some situations ineffective methods can result in tragedy. It is important that all Department members are mindful of the Department's obligation to

ensure effective communication, that they are aware of various ways that effective communication might be facilitated, and that they are prepared to communicate effectively in various contexts.

### **5-09/005.10 COMMUNICATING WITH ASSISTIVE LISTENING DEVICES**

Though there are many individuals who are deaf, there are many more individuals whose hearing is impaired to varying degrees. Effective communication with individuals with partial hearing impairments is also required. Depending on the degree of impairment, effective communication may be facilitated by facing the individual and speaking loudly. Some individuals, however, will require assistive listening devices to amplify the sound. If appropriate assistive listening devices are readily available, they should be provided. If they are not readily available or cannot be readily obtained, then a request for accommodation should be directed to the Department's ADA Coordinator.

### **5-09/005.20 COMMUNICATING IN WRITING**

If immediate communication is important or the communication demands are limited, communication may be accomplished by writing. Though this may be necessary in emergencies and acceptable for brief contacts, it is rarely as effective and efficient as spoken communication or communication through a qualified sign language interpreter. In addition, many individuals who were born deaf or who became deaf at an early age may have difficulty with English and be unable to communicate effectively in writing. Their primary language is a sign language. This is not to say that individuals who are deaf simply use a different language. Deafness is a complex disability and communicating with individuals who are deaf often requires special skill and training.

### **5-09/005.30 COMMUNICATING THROUGH A SIGN LANGUAGE INTERPRETER**

If the communication with a deaf individual is critical (e.g., a suspect is being interrogated), it could become involved. If communicating in writing is ineffective, or a sign language interpreter is requested, a qualified sign language interpreter should be provided. Be aware, however, that not every individual who can sign, can sign well enough to facilitate effective communication in all contexts. Individuals with limited signing abilities may not be able to sign fast enough, may lack special vocabulary and may not be able to cope with variations in sign languages. Since successful prosecutions could depend on whether a suspect understood the Miranda rights or understood questions during interrogation, the credentials of the sign language interpreter can be called into question. Therefore, if the communication is critical, a certified sign language interpreter should be obtained.

Often individuals with disabilities will have a family member or friend who is readily available and willing to interpret for them. In some contexts it may be acceptable for

these individuals to function as interpreters. Nevertheless, the Department cannot require individuals with disabilities to provide their own interpreters and cannot compel or expect others to serve as interpreters. Be sensitive to circumstances in which the individual with the disability may not want a family member or friend to be involved in the communication. Also be aware that friends and family members may have difficulty limiting their involvement to interpreting and may not interpret precisely what is being communicated. If this could present a problem, or if a qualified interpreter is not readily available and willing to interpret, the Department will need to provide an interpreter.

Qualified sign language interpreters can be obtained by placing a call to the Sheriff's Headquarters Bureau. When placing a call, be prepared to provide the following information:

- the nature of the interaction for which the interpreter is needed;
- when and for how long the interpreter is needed;
- the location at which the interpreter is needed;
- a contact person who will be available at the location when the interpreter arrives; and
- any other special requirements.

It may take an hour or more for a qualified interpreter to respond to the location. Therefore, depending on the situation and the individual's wishes, it may be preferable to schedule a later appointment for the interaction. If a professional interpreter is obtained, the contact person at the Unit may be required to sign an invoice after the service is provided. Divisions and Units will not be responsible for the costs.

The following examples may be used as a guideline for handling the various types of situations encountered:

- communicating with a hearing impaired suspect prior to an arrest when probable cause to arrest exists without having to interview;
  - if an individual without a hearing impairment would have been arrested on probable cause, then a suspect with a hearing impairment in the same situation does not need to be provided with a qualified interpreter; however, a qualified interpreter may still be required if a Deputy is unable to convey to the arrestee the nature of the criminal charge by communicating with a note pad or other means of communication;
- interviewing a suspect with a hearing impairment when the need to establish probable cause exists. If a Deputy needs to interview a suspect with a hearing impairment to determine if there is probable cause to arrest, a qualified interpreter must be provided if written communication is ineffective; and
- interrogating an arrestee with a hearing impairment.

If a hearing impaired arrestee cannot fully understand his Miranda warning without the use of an interpreter, then a qualified interpreter shall be summoned before the interrogation is conducted.

- communicating with a hearing impaired suspect prior to the issuance of a citation;
  - if an individual without a hearing impairment would be issued a citation without being questioned by the investigating officer, then a suspect with a hearing impairment does not need to be provided with a qualified interpreter. For example, if a suspect with a hearing impairment is caught on radar speeding, the investigating Deputy does not have to provide an interpreter to the violator;
- interviewing a victim or critical witness with a hearing impairment during the investigation of a serious offense;
  - if the investigating officer is able to communicate effectively on a note pad or other means, and have the victim or witness with the hearing impairment write his responses, then the investigation may proceed without an interpreter present. However, if effective communications are not established by using a note pad or other means, then a qualified interpreter should be provided;
  - when qualified interpreters are used in the course of an investigation, all identifying information about the interpreter shall be included in the report. All written questions and responses between the hearing impaired person and the investigating officer shall be treated as evidence and handled accordingly. A copy of the written questions and responses shall accompany the report and the originals booked into evidence.

#### **5-09/005.40 COMMUNICATION THROUGH TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD)**

Communication with the speech and hearing impaired will not always be in person. Often, individuals with these impairments will need to communicate via Telecommunication Devices for the Deaf (TDD) or computers. TDDs permit the users to communicate in a text format using a keyboard and some form of visual display. Any service or interaction that might ordinarily involve communication via telephone must also be available through TDDs.

A TDD user cannot communicate directly with someone who is using a telephone, but this does not mean that every desk or even every Unit must be equipped with a TDD. Relay services can be an effective bridge between the party who has only TDD and the party who has only a telephone. When a TDD or telephone call is placed to a relay service, the service will request the telephone or TDD number for the other party, place the call, and translate the call for both parties. Calls to individuals who are known to be using TDDs can be placed through the California Relay Service by dialing (800) 735-2922. Department members with hearing impairment may use a TDD to contact a hearing person through the California Relay Service by calling (800) 735-2929.

Individuals who use TDDs can also contact the Sheriff's Headquarters Bureau TDD (213) 267-6669 and leave messages for Department personnel. Department personnel can



return the calls using the California Relay Service.

### **5-09/005.50 COMMUNICATIONS THROUGH COMPUTERS**

Computers equipped with modems and communications software offer both the Department and individuals with disabilities the capability of communicating in a text format very similar to that of TDDs. In some cases it is even possible for TDD and computer users to communicate. Computer to computer and TDD to computer communications, however, generally require prior communication between the parties to ensure that the computer receiving the call is on and that both machines have compatible configurations.

### **5-09/005.60 REQUEST FOR EMERGENCY SERVICES**

The U.S. Justice Department regulations for Title II of ADA also require that agencies that provide emergency services provide direct access for individuals with TDDs. The purpose of the regulation is to avoid individuals having to know and dial a separate number (perhaps for a relay service) to obtain emergency services. The Department provides emergency access to individuals with hearing and speech impairments through the State's 911 translation service.

911 calls from TDD are identified to Station/Unit desk personnel by a synthesized voice message. When a TDD call is received a transfer to the State 911 translation service can be made using the speed call number 20. Desk personnel must stay on the line until they receive a verbal translation of the TDD caller's emergency. Thus, individuals who use TDD can have direct access to emergency services by simply dialing 911. If for any reason the transfer cannot be made, desk personnel should manually transfer the call to the Sheriff's Headquarters Bureau's TDD at (213) 267-6669. All Station/Unit desk personnel must be trained in this procedure before assuming their duties and periodically retrained to ensure their readiness to properly handle these calls.

### **5-09/010.00 REPORTING AND DISPOSITION PROCEDURES FOR STOLEN, RECOVERED, AND FOUND BICYCLES**

An Incident Report (SH-R-49) shall be completed for all stolen, recovered and found bicycles and an URN shall be assigned. Arrests shall be documented in the Incident Report.

Any requested information which is not available at the time the report is filled out shall be indicated on the form by placing a short line immediately following the requested item. Distribution and disposition of the Bicycle Report shall be as follows:

- Station/Unit distribution as needed; and

- Reporting Station/Unit shall be responsible for entry of data into DOJ, Automated Stolen Bicycle System.

Station/Unit detectives shall be responsible for investigation of all stolen, recovered, impounded and found bicycle cases.

Recovered and found bicycles may be released by Station/Unit personnel in the absence of Station/Unit detectives upon satisfactory identification and signature of the legal owner.

No recovered or found bicycle shall be released at the Station/Unit to its legal owner without proper registration if such registration is required by County Ordinance or any ordinance in cities contracting for such services with the Department.

An exception shall be made in cases where a city issues its own bicycle licenses. The owner of the bicycle shall be advised to obtain a current bicycle license immediately and the bicycle released.

#### **5-09/010.05 UNCLAIMED BICYCLES**

Recovered and found bicycles that have not been claimed within 10-30 days (dependent upon Station storage facilities) or after Station/Unit detectives' investigation has been completed, shall be released to the Central Property custodian.

The Central Property custodian shall accept only those bicycles which have been processed as follows:

- the bicycle tag has been completed indicating Station/Unit, date, correct frame number, etc., the proper disposition entered and the tag signed by the investigating detective;
- bicycles having a valid license attached should also have a certification on the bicycle tag by the investigating detective to the effect that either the registered owner has moved and cannot be located, or that the owner does not want the bicycle; and
- bicycles ready for acceptance have been segregated in the bicycle storage area of the Station.

A copy of the JDIC record status must accompany each bicycle. A Property Control Card (76P791-CR-37) shall be written for bicycles being transferred, prior to delivery. The Central Property custodian shall retain the bicycle for a minimum period of three months from the recovery date unless a properly identified legal owner claims the property.

#### **5-09/020.00 WORTHLESS CHECKS**

Worthless checks of the following classifications shall be investigated by the indicated Unit of this Department:

- Station/Unit Detective:
  - account closed;
  - not sufficient funds (NSF);
  - counterfeit Checks;
  - forgery;
  - unlawful possession; and
  - fictitious print.

Account Closed/Not Sufficient Funds (NSF): Refer to the Case Assignment and Reporting volume.

All cases with an arrest made shall be immediately referred to the Station/Unit Detective during normal business hours. The arrest and report are to be reviewed by the Patrol Sergeant for completeness and accuracy prior to assignment.

Victims of cases where no arrest is made shall be referred to the Los Angeles County District Attorney's "Bad Check Restitution Program," PMB 880, 7095 Hollywood Boulevard #104, Hollywood, California 90028-8903, telephone number (800) 842-0733, or Internet website of <http://da.co.la.ca.us/badcheck.htm>. The "Bad Check Restitution Program" will determine if restitution can be recovered and/or if additional investigation is needed for prosecution.

Frequent or high volume complaints (supermarkets, banks, etc.) may report such incidents via U.S. mail by completing a Los Angeles County District Attorney's Office "Bad Check Complaint Form." The check(s) must bear a bank rejection notice or "reason dishonored" stamp imprinted on the check(s) which shall be included with the "Bad Check Complaint Form."

If further investigation is necessary for possible prosecution, the "Bad Check Restitution Program" will refer the case to the Station/Unit of jurisdiction.

Counterfeit (Currency, coins, U.S. Warrants, etc.) refer to the Case Assignment and Reporting volume.

When the Station/Unit receives a call that a forgery suspect is at the location or fled the location, a Patrol Unit shall be dispatched. An Incident Report (SH-R49) shall be taken whether or not an immediate arrest is made.

#### Station/Unit Detectives Assignment

If the incident reported is a Station/Unit Detective assignment, the following steps shall be adhered to:

- assign an URN to each check case; and
- make the following distribution:
  - original SH-R-49 with one copy of check to RIB;
  - copy to Station/Unit file; and
  - copy and original check to the assigned Detective.

The Department's policy is not to establish a minimum dollar amount for accepting worthless check cases for prosecution. It is each Station's/Unit's responsibility to consult with the local court jurisdiction for a consensus policy regarding prosecution criteria.

### **5-09/030.00 DOMESTIC VIOLENCE**

All calls reporting threatened, imminent, or on-going family violence and/or the violation of any protective order or restraining order, including orders issued pursuant to Section 136.2 P.C., shall be dispatched as a Priority call. Family violence calls of an emergent nature shall continue to be dispatched as such.

Field personnel receiving family violence calls for service shall handle them without delay.

Field personnel who are called to the scene of a domestic disturbance shall determine if the incident involved "Criminal Domestic Violence," "Noncriminal Domestic Violence" or if it was a "Domestic Dispute."

The following are definitions and guidelines to be used in the reporting of domestic violence:

- Abuse - means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself, or herself, or another;
- Domestic Violence - means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship;
- Criminal Domestic Violence - is domestic violence involving an arrestable violation of the law;
- Noncriminal Domestic Violence - is domestic violence where a specific crime has not been committed, but there is apprehension of imminent serious bodily injury;
- Domestic Dispute - is any familiar cohabitant or dating relationship incident absent of abuse or apprehension of imminent serious bodily injury;
- Weapon - a for the purpose of domestic violence reporting shall include any object capable of inflicting injury. This includes hands, fists, feet and any other body part; and
- Dominant Aggressor - means the person to be the most significant, rather than the first, aggressor.

In all incidents involving domestic violence, an Incident Report (SH-R-49) shall be written. All domestic disputes require a definitive log entry only.

If, during the investigation of a domestic violence incident, it is determined that a crime has been committed, the suspect (dominant aggressor) shall be arrested. Section 836(d) P.C. permits an officer to make an arrest without a warrant for a misdemeanor not committed in the officer's presence when the officer has probable cause to believe that the suspect has committed an assault or battery against those described under "Domestic Violence" above.

In all domestic violence reports, the Deputy shall:

- check "Yes" or "No" in the "Domestic Violence Box" whether a weapon was used and check the box which describes victim's injuries;
- document any observed signs that the alleged abuser was under the influence of alcohol and/or a controlled substance;
- document if any law enforcement agency (including LASD) has previously responded to a domestic violence call at the same address involving the same suspect and victim;
- inquire whether firearms or other deadly weapons are present at the location and include the results of the inquiry in the narrative of the domestic violence report;
- if firearms or other deadly weapons are confiscated, document all weapons and receipt numbers in the domestic violence report;
- document the name and date of birth of all children living at the location, and indicate all children who were present during the incident;
- offer an Emergency Protective Order (EPO) to the victim and document the results of the offer; and
- document that a Family Abuse Intervention Resource (F.A.I.R.) brochure, Report Information brochure, and a Victim Information and Notification Everyday (V.I.N.E.) brochure was given to the victim at the scene.

The victim of domestic violence shall be given a Family Abuse Intervention Resource (F.A.I.R.) brochure, Report Information brochure, and a Victim Information and Notification Everyday (V.I.N.E.) brochure at the scene of the incident.

Deputies shall, if practical, interview all family members (children, siblings, parents, etc.) living or present at the location at the time of the incident.

A Deputy shall offer the victim an Emergency Protective Order. If the victim requests an Emergency Protective Order, the Deputy shall attempt to obtain the Emergency Protective Order. If the victim refuses an Emergency Protective Order, the Deputy has the discretion to obtain an Emergency Protective Order on the victim's behalf without the victim's consent if the Deputy believes the victim is still in danger.

Pursuant to Section 18250 P.C., a Deputy shall take temporary custody of any firearm or

other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search. Upon taking custody of a firearm or other deadly weapon, Deputy personnel shall issue a receipt to the owner or person who possessed the weapon. If mere possession of the weapon is a criminal offense and ownership is clearly established, Deputy personnel shall take appropriate law enforcement action.

In all cases of criminal domestic violence, the investigating detective shall present the case to the District Attorney's Office for filing, including those where the victim declines prosecution. If the District Attorney declines prosecution, the handling detective shall request a formal rejection notice.

### **5-09/030.10 VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE)**

The Victim Information and Notification Everyday (VINE) is a warning system whereby victims would be notified of their perpetrator's impending or actual release from the Department's custody.

#### **Field Deputies' Responsibilities:**

When handling a domestic violence incident, the deputy shall:

- give the VINE information sheet to the domestic violence victim;
- explain the VINE program to the victim; and
- if an incident report is written, document in the incident report that a VINE information sheet was given to the victim and the VINE program was explained to the victim.

#### **Release Responsibilities for Domestic Violence Arrestees/Inmates:**

Prior to the physical release of an arrestee/inmate with a domestic violence charge, whether it be bail, bond, citation, or 849b1 P.C., the arrestee/inmate's release shall be processed electronically through the Justice Data Interface Controller System (JDIC) or the Automated Justice Information System (AJIS).

During those occasions when the AJIS network is out of service, (i.e., routine maintenance), arrestees/inmates with a domestic violence charge shall not be released until such time as the AJIS network is brought back on line.

Due to the urgency of keeping AJIS updated with the immediate release information, every Unit Commander whose Unit releases arrestees/inmates with a domestic violence charge shall have personnel available 24 hours a day, seven days a week to update AJIS.

### **5-09/030.15 DOMESTIC VIOLENCE – ELDER ABUSE LIAISON**

Each station/unit with patrol functions shall assign the detective lieutenant the collateral duty of Domestic Violence and Elder Abuse Liaison. The central coordination point for this subject matter will be the Advanced Officers Training Unit. Unit Commanders shall periodically update the Advanced Officers Training Unit Roster with these liaison lieutenants' names.

#### **5-09/040.00 TEMPORARY RESTRAINING ORDERS/INJUNCTIONS**

Temporary Restraining Orders (TRO) and injunctions are court orders issued to prohibit or direct certain activities on the part of a person or group of persons.

A TRO is an ex parte order initiated by one party and issued prior to a formal hearing. It is written onto the face of petitions that have been filed in court and may have been served to parties concerned in an action.

An injunction is issued at the time of a hearing. It is a formal order signed by the judge of the Superior Court issuing the order.

#### **5-09/040.05 DOMESTIC VIOLENCE PREVENTION ACT**

The 1980 Domestic Violence Prevention Act generally provides for the following:

- permits family/household members to petition for an ex parte (initiated by one member) Temporary Restraining Order (TRO) to prevent domestic violence;
- permits the court to restrain any party from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, destroying personal property, contacting either directly or indirectly, by mail or otherwise, or doing similar acts to specifically named family/household members;
- permits the court to order a party to vacate a dwelling if that party threatens to or assaults a member of the household;
- extends the duration of a restraining order to a length of time specified by the court (up to five years); and
- provides for the delivery of the order to local law enforcement agencies by the petitioner or the petitioner's attorney.

Only those TROs issued pursuant to the Domestic Violence Prevention Act shall be physically placed with the concerned law enforcement agency.

When a TRO, Court Order or Protective Stay Away Order (pursuant to section 136.2(g) PC) has been issued to prevent the recurrence of domestic violence and is directed to this Department, the following procedures shall be adhered to:

- Bailiffs shall sign for the receipt of the document on the original order when presented by the county clerk;

- the document shall be delivered/mailed by the County clerk or Court Services Division to the Sheriff's Station/Unit having jurisdiction where it is anticipated a breach may occur;
- the Station/Unit having jurisdiction shall be responsible for recording and maintaining a file of all TROs received for the duration of the life of the order;
- the Station/Unit shall attach all extensions, modifications and/or terminations received to the original document(s) on file;
- upon service of the TRO, the assigned Station/Unit shall immediately notify the Department of Justice, via CLETS, of the name, race and the date of birth of the person who is restrained, as well as the date of issuance and the duration of the order; and
- the Records and Identification Bureau shall forward TROs received from the court, plaintiffs or attorneys to the Station/Unit having jurisdiction.

Court Deputies shall attach a copy of the TRO and any extension or modification to the complaint when it is filed.

#### **5-09/040.06 VERBAL SERVICE OF DOMESTIC VIOLENCE RESTRAINING ORDERS**

##### Deputy Responsibility:

If a domestic violence restraining order has not been served, a Deputy may verbally serve the respondent/defendant. The Deputy shall provide the respondent/defendant a verbal summary of the terms and conditions from the Miscellaneous Field section of the California Restraining and Protective Order System (CARPOS). The Deputy shall also inform the respondent/defendant that he/she may obtain the full terms and conditions of the restraining order from the court of issuance.

Once the restraining order has been served, the Deputy shall:

- enforce the order;
- complete a comprehensive entry in the MDT/MDC log;
- when appropriate, write an incident report documenting the circumstances and action taken (attach a copy of the restraining order or computer print-out); and
- complete a Proof of Service (attach a copy to the incident report if written).

The Deputy shall inform the station secretary concerning a required update in CARPOS and provide the completed original Proof of Service.

##### Secretary's Responsibility:

The station secretary will utilize the Restraining Order System #2 (ROS5) or the Service Restraining Order System #4 (ROS4) screens to update the restraining order record as served.



The ROS5 screen is used by the entering agency of record. The ROS4 screen is used to enter Proof of Service information when the serving agency is different from the entering agency. The mandatory fields are:

- File Control Number (FCN) (automatically assigned by DOJ);
- name (Restrained person);
- served by (name of person serving order);
- date served (date of service);
- time (time served); and
- agency serving order (Serving Agency)

The secretary shall forward the original Proof of Service to the station/unit's Court Deputy.

#### Court Deputy's Responsibility

The Court Deputy shall deliver the original Proof of Service to the Department's office in one of the courthouses.

#### Court's Office for the Sheriff's Responsibilities

The court's office for the Sheriff shall forward the original Proof of Service to the Court Services Division (CSD), Civil Management Unit, for scanning into the TRO-WEB system.

#### Civil Management Unit's Responsibilities

CSD, Civil Management Unit, shall scan the original Proof of Service into the TRO-WEB.

Once scanned, CSD, Civil Management Unit, shall forward the original Proof of Service to the appropriate court which issued the restraining order.

### **5-09/040.07 SERVICE OF DOMESTIC VIOLENCE PROTECTIVE ORDER - RELINQUISHMENT OF FIREARMS**

Pursuant to Family Code, Section 6389, personnel conducting the service of a domestic violence protective order shall: request the restrained person immediately relinquish the firearm which is indicated in the protective order.

If the restrained person relinquishes a firearm, personnel shall:

- obtain an URN using a statistical code of 855 (Relinquish Firearms – Protective Order);
- issue a "Firearm's Receipt";
- advise the restrained person that he or she has 48 hours from the service of the protective order to submit the proof of relinquishment to the Court;
- book the firearm at the nearest Los Angeles County Sheriff's station and advise

the restrained person which Sheriff's station the firearm was taken to; Process the firearm in accordance with MPP section 5-09/180.00, Firearms Processing; and

- write an Incident Report indicating that the firearm was relinquished pursuant to a service of a protective order. If personnel are writing an Incident Report based on a crime and not solely on the relinquishment of a firearm pursuant to service of a protective order, the service of the protective order and relinquishment of the firearm shall be documented in the Incident Report. The statistical code for the crime shall be used for the URN.

Personnel shall not search for the firearm listed in the application for a protective order unless they have consent, search warrant, or an exigency arises. The restrained person may refuse to relinquish the firearm. If this occurs, personnel shall advise the restrained person that:

- he or she has 24 hours from service of the protective order to relinquish his or her firearm to their local law enforcement agency or sell the firearm to a licensed gun dealer; and
- he or she has 48 hours from the service of the protective order to submit the proof of relinquishment to the court and give, deliver, or submit a copy to the law enforcement agency serving the protective order.

If the restrained person refuses to relinquish the firearm and no other crime occurred, no Incident Report shall be written. Personnel serving the protective order shall make a detailed log entry of the request and refusal.

#### **5-09/040.10 ENFORCEMENT OF TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS IN FAMILY LAW CASES**

Often, the Deputy is called to the scene of a family disturbance and encounters a situation where a husband and wife are in the process of obtaining a dissolution of marriage (divorce). Emotions run high, and the danger of the situation escalating into a crime of physical violence is great. For this reason, the Superior Court will often issue restraining orders to prohibit certain activity on the part of one or both of the principals. Therefore, it is not correct to advise the parties that the dispute is civil and take no action.

Field personnel who are called to the scene of a domestic disturbance and require information regarding TROs (as defined under the Code of Civil Procedure) shall contact their Station/Unit. Station/Unit personnel shall check the TRO file and the TRO~WEB to determine whether a valid TRO exists. If there is no record of a TRO in the Station/Unit file, TRO~WEB, or one of the parties involved states there was a modification, station/Unit personnel should make a reasonable attempt to verify the TRO's validity and content.

The following important items should be carefully examined prior to arresting for violation of a TRO:

- the complainant has a valid copy of the TRO bearing a file stamp of the issuing court;
- check the dates on the order to ensure the TRO is valid; and
- make reasonably sure the person has been served with the order.

If the above criteria is satisfied, an arrest shall be made.

In the event the suspect has left the location and a Deputy has reason to believe a crime was committed, he shall make a reasonable attempt to locate and arrest the suspect. If the Deputy is unable to locate and arrest the suspect, he shall write a report. He shall also advise the victim of the follow-up criminal procedure and the file number of the report.

A violation of any Court Order/TRO is a misdemeanor, and is an arrestable offense under section 273.6 PC whether or not it is committed in the presence of the Deputy.

If a Deputy encounters a situation involving a TRO, and the copy of the TRO is in the possession of another police agency located in close proximity to the site of the violation, the Deputy shall obtain a copy of the TRO from that agency before booking the suspect. If the location of the agency is such that this would be impractical, an abstract of the TRO shall be obtained by Station/Unit personnel before the suspect is booked. A copy of the TRO shall be obtained before the complaint is filed and shall be attached to the complaint.

When Deputies are confronted with this situation and are in doubt as to the validity of such documents, they are advised to consult with their supervisors as to the proper procedure to follow. If any reasonable doubt remains, the Deputy should not arrest for violation of the court order.

Under no circumstances shall the Deputy suggest or request the complaining party to use the private person's arrest procedure when the Deputy can legally make the arrest.

When a Deputy verifies that a TRO exists but cannot verify proof of service or prior knowledge of the order by the suspect, the Deputy shall:

- inform the suspect of the terms of the order and allow him an opportunity to read, if practical, and comply with the order;
- advise the suspect that he has now been served and that any violation of the order will result in his arrest;
- make a report, even if the suspect complies after admonishment of the TRO; and
- update the Station's/Unit's copy of the TRO to indicate that the suspect was advised of the TRO.

The report shall include the following details:

- name of the suspect admonished of the terms of the TRO;
- the specific terms of the TRO that the suspect was violating;

- name of the advising Deputy; and
- make sure to note a special request distribution (SRD) at the end of the report, listing the court that issued the TRO.

Court Deputies should handle the filing of the complaints in the same manner as any other misdemeanor.

If an injunction or supplemental court order is directed to the Department, ordering him to enforce the injunction, the Deputies shall do the following:

- ensure the order is signed by the judge and has the seal of the court;
- advise the suspect of your intent to arrest for noncompliance with the injunction; and
- make an arrest if the violation(s) continues.

#### **5-09/040.15 ENFORCEMENT OF TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS IN LABOR DISPUTES**

Temporary Restraining Orders (TRO's) and injunctions are being issued with increasing frequency. They are commonly issued in response to demonstrated labor dispute violence or other alleged unfair labor practices as defined in the Labor Code. TROs and injunctions usually limit the number of pickets to a specific number of precise geographical locations and/or forbid unlawful acts.

Plaintiffs can seek remedy from TRO and injunction violations in two ways:

- Through contempt of court proceedings;
- Enforcement of Penal Code section 166(4).

Deputies shall enforce specific violations of the Penal Code, Vehicle Code, etc., according to established Department procedures.

Trespassing (602 PC) provisions are clouded in labor dispute situations, and deputies should consult with Emergency Operations Bureau (EOB), Industrial Relations Detail representative before enforcing provisions of this Penal Code section.

Upon receiving requests to enforce TROs and injunctions from management representatives or union officials, deputies shall, prior to taking any enforcement action pursuant to court orders:

- Consult with their station/unit supervisor; and
- Consult with an EOB, Industrial Relations Detail representative immediately by telephone.

The EOB, Industrial Relations Detail representative shall:

- Offer an opinion as to the validity of the court order; and
- Recommend a possible course of action to the handling deputies and/or station/unit supervisors.

Peaceful picketing, singly or in numbers, hand billing, and related activities are lawful unless specifically forbidden by court order. Pickets may not, however, deliberately block driveways and other entrances, or commit other acts that constitute specific violations of the law.

#### **5-09/045.00 PROTECTION OF VICTIMS/WITNESSES**

No Department member shall offer a victim or witness any assurance a suspect and/or any other person does not present a danger to their safety. Department members shall not offer nor provide victims or witnesses protection without the expressed consent of their Unit Commander.

Any warnings to victims or witnesses and all offers of Department protection shall be documented in a first or supplemental report. The report shall also contain the individual's response to the Department's warning of danger or offer of protection and whether or not any protection was provided.

Questions regarding a Department member's legal duty to warn or protect victims or witnesses shall be directed to the Department Legal Advisory Unit.

#### **5-09/050.00 PROTECTION OF ENDANGERED WITNESS**

All requests and court orders for witness security and/or relocation will be assigned to the Detective Division. Units receiving such requests shall immediately make a telephone notification to Major Crimes Bureau, Metro Detail, for further instruction. During weekends, holidays and all other non-business hours, notification shall be made to Sheriff's Headquarters Bureau and they will notify the on-call Major Crimes Bureau Supervisor. The method and level of security shall be determined by the Detective Division in cooperation with the requesting Division, agency, District Attorney or court. Necessary personnel and equipment from the Detective Division will be augmented, on request, by the field personnel. Major Crimes Bureau will effect all necessary arrangements and any other specific requirements. Narcotics Bureau and Homicide Bureau are exempted from this policy and will handle their own witness protection cases. All funding for Endangered Witness Security Operations will be processed by the Major Crimes Bureau.

#### **5-09/060.00 PUBLIC SAFETY HAZARDS**

Public safety hazards apply to excavations, bodies of water, self-locking or asphyxiating appliances which are discarded or abandoned and any building which creates a hazard due to deterioration, fire, vandalism, etc.

#### **5-09/060.05 RESPONSIBILITY OF THE FIELD DIVISIONS**

When any public hazard comes to the attention of the Field Divisions, a preliminary investigation shall be conducted to determine whether there is a violation. Where applicable, remove, or have the owner remove, or abate the hazard if such can be accomplished at the time of the preliminary investigation; however, if this cannot be accomplished immediately and the hazard warrants warning devices, appropriate steps shall be taken to provide them. The hazard shall not be left untended until the warnings are in place.

The field unit handling the preliminary investigation shall submit an Incident Report (SH-R-49) which shall include the following information:

- specific location, description of the property and hazard;
- if the hazard is an excavation, the description shall include the approximate size and depth, contents, covering, fencing, location in relationship to the nearest highway and estimated number of residents within one-half mile of the excavation;
- name of the owner or person in possession or control of the property,
- name of the person making or maintaining the hazard; and
- what action was taken to temporarily remove or abate the hazard.

The area car shall make periodic patrol checks of the hazard until it is corrected.

#### **5-09/060.10 RESPONSIBILITIES OF STATION/UNIT DETECTIVES**

Station/Unit detectives shall verify the information in the Incident Report to determine if a violation still exists. If the investigation substantiates that a safety or water hazard exists (except a swimming pool fence violation), a copy of the Incident Report shall be forwarded to the nearest regional office of the Department of Public Works.

In contract cities where the Department of Public Works is not under contract, the local department performing the same function shall be utilized if the city ordinance does not prohibit such procedure. The file shall remain "A" active until notification is received from the Department of Public Works that the hazard has been corrected or that abatement proceedings have been filed with the Board of Supervisors or the City Council.

If the hazard is corrected prior to resolution, the file shall be inactivated with the necessary supplemental reports; however, if the hazard has been declared a nuisance by legislative resolution, the following procedures shall be followed:

- obtain the name of the owner of the property, person in possession of the property and the person making or maintaining the hazard on the property;
- notify the person concerned by certified mail, utilizing the Hazard Notice (form SH-CR-333); and
- post a copy of the Notice as required by section 50234 of the Government Code.

Upon completion of the above procedures, an oral conference shall be held with the Station/Unit detective supervisor to determine if a complaint should be sought. In closing the case file, all necessary supplemental reports containing the following information shall be submitted:

- date of resolution by the Board of Supervisors;
- date of mailing of the Notice to concerned party or parties;
- nature of criminal action taken, if any;
- date of posting; and
- date of correction by owner if completed prior to commencement of County abatement.

If the hazard exists due to a violation of either section 402b of the Penal Code or County Ordinance Title II, section 44, and is not immediately corrected, proceed in the normal manner to obtain a criminal complaint.

If the hazard exists due to a violation of section 24403 H&S, proceed in the normal manner to obtain a criminal complaint.

If the hazard exists due to a violation of County Ordinance Title II, sections 48 and 50, the following procedures shall apply:

- where the hazard is caused by inadequate or faulty gate catches or inadequate security, notify the owner or possessor in person or by certified mail;
- if the owner or possessor is notified and immediate compliance is not obtained, seek a criminal complaint or issue a citation for the responsible party or parties. Initiate abatement procedures upon approval of the detective supervisor;
  - notify the Board of Supervisors or City Council;
  - after a resolution is passed, proceed as outlined in the abatement proceedings;
- if unable to notify the owner or possessor, post a copy of the certified letter at the site of the hazard;
  - initiate abatement proceedings;
  - if contact is not received from the owner or possessor, or correction has not been made within a reasonable time from posting of the letter, seek a criminal complaint against the responsible party or parties.

Where it appears that fencing is inadequate, the nearest regional office of the Department of Public Works shall be called upon for an official ruling as to a violation. If a violation exists, the owner or possessor shall be given notice in person or by certified mail to

immediately proceed with corrective steps.

If the owner or possessor is notified and the corrective measures are inadequate, unreasonably delayed or refused, seek a criminal complaint or issue a citation. Initiate abatement procedures. The Director of Public Works will evaluate any corrective measures to determine their adequacy.

If the hazard is an abandoned pool site under valid County Engineer construction permit, the procedures outlined for hazards other than swimming pool fence violations shall be followed.

When the hazard is a violation of County Ordinance Title II, section 46 (Oil Well Fence), and a complaint is received or a violation observed, the following shall apply:

- report incident as outlined in section 5-09/060.05; and
- conduct periodic patrol checks until the hazard is corrected.

The assigned Station/Unit detective shall:

- verify the Incident Report information and forward a copy to the Department of Public Works;
- if, within a reasonable time, the hazard has not been corrected, obtain a progress report from the Department of Public Works; and
- obtain a criminal complaint if the circumstances warrant.

### **5-09/065.00 CONTACT WITH HOMELESS INDIVIDUALS**

When contacting homeless individuals, Department personnel should take into consideration the possibility of mental illness and/or distress to maintain safety and compassion. Personnel should attempt to assist individuals experiencing homelessness through the referral process in lieu of arrest for non-violent, low level offenses when possible. The referral process includes contacting homeless outreach experts and service providers to obtain temporary housing, medical, mental health, or other applicable services. Department personnel shall also respect an individual's right to refuse assistance.

Department personnel shall not involuntarily move a homeless individual from a location where the person may lawfully stay, absent legal justification to do so, such as when there is a safety or security concern.

Community Partnerships Bureau's Homeless Outreach Services Team (HOST), is available to conduct homeless encampment checks when a homeless encampment or convergence exceeds the capabilities of station personnel.



## **5-09/065.10 PERSONAL PROPERTY BELONGING TO A HOMELESS PERSON**

The personal property of homeless individuals shall be treated with the same consideration and respect as any other individual's personal property. Reasonable care shall be used when handling, collecting, and retaining the personal property of homeless individuals. Sensitivity should be given to the special needs such as medication, important papers, medical appliances, pets, and/or other circumstances surrounding each contact. Department personnel should recognize that homeless individuals suffering from mental illness often become emotionally attached to personal belongings, regardless of their apparent intrinsic value.

Department personnel who encounter homeless encampments should not collect tents, sleeping bags, bedding, or other property reasonably believed to be contaminated by human waste, vermin, or other hazardous materials. Department personnel shall photograph the contaminated property and document facts in the incident report or appropriate Department record, establishing why the contaminated property was not safe to retain. If the homeless individual is unable or unwilling to remove the property, Department personnel should contact Community Partnerships Bureau, Homeless Outreach Services Team (HOST) to coordinate with the Department of Public Works, and/or the appropriate local public sanitation agency, to safely dispose of hazardous materials, contaminated, or abandoned property.

When a homeless individual is arrested or otherwise removed from a public place, Department personnel shall make reasonable accommodations to permit the individual to lawfully secure his/her personal property.

Department personnel shall ensure an arrestee's medication, important paperwork, and other property are placed inside his/her property bag when booked at any patrol station or custody facility. Additional items and personal belongings not fitting in a property bag should be booked as bulk property. If the arrestee has more personal property than can reasonably be collected and transported as bulk property, a supervisor shall be consulted. Excess property should be photographed and reasonably secured in its place.

For detailed procedures regarding the handling and safekeeping of personal property, refer to Property and Evidence Procedures as outlined in MPP Volume 5, Chapter 4. If the property includes a pet, Department personnel shall account for the safety of the animal and document such action pursuant to MPP section 3-01/050.42, Safety of Stranded Animals, for further information.

The Sheriff's Community Partnerships Bureau, Homeless Outreach Services Team (HOST), is available to assist Department personnel with homeless issues that extend beyond the capabilities of station personnel and/or any questions relating to homelessness.

## **5-09/070.00 ALLEGED MENTALLY ILL PERSONS**

Persons requesting information relative to filing an application for a petition on behalf of a mentally ill person, as outlined in the Welfare and Institutions Code, shall be referred to the Counselor in Mental Health at the Psychiatric Unit of the LAC and USC Medical Center.

#### **5-09/070.05 EMERGENCY DETENTION**

When any person is taken into custody as authorized by section 5150 WIC, he shall be transported to the designated area hospital, psychiatric unit, if bed space is available. Availability may be ascertained by contacting the admitting office of the psychiatric unit by telephone prior to departure to the center.

When bed space is not available at the designated area hospital, the Deputies may be required to transport to the designated back-up hospital.

Admission procedure and necessary paperwork will be the same at both locations. Prior to transporting, the Deputy shall verbally inform the person of information found in the Detainment Advisement on the Mental Health Form (MH 1533).

If the person is admitted, the Deputy shall prepare, or have prepared, the following forms:

- Incident Report (SH-R-49);
- Application for 72-hour Detention for Evaluation and Treatment (Form MH 1533) to be prepared in triplicate with the URN number written in the upper right corner. Distribute as follows:
  - two copies to the admitting desk; and
  - one copy to be attached to the case report;
- Property Receipt - Hospital to prepare a receipt for the person's personal property and Deputy to obtain a copy the receipt. The URN is to be added to the Department's copy and attached to the case report; and
- Receipt for Transporting Patient - (If issued by the hospital):
  - original copy to Station/Unit URN file.

When the alleged mentally ill person is refused admittance by the attending doctor at the psychiatric unit, the alleged mentally ill person shall be released from custody and shall be returned to the scene of apprehension. Should he refuse transportation, he may be released at the hospital.

#### **5-09/070.10 NON-DETENTION FIELD SITUATIONS**

When an alleged mentally ill person does not meet the requirements for an emergency admission to the psychiatric unit, the patient should be referred to the local office of the County Department of Mental Health.

### **5-09/070.15 STATION/UNIT MENTAL HEALTH LIAISON LIEUTENANT'S RESPONSIBILITIES**

Each Station/Unit shall designate a Lieutenant as a Mental Health Liaison Officer. The Liaison Officer shall be responsible for:

- maintaining current contact with each County Mental Health Center Office within the Station's/Unit's district;
- determining the capability of these offices in rendering assistance to the Department; and
- disseminating this information to Station/Unit personnel.

### **5-09/070.20 AUTHORIZED ESCAPEE APPREHENSION BY STATIONS/UNIT**

When circumstances necessitate an urgent apprehension, the Station/Unit Mental Health Liaison Officer may authorize, by telephone, the apprehension of escapees and patients who have violated leave. Authorization shall be to personnel of the Station/Unit having jurisdiction for the location of apprehension and shall be to pick up and return such violators to the appropriate hospital.

State mental hospital escapees or leave patient violators shall be returned to the Metropolitan State Hospital at Norwalk.

Veterans Administration Hospital escapees or leave patient violators shall be returned to the Brentwood VA Hospital on Sawtelle or to the Sepulveda VA Hospital in Sepulveda, in accordance with the instructions in the order to apprehend.

Field personnel routinely confronted in field situations with possible escapees or leave patient violators shall contact the Station/Unit Mental Health Liaison Lieutenant for instructions.

Voluntary commitment escapees are not subject to apprehension and return by peace officers.

Requests for apprehension in incorporated cities with police departments shall be returned to the sender with instructions to send the apprehension request directly to the concerned agency.

### **5-09/080.00 CONSERVATEE - UNAUTHORIZED LEAVE OR TRANSFER**

A person appointed conservator in accordance with provisions of chapter 3, commencing with section 5350 WIC, may, under section 5358.5 WIC, request assistance in the

detention and return of a conservatee who leaves a treatment facility without approval, or in the removal of the conservatee to a County designated treatment facility, when the court has authorized the conservator to involuntarily commit the conservatee to a facility.

Chapter 3, section 7325 WIC, requires any peace officer, upon written request of the administrator of a state hospital, the administrator of a Veterans facility, the administrator of a designated County facility, or a patient's conservator, to apprehend, take into custody and deliver a conservatee to a State hospital, a Veterans Administration facility or a County designated facility, providing the facility is within the county in which the patient is apprehended.

Prior to personnel of this Department accepting a request for apprehension and rendering assistance to authorized persons, the following conditions must be met:

- requests for apprehension or assistance must be in writing;
- requests for apprehension or assistance must be accompanied by a certified copy of the judicial commitment documents or a certified copy of documents establishing the conservatorship, authorizing the conservator to commit the conservatee to a designated facility; and
- identification establishing the individual requesting assistance as an individual legally empowered to request assistance in taking, detaining and transporting the patient in question.

Metropolitan State Hospital, 11400 South Norwalk Boulevard, Norwalk, 90650, will receive patients taken into custody by this Department when they are from a facility other than a Veterans Administration Hospital.

To eliminate undue delays at Metropolitan, it is recommended that the Assistant to the Medical Director be contacted and advised of the situation prior to transporting the patient to the hospital, telephone (562) 863-7011.

Unauthorized leave patients from a Veterans Administration Hospital are to be returned to either the Brentwood VA Hospital on Sawtelle or the Sepulveda VA Hospital in Sepulveda, whichever is closest to the point of apprehension.

Whenever practicable, Department members shall be in plain clothes and unmarked vehicles during the apprehension and transportation of these patients. The transportation shall be accomplished at the earliest feasible time.

#### **5-09/090.00 DEAD BODIES - HOMICIDES, SUICIDES, ACCIDENTAL AND NATURAL**

In cases involving homicide, suicide, or accidental death, the handling Deputy shall be responsible for the following:

- Arrest the perpetrator, if known and present;
- Protect the scene;
- Collect all available information relating to the incident;
- Notify the Station/Unit Watch Commander;
- Immediately notify Homicide Bureau, via telephone or radio (telephone preferably), furnishing all available information and take such action as Homicide may request;
- If death is a result of an aircraft accident, immediately notify Aero Bureau via telephone or radio (telephone preferably), furnishing all available information and take such action as Aero Bureau may request;
- Immediately notify Station/Unit traffic supervisor of traffic collision and immediately notify the Traffic Services Detail if the traffic collision involves Department personnel;
- Identify, separate and detain all witnesses;
  - If unable to detain, determine where, when and how witnesses may be contacted by detectives;
- Identify the deceased, provided this can be done without disturbing the body;
  - Name, age, race, sex, occupation, marital status, next-of-kin; and
  - Determine if the next-of-kin has been notified.

The notification of next-of-kin shall be the responsibility of the Homicide Bureau. In apparent natural death cases, the handling Field Deputy should immediately determine, when possible, the deceased's physical condition prior to death and whether or not the deceased was under a physician's care within the last 60 days. Based upon the information obtained, the handling Field Deputy shall proceed as follows:

#### Deceased Attended by a Physician Within the Last 1-20 Days Inclusive

- If, within 20 days of his death, the deceased was under a physician's care, contact the physician and determine if he can and will sign the death certificate;
- If the deceased's physician will sign the death certificate, determine the mortuary preference from the next-of-kin and expedite the release of the body to the mortuary; and
- If the physician will not or cannot sign the death certificate, notify the Homicide Bureau and furnish all available information, including a mortuary preference. If there is no mortuary preference by the next-of-kin, the Coroner, upon contact by the Homicide Bureau, will designate a mortuary.

#### Deceased Attended by a Physician Within the Last 21-60 Days Inclusive

- If, within 21-60 days of his death, the deceased was under a physician's care, determine the attending physician's name, phone number, and the date he last saw the deceased. The handling Field Deputy should not spend an unreasonable period of time in attempting to identify the attending physician. If the information is not immediately available at the location, proceed with the incident as a regular Coroner's case;

- Determine the mortuary preference from the next-of-kin, notify the Homicide Bureau and expedite the release of the body to the mortuary;
- If there is no mortuary preference by the next-of-kin, the Coroner, upon contact by the Homicide Bureau, will designate a mortuary; and
- Prepare a Person Dead Report without a Coroner's case number. This number will be obtained by the Homicide Bureau at a later date.

All person dead reports (homicide, suicide, accidental, and natural) shall list the person dead as a "V" for victim on the incident report.

If, in the above instances, the handling Field Deputy is unable to notify the next-of-kin, he shall notify the Homicide Bureau which shall have the responsibility for making the notification.

#### **5-09/090.05 DETERMINATION OF DEATH**

The responding Deputy's first responsibility is to assess the condition of the patient/victim. This assessment of the patient/victim is necessary in order to determine the proper course of action to be taken. It shall be the policy of this Department that Deputy personnel will resolve any doubt of life or death in favor of an assumption of life and provide appropriate medical assistance. If the patient/victim is obviously dead, the reporting Deputy should describe, in detail, in the appropriate reports, the objective symptoms of death which prompted the conclusion that the patient/victim was beyond help.

Department personnel who are not physicians shall not pronounce persons dead or use the phrase "the victim was pronounced dead" in Department reports unless the victim was so pronounced by a physician. Include the name of such physician in the appropriate reports.

#### **5-09/090.10 MOVEMENT OF DECEASED PERSONS - NON-CORONER'S CASES**

In the instance of an apparent natural death, unattended by a physician, where the victim was seen by a doctor within 20 days prior to his death and the doctor states to the Deputy that he will sign the death certificate, notification to or inquiry by the Coroner concerning such death is not required.

In these non-Coroner's cases where the location of the body creates an untenable situation, e.g., the body is in a location open to family or public view which cannot be closed off or the family removed, then the body may be moved to the nearest available secluded location pending the arrival of the mortuary. Notification to Homicide Bureau and approval by the Coroner is not necessary.

If there is any question as to whether or not the death requires an inquiry by the Coroner,

the Deputy shall advise Homicide Bureau of the situation. The Coroner will be notified by Homicide Bureau of the death and all known attendant circumstances and details. The Coroner will then determine if the death requires an inquiry pursuant to Government Code Section 27491.

### **5-09/090.15 MOVEMENT OF DECEASED PERSONS - CORONER'S CASES**

There will be limited instances involving Coroner's cases where it is also advisable to move the deceased pending the Coroner's arrival.

In these cases where the victim is known or believed to be dead due to apparent natural causes or by accident and the victim is unattended by a physician or has not been seen by a doctor within 20 days prior to his death, the Deputy shall contact Homicide Bureau for permission to move the deceased to a more-suitable, nearby location pending arrival of the Coroner.

Upon calling Homicide Bureau, the Deputy requesting permission to move the deceased should be prepared to provide information as to why the deceased should be moved and the intended place of relocation. The Homicide Bureau must then obtain permission from the Coroner's Office.

At the scene of an office-involved shooting or homicide, prior to removing the body from the crime scene attempts should be made to calm and persuade the crowd to disperse. Movement of the deceased should only be considered if it is not appropriate to cover the body or to move the family members or spectators away from the deceased. These intense situations escalate rapidly and delays in removing the body could become perilous.

Contact the inciting party(s), family member(s), or friend(s) of the deceased at the scene. Explain to the parties involved the reasons for having the body remain at the scene. (The chances are greater for solving the crime if the evidence remains intact for the homicide detectives and the coroner, etc.).

If circumstances dictate, protect the body and/or crime scene from public view. This may be accomplished by the positioning of radio cars or Department crime scene barriers. Every effort should be made to protect the integrity of the crime scene.

Field personnel at the scene need to be cognizant of their actions and possible consequences.

When the situation occurs wherein the crowd is becoming unruly and there is the potential for officer safety to be at risk and/or innocent bystanders being hurt, the Watch Commander shall immediately respond to the location, evaluate and decide whether or not the decedent needs to be transported in order to diminish the potential danger.

If the decision is made to move the decedent, the following steps shall be taken:

- the Watch Commander shall contact Homicide Bureau who will contact the Coroner and request permission to move the body. If circumstances make it impossible to contact Homicide Bureau for permission to move a deceased person and it is imperative that the deceased be moved, the Deputy may move the body, notifying Homicide Bureau as soon as possible thereafter. It should be noted that the request for movement of a deceased person is a common sense judgment wherein sympathetic perception and concern for the deceased's family, fellow workers, the general public, or officer's safety must be taken into consideration; In extremely emergent situations, the Watch Commander may cause the body to be moved prior to receiving the Coroner's approval. The Watch commander must be prepared to fully justify his decision to the Coroner's office;
- follow instructions from Homicide Bureau regarding outlining the body and evidence with yellow crayon/chalk;
- prior to moving the body and/or evidence, record digital video of the crowd and draw a sketch of the entire crime scene and the crowd. Still photos shall also be taken whenever possible. Consider using aerial photography;
- have the body transported to the command post, hospital, or other safe location via ambulance or paramedics. A Deputy must accompany the body until relieved by Homicide Bureau or the Coroner. In extreme conditions and only as a last resort, transportation may be facilitated by radio car; and
- notify Homicide Bureau as to where the body was transported.

Make a second evaluation of the crowd after the decedent has been transported from the scene:

- if the crowd becomes calm, then leave the evidence undisturbed and continue to protect the crime scene until Homicide Bureau arrives; or
- if the crowd does not become calm and it becomes apparent the evidence is in jeopardy, assign an assisting unit to gather and transport the evidence to the Station.

#### **5-09/090.20 DISPOSITION OF PERSONAL PROPERTY**

The Government Code prohibits the search for, or removal of, personal property of the deceased except by the Coroner or his representative. Homicide personnel have permission from the Coroner to search and remove personal property when such search and removal is essential to their investigation. Deputies shall witness the search of the body and the premises by the Coroner or his representative and shall sign the "Coroner's Inventory of Personal Effects of Deceased Person" as witness to the search. The first carbon copy (blue copy) shall be retained by the Deputy who shall enter the URN on the face of the inventory form. The inventory form and the Sheriff's report shall be forwarded to Homicide Bureau.



In non-Coroner cases, the Deputies shall not search the body or take possession of any property, this being the responsibility of the family or mortuary.

In Coroner and non-Coroner cases, when the deceased has no known relatives, the Public Administrator shall be notified. Notification will be made by the Coroner on Coroner cases and by the mortuary on non-Coroner cases.

### **5-09/090.25 REPORTING PROCEDURE**

The Deputy shall adhere to the following:

- prepare an original report (in Homicide cases, the original crime report shall be restricted to the basic essentials of the offense and shall be sent via JDIC to Homicide Bureau and the Coroner's Office as soon as possible); and
- prepare a supplemental report for Homicide cases (the supplemental report shall contain all the available information on the case).

The Crime Lab shall prepare a supplemental report on their findings and investigative data.

In Homicide cases, copies of all the supplemental reports shall be forwarded to the Homicide Bureau. Do not broadcast as these are confidential reports. A copy is not to be placed on the Station press board.

### **5-09/090.30 NOTIFICATION OF NEXT-OF-KIN**

Any personnel designated to make notification of a death to a next-of-kin or other relative shall do so in person. Such notification shall be accomplished in a compassionate and understanding manner. The person notified will be advised that any additional information regarding the death may be obtained by contacting the Homicide Bureau or the requesting agency. When a member of this Department asks a member of another department or agency to make a death notification, a request for the notification to be handled as described above shall be made.

NOTE: For media participation in this notification, refer to section 5-09/250.15, Film Crews.

After notification has been made, Homicide Bureau shall be advised of the name, address and phone number of the person notified and the time, date and location of said notification as well as the name, rank and agency of the person making the notification. In the event that notification cannot be accomplished, advise Homicide Bureau or the requesting agency and follow their instructions.

### **5-09/090.35 DEATH NOTIFICATIONS OF FOREIGN NATIONALS**

The death notification of a foreign national who may be visiting/residing in our jurisdiction shall be made to the consular official of the national's country. Such notification shall be in addition to any other notifications outlined in this chapter, and shall be made by the International Liaison Unit of the Sheriff's Headquarters Bureau. The reporting Deputy in non Coroner cases shall, without delay, advise the International Liaison Unit. The Homicide Bureau, in coroner cases, shall be responsible for advising the International Liaison Unit.

If the deceased is a Chinese National, a representative from the People's Republic of China must be notified immediately of the death.

### **5-09/100.00 STRIKE REPORTS**

Incidents regarding labor disputes or strikes coming to the attention of deputies in the field shall be reported on the Labor Dispute Complaint Report (Form SH-CR-531). Information relative to the status of any negotiations, or the intent of management with regard to continuing operations during the dispute, should be included in the narrative.

Reports originating in the field by patrol deputies or by the Emergency Operations Bureau (EOB), Industrial Relations Detail representative shall be promptly submitted to the station/unit having jurisdiction. The desk sergeant shall review and send copies to their respective division headquarters and to EOB, Industrial Relations Detail.

Standard station/unit reporting procedures including an original URN shall be used to report and process all strike-related crimes; the designated strike URN shall be referenced in the crime report.

Supplemental reports using the designated strike URN shall be used to report noncriminal strike-related activities and incidents.

The EOB, Industrial Relations Detail shall be notified immediately after strike-related arrests are made. A copy of all strike-related crime reports shall be mailed to the EOB, Industrial Relations Detail.

### **5-09/110.00 ALCOHOLIC BEVERAGE CONTROL (ABC) ENFORCEMENT OR VIOLATIONS**

Patrol Divisions are responsible for enforcing the regulatory provisions and making preliminary investigations of violations of the Business and Professions Code (B&P) pertaining to the control of alcoholic beverages. For all incidents reportable to ABC, Deputy personnel shall use clearance code "845" in conjunction with any other applicable statistical codes for purposes of tracking ABC violations. Station Commanders shall

appoint a Lieutenant to serve as the liaison agent for the California State Department of Alcoholic Beverage Control (ABC). A Lieutenant shall attend all public ABC hearings or meetings relating to locations within their Station's jurisdiction on behalf of the Department.

### **Information and Reports**

With the exception of reports relating to narcotics, Station Commanders and the Major Crimes Bureau Commander shall forward to ABC the following information:

- copies of arrest reports wherein the violation of any law is alleged to have occurred on premises licensed by ABC;
- information regarding licensed premises allegedly involved in cases where a juvenile is detained for violation of a law normally enforced by ABC;
- a copy of each report concerning licensed premises that have been found in violation of licensing regulations;
- information indicating criminal activity or extensive criminal association by a licensee or applicant for a license; and
- "Police Problem" establishments that may require investigation or enforcement action by ABC.

The above reports or information shall include the following data:

- name of licensee;
- type of license;
- address of establishment;
- license number; and
- the Narcotics Bureau commander may, at his discretion, forward reports wherein premises licensed by ABC are used as a contact point for narcotics traffic, even though the crime may have been committed elsewhere.

Other detective units concerned in the investigation of violations or incidents shall also forward a copy of such reports to ABC.

### **Application Investigation and Processing**

The investigation and approval of alcoholic beverage license applications are functions of ABC. It is the policy of this Department to become involved in an ABC license application only in those instances in which the licensing of a premise would create an adverse affect to the basic objectives of law enforcement. Unit Commanders shall assign a Lieutenant to handle any formal request by ABC regarding an application for an alcohol license.

Investigation of ABC license applications for locations in the unincorporated areas of the County shall be the responsibility of the Station in whose jurisdiction the business is to be located. If the location is in a contract city, additional coordination with the city

administration shall be established. A Liquor License Application Investigation form (SH-AD-274) shall be completed and an URN assigned.

Station Commanders shall determine the appropriate depth of the investigation based upon the probable adverse affect of the granted license on an area's crime pattern or on general law enforcement. When the investigation reveals adequate and valid law enforcement-related grounds for protest, the Station Commander's recommendation shall be submitted to the district office of ABC on official Department stationery and shall be signed under the name of the Sheriff. The letter will include recommendations based upon criminal statistics, and law enforcement service needs. A copy of the investigation form shall accompany the letter.

When a protest is filed, copies of documents submitted to ABC shall be forwarded to the concerned Division Operations for the Area Commander's review. Any supplemental correspondence or information relating to the investigation may be made part of the station files.

The Station Commander shall not contact ABC when the investigation fails to reveal a basis for protest.

Station Commanders shall retain appropriate files, indicating current license status, ownership, etc., on each licensed premise. Standard Café Incident files may be integrated with ABC license files.

## **5-09/110.05 ENVIRONMENTAL IMPACT REPORTS GUIDELINES AND PROCEDURES**

### **Law Enforcement Responsibility**

The Department is obligated by law to review new construction and other community developments requiring Environmental Impact Reports (EIR). Beneficial improvements as well as detrimental aspects of a proposal can be evaluated. This opportunity to identify potential hazards and situations having a causative effect on crime may allow them to be mitigated through the review process.

### **Departmental Procedures**

Environmental Impact Reports are an important phase of crime prevention, therefore, unbiased Departmental responses shall be based on facts, crime statistics, and community needs for law enforcement services. The Department's Environmental Impact Reports, Review Procedures and Guidelines Booklet details the EIR process and provides necessary guidelines for report preparation. Inquiring agencies usually request a response within 30 days, therefore it is imperative that reports be processed promptly.

The following steps shall be followed when formal requests for comment are received.

1. requests received by Patrol Stations shall be logged upon receipt;
2. other Departmental units sometimes receive requests. They shall be forwarded to the appropriate Station;
3. Station personnel shall review the proposal and either recommend changes in the project or recommend approval of the proposal as submitted;
4. the Station Commander shall have a response prepared and sent to the requesting party; and
5. a comment filing system shall be maintained by each Station. The filing system shall contain at least the following information:
  - Station;
  - project number;
  - date received;
  - project name;
  - project description;
  - project contact;
  - assignment to;
  - Department/location;
  - date completed/returned; and
  - disposition.

#### **5-09/110.10 FORMAL REQUESTS FOR COMMENT ON OTHER DISCRETIONARY PERMITS**

Environmental Impact Reports (EIR) are not required for all public projects. Occasionally a formal request for comment will provide governmental agencies and the public with an opportunity to review and comment on other proposals. Formal requests for comment shall be processed and logged in the same manner as an EIR.

#### **5-09/120.00 MISSING PERSONS - (DEFINITIONS)**

A missing person is defined as a person who is reported missing to a law enforcement agency, until the person is located or determined to be a voluntarily missing adult. Missing Persons include:

Involuntary Missing - The abduction of a child under circumstances other than "family abduction"; children who have been rejected and/or abandoned by their families; missing adults or children who have left and are viewed as unable to care for themselves.

At Risk - The person/child who is "at risk" includes, but is not limited to, evidence or indications of any of the following [Penal Code section 14213(b)]:

1. the person/child missing is the victim of a crime or foul play;

2. the person/child missing is in need of medical attention;
3. the person/child missing has no pattern of running away or disappearing;
4. the person/child missing may be the victim of parental abduction; or
5. the person/child missing is mentally or physically impaired.

Critical Child Missing - When any child under 12 years of age is reported missing, or when a child, regardless of age, is “at risk” as defined above.

Non-Critical Child Missing - When any child 12 years of age or older is reported missing and is NOT “at risk” as defined above.

Parental/Family Abduction - Abduction or concealment of a child by either a parent or their agent in violation of current law (Penal Code sections 277, 278, 278.5, 278.7).

Runaway - Any child who displays a pattern of disappearing for extended periods of time, on his own volition, without parental or guardian knowledge and/or consent.

Unknown Missing - Cases where there are insufficient facts to determine the missing person disposition.

Suspicious Circumstances - Circumstances which give rise to the belief that a crime may have been involved; the disappearance is out of character for the person and no known reason can be determined.

Child Abduction:

277 PC: Child abduction definitions.

278 PC: Every person, not having a right to custody, who maliciously takes, detains, conceals or entices away, any minor child with the intent to detain or conceal that child from a person, guardian or public agency having the lawful charge of the child is guilty of a misdemeanor/felony.

278.5 PC: Detention or concealment of a child in violation of a custody decree or by a lawful custodian, which includes a parent, where a legal relationship exists between a child and the child’s natural or adoptive parent (Family Code Section 7600), even if no custody decree exists, is a misdemeanor/felony.

278.7 PC: A good faith belief that the taking, detaining, concealing or enticing away of the child is necessary to protect the child from immediate bodily injury or emotional harm.

279.6 PC: A peace officer investigating a report of a violation of section 277,278, 278.5, 278.7 may take a minor child into protective custody if the officer has reasonable cause to believe (or good cause to believe), that any person will unlawfully flee the jurisdictional territory with the minor child.

## Places/Facilities for Care and Detention - 207 WIC

A minor taken into custody upon the grounds that he or she is a person described in section 601 WIC, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure facility, other than a facility in which adults are held in secure custody, in any of the following circumstances:

- for up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian;
- for up to 24 hours after having been taken into custody, during which time efforts are to be diligently expended to locate the child's parent or guardian who resides out of state and/or to arrange the return of the child to his/her parent or guardian who resides out of state; and
- the initial 24-hour custody period may be extended to no more than 72 consecutive hours, if it is ascertained that:
  - the return of the child cannot be accomplished reasonably within 24 hours due to the distance of the parent or guardian from the county of custody;
  - difficulty in locating the parent or guardian; and
  - difficulty in locating resources necessary to provide for the return of the child.

### **5-09/120.03 MISSING PERSONS**

A Missing Person Report (SH-R-12) shall be taken immediately when requested (including telephonic requests) without delay, and regardless of jurisdiction. The employee taking the report shall have an authorized person sign a "Notice to Person Reporting Missing Person," on the reverse side of the SH-R-12.

All missing person reports shall be entered into the NCIC system by the Station/Unit personnel within one hour of taking the report. The Station/Unit shall not make NCIC entries on courtesy reports of adults not in a critical status.

If the missing person is a child who is currently enrolled in school (public or private, grades pre-school through 12), the Station/Unit Detective shall give written notification to the school that the child is missing. The notification shall consist of our Sheriff's Department's Special Bulletin "Missing Persons" format and will include a photograph, if available, all pertinent information, and shall be given within 10 days of the disappearance. This notification should be hand delivered to establish a personal form of communication. If a school receives a record inquiry or request from any person or entity for the missing child about whom the school has been notified, the school must immediately notify the detective. If the child is located within the initial 10-day period, no notification is required.

If the missing person is a child and is not located within 30 days, Station/Unit Detectives

shall obtain dental records and X-rays and a recent photograph, and check with the Coroner's Office regarding unidentified Coroner cases which possibly match the child's description. Duplicate copies of all reports and releases, together with the dental records and X-rays, shall be forwarded to Homicide Bureau, Missing Persons Detail, within 40 days of the original report.

#### **5-09/120.04 MISSING PERSON CHECKOFF FORMS**

##### **Deputy Checkoff List of Missing/Abducted Child/Person**

Department personnel who respond to a missing/abducted child or person call for service shall use the Deputy Checkoff List for Missing/Abducted Child/Person form (SH-R-12A) to assist them in the investigation. The form shall be completed and attached to the Missing Person Report (SH-R-12).

##### **Incident/Watch Commander Checkoff List for Missing Children**

During Phase 1 of the critical missing person investigation, the Watch Commander shall complete the attached Watch Commander Checkoff List for Missing Children form (SH-R-12B) for every child under 12 years of age and any person under the age of 21 who qualifies as an "at risk" (MPP 5-09/120.00, Missing Persons Definitions) missing person. The form shall be attached to the Missing Person Report (SH-R-12).

#### **5-09/120.05 MISSING CHILDREN**

When a child is reported lost or missing, Department search procedures shall be followed. The search procedures are in three phases. In order that the employee in command be kept informed, the chain of command shall be adhered to within the Division currently responsible for each phase of the investigation and such officer shall have full command. Complete cooperation shall be given by other Divisions concerned, through functional supervision. The exception will be emergency situations that may arise which, due to the time element, cannot be handled through routine channels.

#### **5-09/120.07 CALIFORNIA CHILD SAFETY AMBER NETWORK PROCEDURES (AMBER ALERT)**

This policy describes procedures for initiating a California Child Safety Amber Network alert, also known as an AMBER (America's Missing: Broadcast Emergency Response) ALERT. The California Child Safety AMBER Network (CCSAN) consists of the following:

- the Emergency Alert System (EAS) is a nationwide system designed to inform the public of an emergency. It is accessed through the California Emergency



- Management Agency (CAL-EMA);
- the Emergency Digital Information System (EDIS) is a direct computer link to media outlets and other agencies. Information may be printed, broadcast, read on-air, or captioned on television;
  - Technology to Recover Abducted Kids (TRAK) is an image-based investigative tool which links state, county, and local law enforcement agencies together. The system is capable of simultaneously sending information and photographs directly to multiple locations and media outlets; and
  - California Highway Patrol's changeable electronic message signs (CMS) utilizes California Department of Transportation (Caltrans) highway transportation system signs located on major highways throughout the state. Portable signs can be placed in other locations as needed.

In order for an abduction to qualify for an AMBER Alert, all four of the following conditions must exist:

- it has been confirmed that an abduction has occurred;
- the victim must be 17 years old or younger or have a proven mental or physical disability;
- the victim is in imminent danger of serious bodily injury or death; and
- information is available that, if disseminated to the public, could assist in the safe recovery of the victim.

An AMBER Alert is not appropriate when:

- there is no evidence of foul play;
- the child is a runaway;
- the abduction is due to a custody dispute and there is no reason to expect a threat to the life or physical health of the child; and/or
- an adult is missing, unless there is proven physical or mental disability that may subject the victim to imminent danger.

**IMPORTANT NOTE:** If the abduction does not satisfy the AMBER Alert criteria outlined above but the handling Station/Unit Watch Commander feels the situation merits attention, contact the SCC Watch Commander for possible options such as issuing an "ABDUCTION" Alert which involves the creation and distribution of an EDIS bulletin.

#### DESK PERSONNEL RESPONSIBILITIES:

When desk personnel receive a call for service regarding a child abduction, they shall attempt to determine the circumstances involved in the abduction prior to dispatching units. It is important to determine if the abduction was a kidnapping for ransom or extortion. To make this determination, desk personnel should ask a series of questions such as, "Do you know the suspect?", "Do you know any reason why someone would want to abduct the child?", "Has there been a demand for ransom for the safe return of the

child?”, “Has the informant/family member(s) received any type of threat prior to the abduction?”, “Did the suspect make any statement at the time of abduction regarding instructions not to notify law enforcement?”

If there is any indication that the crime is a kidnapping for ransom or extortion desk personnel shall not proceed with an AMBER Alert but instead notify Station/Unit detectives and Major Crimes Bureau immediately. Desk personnel shall not dispatch a patrol car or uniformed deputies unless ordered to do so by Station/Unit detectives or Major Crimes Bureau. All kidnapping for ransom cases will be considered confidential until the case is resolved.

If the abduction does not appear to be a kidnapping for ransom or extortion, and the abduction meets the criteria for an AMBER Alert as outlined previously above, desk personnel receiving information necessitating an immediate field response shall handle and dispatch such calls in accordance with desk operation procedures.

If the Station/Unit activates an EOC after an AMBER Alert is initiated, all calls received by desk personnel pertaining to the AMBER Alert shall be forwarded to the EOC. If the information necessitates an immediate field response, personnel shall handle and dispatch such calls in accordance with desk operation procedures.

When the Station/Unit EOC is not activated, desk personnel shall field all calls and log all contacts where information has been provided in response to the AMBER Alert issued by the Station/Unit. Desk personnel shall relay all information received relating to the abduction to Station/Unit detectives or designated personnel as it is received. If telephone calls increase in number, requiring additional personnel to adequately handle the volume of calls, desk personnel shall inform the Station/Unit Watch Commander. The Station/Unit Watch Commander may increase desk staffing or activate the Station/Unit EOC in order to handle all calls expeditiously.

#### FIELD DEPUTY’S RESPONSIBILITIES:

When a deputy receives a call of a child abduction that has just occurred, the deputy shall respond to the location without delay and conduct a preliminary investigation. The preliminary investigation shall be thorough enough to establish that a crime has occurred. The handling deputy shall collect specific information in order to determine if the circumstances meet the criteria necessary to initiate an AMBER Alert. If the deputy’s investigation reveals that the abduction may be a kidnapping for ransom or extortion, all uniform presence should be removed from the location and Station/Unit Detectives, along with Major Crimes Bureau, should be contacted immediately.

#### Qualified AMBER Alerts

If the handling deputy determines that the abduction qualifies for an AMBER Alert, he/she shall notify the Station/Unit Watch Sergeant and Watch Commander immediately by telephone. The deputy shall provide them with details of the abduction in order to initiate

an AMBER Alert, if approved.

If the decision is made to initiate an AMBER Alert, the handling deputy shall request a recent photograph of the abducted person(s) and, if available, photographs of the suspect(s) and/or the suspect vehicle from the informant and/or relatives. The photograph(s) should be recent and clearly display the victim's and/or suspect's facial features. The handling deputy shall ensure the photograph(s) is driven to the Station/Unit and delivered to the Watch Commander without delay.

The handling deputy shall immediately complete a Missing Person Report (SH-R-12) and follow missing/abducted persons procedures.

#### WATCH SERGEANT AND WATCH COMMANDER RESPONSIBILITIES:

The decision to request an AMBER Alert is the responsibility of the Station/Unit Watch Commander. The Watch Commander shall base this decision on the established AMBER criteria and facts obtained by the handling deputy regarding the abduction. If the decision is made to request an AMBER Alert, the Watch Commander shall:

- consider activation of the Station's/Unit's EOC in order to handle the anticipated increase in the volume of phone calls to the Station/Unit and institute a clue management system;
- immediately complete an AMBER Request Form (available in Outlook under Public Folders / All Public Folders / All Forms / Patrol / Miscellaneous / AMBER Request Form);
- complete the AMBER Request Form and send it to the SCC Bridge e-mail group. If e-mail is not available, fax the form to SCC at (323) 261-4936;
- immediately upon completion of the above steps, contact the Sheriff's Communications Center (SCC) Watch Commander at (323) 267-2504 to advise of the new AMBER Request Form sent via e-mail;
- immediately notify Major Crimes Bureau as Amber Alerts are their responsibility;
- when the handling Station/Unit receives information which updates or corrects what was previously reported, they shall send a new AMBER Request Form to SCC. If there is an update, such as additional information, the "Update" box shall be checked and if there is a correction, such as the color of the suspect vehicle, the "Correction" box shall be checked; and
- all updates or corrections that have been e-mailed to the SCC Bridge e-mail group shall be followed up with a telephone call to the SCC Watch Commander to ensure the information has been received.

The Watch Sergeant shall:

- handle any functions delegated to him/her by the Watch Commander; and
- if the EOC is activated, ensure it is adequately staffed to receive a high volume of telephone calls.

## SHERIFF'S COMMUNICATIONS CENTER RESPONSIBILITIES:

The *final decision* to initiate an AMBER Alert shall be the responsibility of the SCC Watch Commander. After receiving the abduction information from the Station/Unit and consulting the Station/Unit Watch Commander, the SCC Watch Commander shall determine if the abduction meets the AMBER Alert criteria. If the criteria is not met (e.g. victim is 18 years old), the SCC Watch Commander shall discuss other available options with the Station/Unit Watch Commander and Major Crimes Bureau to determine the best course of action.

If an AMBER Alert is to be initiated, the SCC Watch Commander shall ensure that the Sheriff's Headquarters Bureau is notified of the Amber Alert.

Necessary data shall be immediately entered into the JDIC screen designed to notify the Emergency Digital Information Service (EDIS) of an abduction.

An audio message shall be recorded describing the abductor, the victim, and any vehicle or other pertinent information. This audio message will be used on the Emergency Alert System. Photographs of the victim will not, in most cases, be available for the initial JDIC/EDIS message. Therefore, once the JDIC/EDIS message is complete, with or without the photograph, it shall be sent immediately.

After the EDIS alert has been broadcast, the SCC Watch Commander shall initiate an Emergency Alert System warning message. This EAS warning message will be received by various media agencies, who may or may not broadcast the AMBER Alert message.

Upon receipt of any photographs, SCC shall forward all scanned images of victim/suspect via e-mail to the California Highway Patrol Emergency Notification and Tactical Alert Center (ENTAC). After the e-mail has been sent, the SCC Watch Commander shall telephone ENTAC to confirm receipt of photographs and request they be entered into the TRAK system. The SCC Watch Commander shall also request the CHP to begin posting victim/suspect/vehicle information on Changeable Message Signs within the designated target area.

### Countywide Law Enforcement Broadcast (C-Code)

The SCC Watch Commander shall ensure that a crime broadcast regarding the child abduction is sent utilizing the C-Code. This will verbally notify all Sheriff's Stations/Units and law enforcement agencies within the County of Los Angeles regarding the incident.

### National Warning System (NAWAS)

The SCC Watch Commander shall ensure that a request is made via NAWAS to notify surrounding counties' communications centers or state Office Emergency Services centers of the AMBER Alert.

### Sheriff's Data Terminal (SDT)

The SCC Watch Commander shall ensure that a crime broadcast is disseminated throughout all Sheriff's Data Terminals, as well as through the Los Angeles California Highway Patrol Communication Center.

### SHERIFF'S HEADQUARTERS BUREAU RESPONSIBILITIES:

Sheriff's Headquarters Bureau personnel, after receiving notification from SCC, and after consulting with Major Crimes Bureau, shall immediately prepare an informational message for "City News Service" and "NIXLE." The message shall be sent to both agencies as soon as they are complete.

### PROCEDURES FOR ACTIVATIONS IN LAW ENFORCEMENT AGENCIES WITHIN LOS ANGELES COUNTY:

The Los Angeles County Sheriff's Communications Center is the "point of contact" for AMBER Alerts for law enforcement agencies within the County of Los Angeles. When a Los Angeles County law enforcement agency requests activation of the AMBER Alert system, the agency shall contact the SCC Watch Commander. Once the information is confirmed, the SCC Watch Commander shall ensure the activation is broadcast according to this policy. All questions regarding AMBER Alerts from other law enforcement agencies within Los Angeles County should be directed to Sheriff's Communications Center at (323) 267-2504.

### PROCEDURES FOR ACTIVATIONS IN OTHER COUNTIES:

When the Department is alerted regarding a surrounding county's activation of the AMBER Alert system, SCC Watch Commander shall contact the reporting county and confirm the information. SCC will take the necessary steps to ensure the message is broadcast. All questions regarding AMBER Alerts from other counties should be directed to Sheriff's Communication Center at (323) 881-8100.

### NOTIFICATION OF FOUND VICTIM:

The Watch Commander at the Station/Unit which initiated the AMBER Alert is responsible for notifying the Sheriff's Communication Center Watch Commander when the victim has been found. It is the responsibility of the SCC Watch Commander to make C-Code and NAWS notifications.

### **5-09/120.10 CHILD NONCRITICAL**

When any child 12 years of age or older is reported missing and the child is NOT "at risk" as defined in section 5-09/120.00, the assigned Patrol Deputy shall:

- interview the informant in person;
- fill out the Missing Person Report (SH-R-12) and have an authorized person sign the "Authorization to Release Dental/Skeletal X-rays/Photograph and Description Information of Missing Juveniles" (State form SS 8567) and the "Notice to Person Reporting Missing Person" on the reverse side of the SH-R-12;
- send a local JDIC "Be On The Lookout" (BOLO) broadcast;
- notify the school the missing child attends within ten days of the child's disappearance;
- advise the informant to notify the Station/Unit Detectives if the child is located; and
- make an NCIC entry within one hour of taking the report.

The Station/Unit Watch Sergeant or Field Sergeant shall review the case and determine if additional action by the patrol unit is indicated at the time. If no immediate attention is indicated, the report shall be processed in the same manner as all missing persons reports. The Sergeant shall also ensure the missing persons report has been entered into NCIC within one hour of taking the report.

The Station/Unit Watch Commander shall immediately review the case, and if immediate police attention is indicated, follow the procedure for critical age or "at risk" situations.

The case assignment shall be to Station/Unit Detectives. They shall be responsible for:

- contacting the informant to determine if the child has returned or his whereabouts is known;
- checking Juvenile Automated Index regarding any prior record on the child;
- the Station/Unit Detective shall verify that a "missing person" entry into NCIC was made;
- sending a broadcast if necessary; and
- if any child is still missing after 30 days, check with the Coroner's Office for unidentified Coroner cases, obtain dental records and X-rays and submit copies of the report and releases, along with dental records and X-rays to Homicide Bureau, Missing Persons Detail, within 40 days of the original report.

If an authorized signature to request the release of dental records and X-rays cannot be obtained, the Station/Unit Detective shall supply the dentist with an "Authorization for Seizure of Dental Records (SS-8567)," per section 14205 PC.

### **5-09/120.15 CHILD - CRITICAL (PHASE I)**

When any child under 12 years of age is reported missing, or when the child, regardless of age, is "at risk" as defined in section 5-09/120.00 of this Manual, the Complaint Deputy receiving the information shall dispatch a patrol unit to the scene at once and notify the Station/Unit Watch Sergeant and the Station/Unit Watch Commander.

The assigned patrol Deputy shall:

- interview the informant at the scene;
- fill out the Missing Person Report (SH-R-12);
- obtain an authorized signature on the "Authorization to Release Dental/Skeletal X-rays/Photograph and Description Information of Missing Juveniles" (State form SS 8567) and the "Notice to Person Reporting Missing Person" on the reverse side of the Missing Person Report;
- obtain a recent photograph of the child and note the date that the photograph was taken;
- pertinent facts shall be telephoned, radioed or sent via MDT/MDC to the Watch Commander;
- initiate a search log (the log shall contain the area searched, name and employee number of person searching area, and time area searched); and
- make entry into NCIC within one hour or sooner, if practical, of taking the report.

As many Deputies as needed will be charged with the responsibility of a thorough search of the interior of the house, as well as the attic, under house, yard, garage, out buildings, basement, abandoned refrigerators, trunks, boxes, etc. Check attractive nuisances, e.g., abandoned vehicles, crawl spaces, etc. If the child was seen at a different location, another patrol unit shall be sent to that location and additional assistance shall be requested when necessary.

The following information shall be ascertained from the informant in the following order:

- the exact location, time and date the child was last seen and whether the child is a habitual runaway;
- parents of the child, length of time at present address, whether divorced or separated, whereabouts of divorced parents and attitude toward the child;
- name and address of child's school, length of time attended, school associates and name of teacher;
- names, addresses, phone numbers and relationship of all relatives;
- names, addresses and phone numbers of all friends and neighbors of the parents;
- names, addresses, phone numbers and schools of all the child's friends;
- recent trips taken, places recently attended, shows the child was interested in;
- hobbies and activities child is interested in and location of any such hobby areas; and
- location of any nearby swimming pools, horse stables or other entertainment centers.

The immediate ground area shall be patrolled with particular attention given to accident areas (lakes, streams, new construction, etc.), local business locations, movies, hobby and toy stores, etc. Immediate neighbors and all persons in position along the last known route traveled by the missing child shall be contacted.

The investigation of the scene shall be continued under the supervision of the Station/Unit

Watch Commander. The Missing Person Report shall be delivered to the Station/Unit, an URN assigned, copies reproduced and the case assigned to Station/Unit Detectives.

The Station/Unit Watch Commander shall ensure that a local JDIC "Be On The Lookout" (BOLO) broadcast is sent if it has been determined that the child is missing only, and an "All Points Bulletin" APB broadcast if a crime, suspicious circumstances or at risk situation is involved. Concerned patrol units shall be notified by radio and contact made by telephone with adjacent Station/Unit and police departments, MacLaren Children's Center, and Los Angeles Police Department.

Details of the search and notifications to other agencies or Units of this Department shall be entered in the Station/Unit Log or, if necessary, a special log will be established. If the child has not been located after four hours of searching, brief the Station/Unit Detective Commander on the progress of the search and the number of patrol personnel remaining to assist, and then turn the responsibility over to him for Phase II of the investigation.

#### **5-09/120.20 CHILD - CRITICAL (PHASE II)**

The assigned Station/Unit Detective shall start or continue a special log, check with Juvenile Automated Index regarding the prior record on the child and send additional JDIC broadcasts if necessary. The detective shall assume functional supervision of the investigation and make an early determination of the following:

- indication of an accident;
- possibility of a routine runaway;
- possibility child is in the custody of an estranged parent or agent of parent (family abduction); and
- indication of foul play or homicide (the nature of which is assignable to Homicide Bureau).

The Station/Unit Detective Commander will determine the urgency of the situation, the scope of the search and estimate the manpower needs. Phase III will be initiated unless it is clear from the facts at the time that such an effort would be of no avail.

In an accident case and where search or rescue operations are an issue, the primary case assignment shall be to Station/Unit Detectives with concurrent assignment to patrol. This includes cases where the use of emergency personnel or equipment may be needed. (See the Emergency and Disaster Chapter for field search or rescue operations responsibility and procedures.) Notify the Unit Commander immediately.

In all cases other than homicide or kidnapping, assign to Station/Unit Detectives. In cases of known foul play or homicide, the primary case assignment shall be to Homicide Bureau with concurrent assignment to Station/Unit Detectives. The assigned Station/Unit Detective shall immediately notify the Homicide Bureau.



The Unit Commander should alert his superior officers and others whose assistance may be needed, including the Sheriff's Headquarters Bureau.

### **5-09/120.25 CHILD - CRITICAL (PHASE III)**

The primary Unit of assignment shall be responsible for coordination, function and functional supervision of Phase III operations. This Unit shall designate an officer of at least the rank of Lieutenant as Operations Commander. The Station/Unit Detective Commander shall act as Operations Commander until he is designated as such or relieved by the designated Operations Commander.

The Operations Commander shall designate two detectives and one patrol supervisor. The detectives shall assist in coordinating the investigative activities - one will coordinate the operation at the scene while the other coordinates the operation at the Station/Unit. The patrol supervisor shall provide supervision for the uniformed patrol personnel.

The Operations Commander will occupy the position of greatest need, reviewing all activities in connection with the investigation at frequent intervals.

### **5-09/120.30 CHILD'S PICTURE - TELEVISION**

The Sheriff's Headquarters Bureau has arrangements with several television studios to release pictures of missing children when requested by this Department. Check with Sheriff's Headquarters Bureau for current procedure; however, this service is entirely dependent upon the studio's available air time. There is no charge for this service, but investigating detectives must use discretion and not abuse this privilege. Signed consent of the parents or guardian is not required, but is desirable.

A clear photograph, preferably a full face, with the date the photograph was taken, will be provided by the investigating detective to the Sheriff's Headquarters Bureau. This Bureau will arrange for duplication of the photograph and distribution to the television stations.

### **5-09/120.35 CHILD'S PICTURE - SHERIFF'S SPECIAL BULLETIN**

When the investigating detective considers it necessary for a Sheriff's Special Bulletin (SH-AD-267) to be printed in a missing child case, he shall obtain a clear photograph of the child, preferably a full face, and the date the photograph was taken. He shall contact Homicide Bureau, Missing Persons Detail. This detail shall prepare the format including the physical description and any information that would be of assistance in locating the missing child. An original and one copy of the Printing Request (SH-AD-1) shall be completed and shall be approved by the Homicide Bureau Commander. Picture, format

and printing request shall be completed and shall be delivered to Printing Management, Fiscal Administration. Homicide Bureau, Missing Persons Detail, shall be responsible for routing the bulletin to all concerned agencies and for its cancellation when the child is located.

#### **5-09/120.40 SUPPLEMENTAL REPORTS**

On a routine missing runaway child who has been found and no further action is required, Station/Unit Detectives shall cancel the "Missing" child entry through NCIC and inactivate Los Angeles Regional Crime Information System (LARCIS) within 24 hours. The Station/Unit Detective shall complete a supplemental report indicating the above.

#### **5-09/120.45 MISSING CHILD TURNING EIGHTEEN YEARS WHILE STILL MISSING**

In cases where a missing child becomes an adult, while still a reported missing child, the case may be reassigned to Homicide Bureau, Missing Persons Detail. In order to do this, the investigating detective must first determine that the person is still missing and all workable leads have been exhausted. The investigating detective shall then prepare a supplemental report indicating all information that was developed in attempting to locate the missing person and the case shall be reassigned to Homicide Bureau, Missing Persons Detail.

The statistical code will be changed by the Station/Unit to a "400" in the supplemental report and will also update the Los Angeles Regional Crime Information System (LARCIS). Homicide Bureau, Missing Persons Detail, will update all NCIC entries.

If there were no suspicious circumstances surrounding the disappearance and the case was that of a routine runaway, the Station/Unit Detective may close the case. The detective will submit a closing supplemental report indicating there are no suspicious circumstances, the missing person has turned eighteen (18) years old, is emancipated and considered voluntarily missing.

Update, do not cancel, all computer entries (i.e., NCIC and LARCIS). Station/Unit Detectives will attempt to contact the informant of the Missing Person Report and advise them of their intentions. The results of this will be noted in the supplemental report.

#### **5-09/120.50 MISSING ADULTS**

A Missing Person Report (SH-R-12) on adults shall be taken on the request of an informant without delay (including telephonic requests). Stations/Units shall notify Homicide Bureau, Missing Persons Detail, and initiate an immediate missing persons local broadcast when the missing person is:

- suffering from Alzheimer's Disease;
- suffering from severe mental or physical handicap;
- suffering from advanced senility;
- missing with evidence of suspicious circumstances;
- missing with any condition requiring continuing medication or care;
- infected with a highly communicable disease; and/or
- suicidal.

The Deputy taking the report shall call the informant's attention to the agreement which appears directly above the informant's signature on the SH-R-12 and advise that compliance is expected by calling the Missing Persons Detail. If the informant has no phone, obtain any other phone number where the informant can be reached.

A missing person's entry shall be made into NCIC within one hour of the report being taken. A copy of the report shall be retained in the station's/Unit's file for such period of time as determined by station/Unit policy. The Station/Unit secretary shall mail a copy of the report, including any photos or attachments, and fax, as soon as practical, a copy of the report to the Homicide Bureau, Missing Persons Detail. The Station/Unit secretary will image the original report into the electronic archive SECDA.

When necessary, Station/Unit broadcasts shall be the responsibility of the Watch Sergeant. In other cases, it shall be the responsibility of Homicide Bureau, Missing Persons Detail, to issue such broadcasts.

Cancellation of all broadcasts concerning missing adults shall be made by Homicide Bureau, Missing Persons Detail, only.

If a person reported missing is not located within 30 days, Homicide Bureau, Missing Persons Detail, will request a copy of the missing person's dental records and x-rays.

Missing Persons Detail shall send the dental records and a completed copy of SH-R-12 to the Department of Justice. It shall be the responsibility of Homicide Bureau, Missing Persons Detail, to close all files on missing persons.

### **5-09/120.55 RETURNING OR LOCATING A MISSING ADULT**

Upon receipt of any information by station/unit personnel concerning the return or location of a missing adult, Homicide Bureau, Missing Persons Unit, shall be notified immediately. A Found Person Report (SH-R-12C) detailing the below information shall be completed by station/unit personnel.

Telephonic notification to Homicide Bureau, Missing Persons Unit, shall include the following information:

- Name, address and telephone number of the person(s) reporting the return or

- location of the missing adult;
- Address to which the missing adult returned or where located;
- Time the missing adult returned or was located;
- Conditions under which the missing adult was returned or was located; and
- Whether or not the person who originally reported the missing adult has been notified of the return and the location of the missing adult.

#### Locating Outside Agency Missing Persons Adult:

When an outside agency's missing person is located, a Found Person Report (SH-R-12C) shall be written. The station/unit secretary shall send a JDIC to the outside agency indicating the missing person has been located. The case shall be assigned to patrol and made inactive. No further action is necessary.

#### **5-09/120.60 COURTESY REPORTS - MISSING PERSONS**

A courtesy report for a missing person shall be completed on a Missing Person Report (SH-R-12), and will have the same assignment and URN as active cases for our own Department.

On all missing person courtesy reports the following procedures shall be completed by the Deputy taking the report:

- have an authorized person sign the "Authorization to Release Dental/Skeletal X-rays/Photographs and Description Information of Missing Juveniles" (State form SS 8567) and the "Notice to Person Reporting Missing Person" on the reverse side of the Missing Person Report unless the report is taken telephonically;
- notify and send a copy of the report to the law enforcement agency where the missing person resides. That agency is responsible for the investigation;
- notify and send a copy of the report to the agency where the missing person was last seen and/or possible destinations of the missing person;
- include in the report the name and rank of person(s) notified; and
- ensure that a copy of the report is sent to the concerned agency by the most expeditious manner.

In addition to the standard procedures, the following procedures must be adhered to in certain cases as outlined below:

#### **Courtesy Reports for Missing Adults**

When the courtesy report is on an adult, the Station/Unit taking the report is responsible for making an immediate Los Angeles Regional Crime Information System (LARCIS) entry and sending a copy of the report via JDIC or Fax to Homicide Bureau, Missing Persons Detail.

Missing Persons Detail shall be responsible for monitoring the case until resolved, and

the Station/Unit has no further responsibility for the case.

If the missing adult is not located within 30 days, Missing Persons Detail shall obtain dental records and x-rays and send a copy of the report, dental records and x-rays to the Department of Justice.

#### Courtesy Reports for Another Agency (Missing Children)

If the child is 16 years of age or under, the Station/Unit shall make an NCIC entry within one hour of taking the report.

Should suspicious circumstances, foul play, homicide or an at risk situation be suspected, the Station/Unit taking the report shall send a copy of the report and when possible, dental records, to the Department of Justice within twenty-four (24) hours. SRD copy of all reports and releases to Homicide Bureau, Missing Persons Detail.

If the child is not located within 30 days, the Station/Unit Detectives shall obtain the dental records and x-rays. A copy of the report, dental records and x-rays shall be forwarded to Homicide Bureau, Missing Persons Detail, within 40 days of the original report.

#### Receiving Courtesy Report From Another Agency - (Missing Children/Missing Adults)

When a written courtesy missing person report is received from another agency, the concerned Station/Unit shall assign an URN number, and make all necessary computer entries.

If during the NCIC entry process it is discovered that the originating agency already entered the missing person, using its agency identifier, the Station/Unit shall make immediate telephonic notification to the originating agency to cancel their NCIC entry in order to eliminate duplicate entries. The Station/Unit will recheck to confirm the duplicate entry was removed.

The report shall then be handled as any other missing person report taken by this Department.

#### Courtesy Reports for Another Sheriff's Station/Unit (Missing Children)

Prepare the case as though a Station/Unit case. An URN number shall be obtained from the concerned Station/Unit and marked "Courtesy Report for \_\_\_\_\_ Station/Unit."

The Station/Unit taking the report shall make the necessary computer entries, forward the report to the concerned Station/Unit, and SRD to Homicide Bureau, Missing Persons Unit.

## **5-09/130.00 DRUG/DRIVING UNDER THE INFLUENCE - DRIVER'S HISTORY CHECK**

In order for the prosecuting attorney and the court to have adequate information to comply with specific sections of the Vehicle Code, Driving under the influence (DUI) and other traffic violation conviction records will be needed for all persons charged with a present offense of either 23152(a) or 23153(a) CVC. These specific sections of the Vehicle Code are:

- Section 13352(a)(4) requires a three-year revocation of the driver's license upon a second conviction of felony drunk driving within three years;
- Section 23152(a) provides for a mandatory jail sentence and fine upon a first conviction;
- Section 13209 provides that, before sentence may be imposed upon a person convicted of misdemeanor drunk driving, or driving under the influence of drugs, the court must receive a report of all types of traffic violations on that person's driving record; and
- Section 23175 provides that persons convicted of three or more violations of sections 23103 as specified in section 23103.5, 23152, or 23153 within seven years may be charged with a felony on subsequent arrests.

The Deputy making an arrest and charging a violation of either section 23152(a) or 23153(a) CVC shall obtain a booking number and complete the Booking and Property Record (B&PR)(Form SH-J-293) as required.

The secretary receiving the completed B&PR shall enter the booking information in AJIS and make a DMV driver's history check via JDIC. A certified copy of the DMV Driver's History shall be requested for records meeting the criteria of section 23175. Upon receipt of a certified copy, it shall be delivered to the District Attorney for incorporation in the file. Copies shall be attached to the arrest report and distributed as required.

## **5-09/140.00 TRANSPORTATION OF FEMALES**

### **5-09/140.05 NOTIFICATION PRIOR TO TRANSPORTATION**

Prior to transporting females, Units with MDT/MDC equipped vehicles shall record the transportation of females using the MDT/MDC. The transaction must be recorded by using "Status with Text":

- for MDT equipped vehicles:
  - depress the "Control" key followed by the "T" key;
  - when the MDT display shows "ST" enter, for example, the following, "Transp 1 Fem, start (mileage);"
  - depress the "10-15" status key, the system will automatically record the

- message plus the time; and
- when the unit arrives at the Station/Unit, follow the same procedure, but enter "End (miles)" and depress the "STA" status key;
- for MDC equipped vehicles:
  - press the "STATUS TXT" screen button;
  - when the status text dialogue box opens, type "Transp 1 Fem, start (mileage)" on the "STATUS TEXT:" line;
  - press the 10-15 screen button on the same dialogue box; and
  - when the unit arrives at the Station, press the "STATUS TXT" screen button, and enter "End (miles)" on the "STATUS TEXT:" line and press the "STATION" status screen button.

Units not equipped with an MDT/MDC shall, prior to transporting any female, notify the SCC operator and give the location, beginning mileage and intended destination. The SCC operator shall acknowledge the transmission and reply with the time.

When the female has been transported to the desired destination, the Deputies shall notify the SCC operator of the ending mileage. The SCC Dispatcher shall acknowledge in the same manner as for the initial message.

The beginning and ending mileage and times shall be entered on the Deputy's Daily Work Sheet or included in the report of the incident.

#### **5-09/140.10 SCENE OF ARREST**

Whenever a female is arrested, she shall, if circumstances permit, be transported by a female Deputy, or by two male Deputies.

If circumstances prevent a female Deputy or two male Deputies from being available for transportation, a lone male Deputy may transport a female arrestee.

If a lone male Deputy must transport a female arrestee, he shall transport her directly from the location of arrest to a hospital or the most appropriate site for booking. The lone male Deputy, shall include in his radio transmission that he is a lone male Deputy.

#### **5-09/140.15 SCENE OF APPREHENSION - ALLEGED MENTALLY ILL**

Whenever any female is taken into custody, as authorized by section 5150 of the Welfare and Institutions Code, she shall be transported to a designated psychiatric facility by no less than two Deputies.

#### **5-09/140.20 IN CUSTODY AT THE STATION**

Routine transportation of females from Stations to CRDF shall be the responsibility of the Court Services Division Transportation Bureau in accordance with the same procedure applicable to field arrests.

#### **5-09/140.25 ASSISTANCE TO CITIZENS**

If situations dictate a need to transport a female, such transportation should be made by a female Deputy or two male Deputies, if practical.

#### **5-09/150.00 DEPARTMENT'S ONLINE REPORTING SYSTEM (SORTS)**

A Department member shall not decline taking a report from a reporting party that would otherwise qualify for the online reporting system. Personnel may explain the online reporting system to the reporting party as an option for documenting those incidents; however, a unit shall be dispatched if the reporting party requests for personnel to respond in person. A response by personnel shall not be required if the reporting party prefers to report the incident online.

#### **5-09/150.10 RESPONSIBILITIES**

All reports submitted through the Department's online reporting system shall be approved, denied, or contact made with the reporting party of the report within 48 hours of its submission, excluding weekends and holidays, unless extenuating circumstances exist. It shall be the responsibility of the Unit Commander or his or her designee to ensure the online reports are in compliance with this section.

#### **5-09/160.00 EMERGENCY TELEPHONE CALLS**

When a telephone call reporting a situation requiring emergency action is received by this Department, and the matter is one in which this Department does not have a primary enforcement jurisdiction, the following procedures shall apply:

- if there is any question of jurisdiction or when available information indicates that our emergency service can arrive sooner than that of the agency having jurisdiction, a Unit of this Department and necessary allied emergency equipment, shall be dispatched;
- necessary information shall be obtained from the caller and information relayed at once to the agency having jurisdiction; and
- if the call involves a traffic accident within the jurisdiction of the California Highway Patrol, handle in accordance with the provisions of Volume 5, chapter 5, of this manual.



The incident and action taken shall be entered in the dispatch system and a tag number assigned so that the incident will appear on the printout log.

### **5-09/170.00 PATROL RIFLE**

The deployment of patrol rifles provide personnel with a capability to deliver accurate fire at much greater distances than is possible with a handgun. When properly employed, this capability provides Deputies, and members of the public, with added levels of protection from armed suspects.

### **5-09/170.05 AUTHORIZED PATROL RIFLES**

The Department-authorized patrol rifle is of the AR-15/M-16 design style. Authorized weapons must meet the following specifications:

- Manufactured by Colt or Fabrique Nationale – Herstal (FN);
- Capable of semi-automatic fire only (SEB is authorized “burst-fire” and “automatic-fire” rifles);
- Equipped with barrel lengths approved by the Weapons Training Unit or specific Division Chief;
- Equipped with fixed or telescoping stocks; and
- Equipped with either conventional sights or Department approved optical sights.

Patrol rifles may be equipped with mounted flashlights in a configuration approved by the Training Bureau, Weapons Training Unit.

The on-duty use of personally owned patrol rifles is prohibited.

### **5-09/170.10 QUALIFICATIONS FOR USE**

Authorization shall not be given for the employment of these weapons by other than qualified personnel.

Qualified personnel are those who have been designated by their Unit Commander, and have received specific training in the use of the patrol rifle from qualified range personnel assigned to the Weapons Training Unit and have maintained currency of qualification.

Qualified personnel must satisfactorily complete the recurrent patrol rifle qualification course as prescribed by the Weapons Training Unit. The period of qualification is for one year following the initial, and each recurrent, patrol rifle training.

Members assigned to the Special Enforcement Bureau are authorized to receive initial, and recurrent, training from designated SEB instructors.

### **5-09/170.20 REPORTING THE USE OF THE PATROL RIFLE**

Removal of these weapons from a field supervisor's vehicle or Rifle Car for deployment in a field situation will require a post deployment MDT log entry by each person deploying a rifle.

NOTE: Special Enforcement Bureau and platoon deployment of the weapon shall be exempt from the above reporting requirements.

### **5-09/170.25 STORAGE AND MAINTENANCE**

The weapons maintained at each Station/Unit, unless deployed in field supervisor or rifle cars, shall be stored in the armory or in a secured locker when they are issued exclusively to specific qualified personnel. Cleaning of the patrol rifle shall only be performed by personnel possessing current patrol rifle qualification. Maintenance and repair shall be performed by armorers of the Weapons Training Unit. Station/Unit personnel shall not break down or "field strip" patrol rifles except as required for cleaning purposes. Unit Commanders shall ensure that all equipment issued by the Weapons Training Unit associated with each rifle – such as optics, magazines, flashlights, slings, and ammunition carriers – are accounted for and serviceable.

Unit Commanders shall ensure all weapons at their facilities are rotated for use during the training of assigned personnel. This shall be done to ensure the weapons are functioning properly, are accurately sighted for field use, and are cleaned on a regular basis.

### **5-09/170.30 ROUTINE FIELD DEPLOYMENT**

The patrol rifle shall normally be carried locked in the rifle rack of patrol units equipped with a rack. Otherwise, the rifle shall be carried in a Department-authorized case secured in the cargo carrying area of the vehicle. The rifle shall be carried with the bolt closed on an empty chamber, safety on, and a loaded magazine in the weapon. The rifle will be deployed with a minimum field load of seven 30-round magazines.

Magazines shall be loaded as follows: 30-round magazines with 28 rounds. The Department-authorized soft-point ammunition possesses slightly different feeding characteristics than the weapon was designed to accommodate. The 2-round reduction in magazine loading ensures more reliable feeding of the authorized ammunition.

Patrol rifles shall not be deployed in non-supervisor patrol vehicles unless qualified personnel are assigned to that vehicle.

Patrol rifles shall be deployed in field supervisor vehicles.

## **5-09/180.00 FIREARMS PROCESSING**

Deputies who initially receive a firearm shall:

- make the firearm safe for handling;
- Arson Explosives Detail should be contacted if personnel are unsure of how to make the firearm safe or if it is not possible to make the firearm safe;
- if the circumstances warrant, process the firearm for fingerprints;
- be able to identify the firearm by serial number or markings. If there is no serial number, or the number is obliterated, contact the Arson/Explosives Detail. Deputies shall not scratch initials or badge numbers on the firearm or otherwise mark it for identification purposes;
- issue a Surrendered Firearms Receipt (SH-CR-627) to any person surrendering firearm. Obtain person's signature on the receipt if possible;
- record the URN on the evidence label, and place the firearm in evidence; and
- prepare the appropriate report.

Firearms held for evidence may be submitted to the crime lab for various processing as follows:

- Fingerprints - a Print Deputy Request shall be completed via teletype for routine fingerprinting at the Station;
- Trace evidence or non-routine/specialized examinations - contact the appropriate analytical section at the Crime Lab: Latent Prints (fingerprints), Firearms, Biology (blood or handlers of "DNA") or Trace Evidence; and/or
- NIBIN (National Integrated Ballistics Information Network) entry - submit the firearm to the Crime Lab, Firearms Identification Section and note on the laboratory receipt "NIBIN." Evidence custodians shall ensure that the firearm has been rendered safe and fingerprinted (if necessary), prior to submission to the Crime Lab;
  - **submission of Firearm:**
    - all centerfire semiautomatic handguns, .25 caliber or larger, shall be submitted to the SSB/Firearms Identification Section for test fire and NIBIN database image entry;
    - empty pistol magazines, when available, shall be submitted and packaged with the firearm. If no magazine is available, this shall be indicated on the laboratory receipt;
    - all ammunition seized with the firearm shall be submitted;
      - ammunition shall not be taped together, marked, or otherwise altered in any manner;
      - ammunition should be placed in an envelope, bag, or other suitable container. This container should be labeled, then submitted with the firearm and magazine(s);

NOTE: Extreme caution should be used when packaging ammunition either as evidence or property. Ammunition should be packaged separately from firearms and magazines, and away from sharp or pointed objects which could strike the primer of a center-fire or rim-fire cartridge.

- rifles may be submitted. Contact SSB/NIBIN personnel prior to submission;
- **submission of Expended (fired) Cartridge Cases:**
  - all crime-related expended cartridge cases, .25 caliber or larger, shall be submitted to the SSB/Firearms Identification Section for NIBIN database entry;
- **special Considerations:**
  - all homicide-related evidence submissions shall be made by handling Detectives; and
  - for submissions of large numbers of firearms (greater than five firearms at a time), please contact the SSB/NIBIN personnel prior to submission to make arrangements for receiving the firearms.

Evidence custodians shall not deliver a firearm to Central Property that should have been first submitted to the Crime Lab for testing. Firearms sent to Central Property shall be accompanied by a JDIC record status.

Station/Unit Detectives or Detective Division personnel to whom the case is assigned shall:

- be responsible for the disposition of all firearms, regardless of the assignment of the original case;
- determine if test firing or other criminalistic tests are necessary;
- if a criminalistic test is necessary, deliver the firearm to the Crime Lab;
- check for any "records" or "wants" concerning the firearm with DOJ/AFS;
  - clear any "wants" before forwarding them to Central Property and Evidence;
- release firearms not sent to the Crime Lab or firearms returned from the Lab as follows:
  - introduce the firearm into court as evidence if expert testimony is not required;
  - release the firearm directly to the Central Property custodian. A copy of the JDIC record status must accompany each firearm that is transported to Central Property;
    - all firearms/weapons released to Central Property for disposal shall be recorded on a Personal Property form (76P791-CR37). Investigating officers shall ensure that the proper documentation is attached to the form.

**5-09/180.05 POSSESSION, CONFISCATION AND RELEASE OF FIREARMS - MENTALLY ILL PERSONS**

Firearms, either in the possession or under the control of any person detained or apprehended for examination of his mental condition, shall be confiscated. The Department shall retain custody of the weapon until released for one of the following reasons:

- person released without commitment;
- restoration of the mental capacity of the person pursuant to WIC;
- appointment of a guardian - weapon released to guardian; or
- any other disposition ordered by the concerned court.

On the face of the property release form, note that "Release was pursuant to requirements of 8103 WIC."

- Section 8103 WIC has the effect of requiring the release of firearms;
- Section 8103 WIC asserts that no person adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness, after October 1, 1955, shall have any firearms in his possession or under his custody or control unless he has been issued a certificate of competency; and
- seventy-two hour observation patients are not subject to adjudication and are not required to possess a certificate.

The addition of Station/Unit Detectives in a joint assignment with the Station/Unit Mental Health Liaison Lieutenant will expedite the investigation and disposition of such cases. Station/Unit Detectives will handle the interviews and obtain and release the weapon due to proximity of subject to concerned Station/Unit.

**5-09/180.10 PROHIBITED POSSESSION - SEIZURE/SURRENDER OF ASSAULT WEAPONS**

Pursuant to Penal Code section 30900, any person possessing an "assault weapon" is required to register that weapon with the California Department of Justice (DOJ).

Any person (registrant) who registers an assault weapon and is subsequently identified by DOJ as prohibited under 30950 PC (i.e., convicted felons, habitual drug users, minors, mentally ill, convicted specified misdemeanants) is required by law to surrender the weapon to a police or sheriff's department. DOJ notifies both the registrant and the concerned local police or sheriff's department by letter.

Major Crimes Bureau is responsible for investigating these notifications. DOJ Prohibited Registration/Possession of Assault Weapons notification letters must be forwarded to the

Unit Commander of Major Crimes Bureau for disposition. An URN number will be assigned and the investigative file maintained at Major Crimes Bureau.

The Major Crimes Bureau investigator shall attempt to ascertain whether or not the registrant surrendered the weapon in compliance with the DOJ notification. If compliance cannot be determined, the investigator shall, if necessary, obtain a search warrant for seizure of the weapon. Service of the search warrant shall be accomplished by the Special Enforcement Bureau.

The Major Crimes Bureau investigator is responsible for placing any seized weapons in evidence at Central Property. Major Crimes Bureau is also responsible for the handling of suspects, criminal filings, return of the search warrant and any other necessary follow-up investigation.

In the event a registrant surrenders the weapon to a Deputy in the field or at a patrol Station/Unit, a report shall be written and Major Crimes Bureau immediately notified. In most cases, a person surrendering an assault weapon to a Department member should not be arrested when the only violation pertains to the prohibited possession of the assault weapon. In lieu of arrest, a complaint should be sought through the District Attorney.

The Major Crimes Bureau Unit Commander shall notify DOJ of all relevant facts concerning the surrender of the weapon, and/or actions taken by the Department. Notification shall be in writing to California Department of Justice, Automated Firearms, Licenses and Permits Unit, P.O. Box 903417, Sacramento, CA 94203-4170.

In all cases, whether the weapon is seized by search warrant or obtained by surrender in compliance to a DOJ notification letter, a court order providing for the destruction of the weapon must be obtained prior to its destruction.

#### **5-09/190.00 ISSUING NEW SERIAL NUMBERS FOR PISTOLS, REVOLVERS AND LONG GUNS**

This Department has been authorized by the State Department of Justice to assign and stamp new serial numbers on pistols, revolvers and long guns.

All persons requesting new serial numbers shall be directed to Arson/Explosives Detail which shall conduct an investigation regarding the weapon and owner and initiate a first report. If the weapon and owner are cleared, a copy of the report and the weapon shall be delivered to the Scientific Services Bureau, Firearms Identification Unit. This Unit shall be responsible for the following:

- assign and stamp a serial number on the weapon; and
- hold the weapon at the Lab pending release to the investigator.

The Arson/Explosives Detail shall submit a supplemental report indicating the serial number assigned and stamped on the weapon and the date released to owner.

### **5-09/200.00 EMERGENCY DRIVING POLICIES**

It is the policy of this Department to perform all Code 3 responses in accordance with applicable laws, utilizing red light and sounding a siren, as may be reasonably necessary, with due regard for the safety of all persons using the highway. The safety of all persons and the exemption of the County and its employees from civil and criminal liability are considerations that demand responsible and controlled Code 3 responses at all times. All personnel involved in emergency driving or Code 3 operations shall never abdicate their responsibility to continuously evaluate the necessity for initiating and continuing Code 3 operations. The necessity for self-discipline and accountability for decisions is paramount to the safety of the community and Deputy personnel. Code 3 responses include pursuits as well as all other types of Code 3 operations resulting from dispatched information or request/information from other units. Self-initiated activity which does not constitute a pursuit (5-09/210.00), such as a Deputy initiating a traffic stop, is not considered a Code 3 response.

Code 3 operations, initiated solely for training purposes (e.g. response drills, pursuit driving) are strictly prohibited on public streets or any other area accessible to the public. Nothing in this policy is intended to place this restriction upon the Department's Emergency Vehicle Operations Center (EVOC).

This policy shall not be altered by substitutions or additions by Unit-level directives.

### **5-09/200.05 CIVIL/CRIMINAL LIABILITY**

Under section 17004 of the Vehicle Code, Deputy personnel are not liable for civil damage on account of personal injury to, or death of, any person; or damage to property resulting from the operation, in the line of duty, of an authorized emergency vehicle responding to an emergency call. Immunity from liability for the County or the employee may only be in force when the vehicle is operating with red light and sounding a siren, as may be reasonably necessary, and then only when the vehicle is operated with due regard for the safety of all persons using the highway. Failure to operate an emergency vehicle according to these standards may subject the operator or the County to civil liability for death or injury to persons or property and may subject the operator to criminal liability.

Hazardous speeds, dangerous maneuvers and loss of vehicle control, regardless of the circumstances, may be in violation of the standard requiring due regard for the safety of all persons using the highway.

Emergency vehicle exemption statutes do not relieve a peace officer from the duty of

exercising "due regard" for the safety of others.

Acting without due regard for the safety of others, even when red light and siren are employed, may subject the operator and the County to civil and/or criminal liability.

Refer to:

17004 CVC - Authorized Emergency Vehicle,  
21055 CVC - Exemption of Authorized Emergency Vehicle,  
21056 CVC - Effect of Exemption.

### **5-09/200.10 CODE 2**

This Department does not recognize "Code 2" or "Code 2-1/2" responses.

Members are required to operate vehicles in strict compliance with the rules of the road unless exempted under Code 3 conditions pursuant to, and in conformance with, Vehicle Code section 21055. Exemptions from civil and criminal liability are dependent upon strict compliance with these guidelines.

### **5-09/200.15 CODE 3 DEFINED**

A proper Code 3 response consists of operating an authorized emergency vehicle with red light and sounding a siren, as may be reasonably necessary, and operating that vehicle with due regard for the safety of all persons using the highway (Refer to 21055 CVC).

### **5-09/200.20 INITIATION OF CODE 3 RESPONSES**

Desk personnel receiving calls shall identify those requiring emergency response and shall dispatch field units Code 3. The following emergencies are examples of operations that may require Code 3 responses:

- officer needs assistance;
- traffic accidents with injuries;
- baby/person choking;
- breathing ceased/heart stopped;
- blood runs; and/or
- felony in progress/just occurred, suspect in area.

Desk personnel are encouraged, when appropriate, to provide a Code 3 designation with emergency calls. Field personnel should not normally initiate a Code 3 response based upon an emergency call received without Code 3 authorization, since desk personnel



usually have better information upon which to determine the appropriate response.

A Code 3 response may not be appropriate in a medical emergency where another agency has previously dispatched emergency assistance (Example: A Code 3 response to a medical emergency may be inappropriate when the fire department is the informant on a rescue call).

It is imperative that, under circumstances indicating the possible need of emergency services, Code 3 emergency driving policies be employed. Any doubt concerning emergency circumstances or questions of jurisdiction should be resolved by responding Code 3. However, acting without due regard for the safety of others while operating in an emergency driving mode may subject employees to administrative action.

### **5-09/200.25 USE OF CODE 3 - AUTHORITY/RESPONSIBILITY**

Desk personnel and drivers of vehicles equipped with an authorized red light and siren may initiate Code 3 responses. All persons authorizing, supervising or participating in Code 3 responses must be able to justify their decisions and actions within the guidelines of this section.

Desk personnel authorizing a Code 3 response are also responsible for immediate notification to any other agencies adjacent to Sheriff's Stations/Unit which is also dispatching emergency equipment that this Department is making a Code 3 response. Notification is required regardless of whether assistance from other agencies are requested. When desk personnel authorize or become aware of a pursuit, need for emergency assistance or any other type of Code 3 response, they shall immediately notify their Watch Commander.

Field Deputies initiating or participating in pursuits shall immediately notify SCC and shall be guided by subsequent subsections. Immediate notifications to other agencies may be accomplished through SCC by desk personnel.

Field Deputies initiating Code 3 responses in non-pursuit emergencies must notify SCC and receive an acknowledgment of the notification before beginning the response. In making this notification, personnel need not wait for approval from their desk; however, personnel shall abide by orders subsequently received regarding the response.

### **5-09/200.30 VEHICLE SPEEDS**

In non-pursuit Code 3 operations, vehicle speed should not exceed that which is reasonable and prudent and within the restrictions imposed by section 22350 California Vehicle Code, "Basic Speed Law." This will often be less than the posted speed limit. Red light and siren must be used to warn other motorists and assist in gaining the right-of-way.

## **5-09/200.35 CODE 3 VEHICLE OPERATION AND TACTICS**

Using tactics during Code 3 operations shall require a coordinated effort among all units involved. The use of these tactics does not excuse the individual Deputy from operating with due regard for the safety of all persons on the highway.

### **Entering and Clearing Intersections**

To minimize the risk to Deputy personnel and the public during all Code 3 operations including pursuits, Deputy personnel shall slow and, if necessary, stop at all intersections when faced with a red traffic signal light or stop sign. Using a continuous siren, the Deputy shall then proceed with extreme caution. The Deputy shall drive slowly, paying particular attention not only to yielding vehicles in the intersection, but to approaching vehicles as well. Deputy personnel shall clear the intersection "lane-by-lane" and, if necessary, stop at each lane before proceeding. Moreover, this cautious driving approach should be extended when driving through intersections on a green signal, particularly when there are "blind spots" and where the Deputy's field of vision is obstructed, in any way, of a potential traffic hazard.

### **Blocking Intersections**

Blocking intersections is permitted only in those instances where it is clear that public safety would be enhanced. Blocking actions must be the direct result of a coordinated effort between the blocking radio cars and the units responding Code 3. Only distinctively marked radio cars or motorcycles equipped with emergency lights and siren may be used to block an intersection during Code 3 operations. Blocking of an intersection does not relieve others operating Code 3 from exercising due regard for their safety and the safety of others as they traverse the intersection. Due to the inherent dangers of traversing an intersection against the signals of traffic control devices, the requirement to safely clear the intersection, "lane-by-lane" remains in effect.

### **Caravanning**

Caravanning is defined as multiple radio cars responding as a group from one designated location to another. These radio cars operate in concert with one another, often employing vehicle movement and blocking tactics as a group. Designated field units actively engaged in a pursuit, which is effectively a following tactic, shall not be considered caravanning.

### **Spacing**

All units operating Code 3 or engaged in a pursuit, whether directly behind a suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the pursued or lead vehicle stops, slows or

turns.

## **5-09/205.00 CODE 9 AND PRE-STOP COORDINATION**

The tactics employed prior to attempting a vehicle stop are separate and distinct from those in a pursuit operation. Certain field situations require “pre-stop coordination” prior to initiating a vehicle stop including, but not limited to, a single Deputy who observes a vehicle suspected of a crime. In such situations, the Deputy shall coordinate additional units to assist in a subsequent vehicle stop. The purpose is to increase Deputy safety as well as discourage the suspect’s inclination/ability to flee. This is not only an accepted and trained tactic, it has repeatedly proven to be successful.

Pre-stop coordination is not a pursuit activity and should not be confused with “following only” as referenced in the policy. Pre-stop coordination begins prior to attempting a vehicle stop and ends with the activation of lights and siren.

The Sheriff’s Communications Center (SCC) has designated “Code 9” for personnel to broadcast their desire to initiate pre-stop coordination (thus avoiding the use of the term “following”). To facilitate pre-stop coordination, personnel shall advise they are “Code 9” on a vehicle and, once given the duplex patch, give the reason for the stop, exact location, current direction of travel, and vehicle description.

When a Code 9 (pre-stop coordination) is initiated:

- SCC shall automatically initiate the duplex patch when a “Code 9” is advised, obtain the estimated response times of assisting units, coordinate the response of the two nearest units, and request an Aero Unit;
- once SCC has obtained the response times of the two nearest units, the handling unit may opt to request assisting units respond Code 3. Factors to be considered when requesting assisting units Code 3 should include the following:
  - the safety of the responding Deputies;
  - the possibility of an armed confrontation;
  - response times of the two nearest units; and
  - traffic congestion;
- so as to not alert the suspect, Code 3 responses should be terminated prior to coming into the view of the requesting unit’s and suspect’s vehicles;
- the requesting unit should try to observe the suspect vehicle from a reasonable distance and consider not pulling directly behind the suspect vehicle until assisting units and Aero (if responding) are in place;
- when preparing to initiate a vehicle stop, and when practical, the initiating unit should be within reasonable proximity to the suspect’s vehicle prior to activating the red lights and siren. In closing the distance, every effort should be made to comply with basic speed laws and other rules of the road. When that is not possible, activation of red lights and siren is required; and
- once units are in position and the decision is made to attempt to stop the vehicle,

the primary unit should direct the assisting units into position and continue to direct their actions throughout the operation.

## **5-09/210.00 PURSUITS**

The Sheriff's Department's pursuit policy is a comprehensive plan to ensure that pursuits, when necessary, are managed as safely as possible and adhere to all applicable State laws. Because the policy is comprehensive, sworn personnel must understand it in its entirety. This will ensure proper coordination between Units, Bureaus, supervisors and managers. Pursuant to state law, all sworn members shall certify, in writing, that they have received, read, and understand this policy. In addition, the Department shall provide regular and periodic training regarding this policy. The Training Bureau, Administrative and Training Division, shall ensure that appropriate records of this certification and required training are maintained.

### Definition of a Pursuit

A pursuit is an active attempt by the driver of a departmental vehicle to stop a moving vehicle whose driver is attempting to avoid apprehension through evasive driving tactics or, after a reasonably short period of time, fails to stop after red light and siren have been activated. Following a vehicle whose driver is attempting to evade, or has failed to yield, after a reasonably short period of time, whether accomplished with or without red lights activated and siren sounding, and regardless of the terminology used to describe these acts, is also a pursuit.

### Policy Governing Pursuits

It is the policy of the Sheriff's Department that pursuits are permitted only when the necessity of immediate apprehension outweighs the degree of danger created by the pursuit, and only when in compliance with this policy and applicable state laws.

The purpose of this policy is to secure a balance between protecting the public against personal injury, death, or property damage and law enforcement's duty to enforce the law and apprehend violators. It is also intended to provide guidance for the management, control, and tactics associated with pursuit operations as required by state law. Since there are numerous situations which arise in law enforcement that are unique, it is impossible for this policy or any standard operating procedure to anticipate all possible circumstances. Therefore, this policy is intended to direct as well as guide a sworn member's discretion in matters of vehicular pursuits.

Initiating Deputies, Supervisors, and Watch Commanders engaged in any pursuit operation will be responsible for providing the Unit Commander objective reasons for initiating, continuing, and terminating a vehicle pursuit. Consideration must be given to the extent of danger the suspect poses to the public beyond the act of evasion itself.

## **5-09/210.02 INITIATION OF A PURSUIT**

Deputy personnel are authorized to initiate a pursuit only when the driver of a motor vehicle clearly exhibits an intention to avoid apprehension or detention by using the vehicle to flee, or fails to stop, and only after careful consideration of the following:

- the seriousness of the known or suspected offense;
- the need for immediate apprehension of the suspect compared to the risks to the public and persons engaged in the pursuit;
- the speeds involved;
- the safety of uninvolved bystanders and motorists in the area;
- pedestrian and vehicular traffic volume;
- the time of day;
- weather and road conditions;
- familiarity with the area of the pursuit;
- the quality of radio communications;
- the need for and availability of air support;
- the capabilities of the police vehicle involved; and
- any other factor that would indicate that the interests of public safety and effective law enforcement would not justify initiation of a vehicle pursuit.

A pursuit may be initiated under the following conditions:

- known or suspected serious felony suspect(s).

NOTE: "Serious felony" as used in this section includes: the attempt or act of murder, mayhem, serious or violent sex crimes, robbery, arson, kidnapping, car jacking, assault with a deadly weapon, first-degree burglary, major narcotics violations, and terrorist acts.

NOTE: Possession of narcotics/drugs in amounts associated with common personal use or street-level sales does not warrant the initiation of a vehicular pursuit.

- a confirmed Grand theft, vehicle; or
- misdemeanor suspects only in the following situations:
  - where the suspect(s) has been observed by a Deputy or reliable witness(s) to be displaying a firearm in an assaultive manner reasonably contemporaneous to the initiation of the pursuit; or
  - where there is reasonable suspicion to believe the suspect is driving under the influence of alcohol or drugs, or is otherwise impaired, and the suspect's driving prior to the attempted stop is so flagrantly reckless that he presents a clear and present danger to other users of the highway, and failure to apprehend the violator would likely pose an imminent and life threatening danger to the public.

NOTE: Examples of such flagrantly reckless driving include, but are not limited to, collisions with other vehicles or objects, forcing other vehicles to take evasive action to avoid collision, failure to stop at controlled intersections without slowing, or driving on the wrong side of the highway. Following the pursuit, personnel shall provide the Watch Commander with a full and specific explanation of the hazardous acts that led to the decision to pursue.

A pursuit shall not be initiated or continued:

- once it has been determined that the driver of a vehicle is refusing or failing to yield and the only known reason for the intended stop is:
  - an infraction or misdemeanor crime (including CVC violations), except as provided above;
  - any crime not classified as a serious felony, as described in this section; or
  - a possible grand theft, vehicle.

There are few law enforcement operations that require a higher degree of common sense and sound judgment than sustained high-speed vehicle pursuits. Deputies must effectively perform in an atmosphere where long-range consequences may hinge upon the soundness of split-second decisions.

The immediate apprehension of the violator is not more important than the safety of uninvolved bystanders, other motorists, or the Deputy. When it becomes apparent that the immediacy of apprehension is outweighed by unreasonable danger to the Deputy or others, the pursuit must be terminated.

While engaged in a pursuit, Deputy personnel are exempt from the rules of the road only if they are operating their vehicle Code 3. However, the law does not excuse or exempt from civil liability an abuse or arbitrary exercise of this privilege, nor does it provide exemptions from criminal and civil liability when the vehicle is being driven without due regard for the safety of all persons using the highway (21056 CVC).

The keys to a successful conclusion of a pursuit are proper self-discipline and sound professional judgment.

**5-09/210.04 PURSUITS INVOLVING POLICE MOTORCYCLES, NON PURSUIT-RATED POLICE VEHICLES OR VEHICLES NOT EQUIPPED WITH OVERHEAD EMERGENCY LIGHTS, OR UNMARKED POLICE VEHICLES**

Pursuits involving police motorcycles, non pursuit-rated police vehicles, vehicles not equipped with overhead emergency lights, or unmarked police vehicles expose

personnel to an increased possibility of injury and are generally prohibited. Personnel driving these vehicles shall carefully weigh all options before initiating or entering into a pursuit. Supervisors shall exercise prudent judgment in allowing their involvement to continue, and be prepared to explain why the risks were outweighed by the benefits of such vehicles' involvement.

Manufacturers of police vehicles designate some models as "pursuit rated." Such a rating indicates the manufacturer certifies the vehicle to be generally suitable for high-speed police pursuits. Authorized emergency vehicles that are not "pursuit rated," including various SUV's, vans, pick up trucks and service vehicles shall not be used during a pursuit except under the most compelling circumstances and shall not be driven beyond the vehicle's normal performance capabilities. Personnel initiating a pursuit using a vehicle that is not pursuit-rated shall immediately advise the Watch Commander so that a pursuit-rated vehicle can be dispatched to replace them.

Deputy personnel riding motorcycles or driving vehicles that are not pursuit rated or equipped with overhead emergency lights, or driving unmarked vehicles with lights and siren shall terminate their involvement in a pursuit when a marked black and white unit equipped with overhead emergency lights joins the pursuit unless otherwise directed by a supervisor. They may participate as a secondary unit only after receiving specific approval from a supervisor.

Vehicles without red lights and siren shall not initiate or join in a pursuit under any circumstances.

#### **5-09/210.05 TERMINATION OF A PURSUIT**

The decision to pursue is not irreversible and it is the prudent Deputy who knows when to terminate the pursuit. Deputies must constantly evaluate whether the seriousness of the crime justifies continuing the pursuit. Consideration must also be given to the extent of danger the suspect poses to the public beyond the act of evasion itself.

A pursuit shall be terminated:

- when there is an unreasonable danger to the Deputy or other users of the highway. An unreasonable danger exists (but is not limited to) when a Deputy's and/or suspect's speed dangerously exceeds the normal flow of traffic, when the suspect enters a one-way street or highway the wrong way, or when the existence of other vehicular or pedestrian traffic necessitates dangerous maneuvering;
- when weather conditions, visibility, road conditions, traffic conditions, including the volume of pedestrian and vehicular traffic or other factors, such as the availability of air support and the quality of radio communications, indicate unwarranted risk to uninvolved bystanders, other motorists or personnel engaged in the pursuit;
- when the violator can be identified to the point where apprehension may be more safely made at a later time;

- when the primary unit has lost sight of the pursued vehicle and visual contact is not immediately regained. This does not include the momentary loss of visual contact caused by the pursued vehicle turning a corner;
- when action is taken by another police department traversing our jurisdiction and our assistance is no longer needed;
- after a reasonably short period of time when it has been determined that the only reason for the pursuit is a known reported stolen vehicle. The term “reasonably short period of time” applies only to those pursuits wherein the driver is not driving dangerously. If the suspect is driving recklessly or at excessive speeds the pursuit shall be terminated immediately; or
- when there is insufficient objective information to indicate that the suspect(s) is wanted for any crime inclusive of the approved felonies and misdemeanors described in MPP section 5-09/210.02.

An evaluation of the risks posed to uninvolved bystanders and motorists, suspects and those Deputies engaged in the pursuit shall be ongoing by all participants, particularly supervisors, throughout the duration of the pursuit.

When a pursuit is terminated, all units shall discontinue their Code 3 operation and obey all rules of the road. Unless otherwise directed by the Watch Commander, Deputies are to immediately return to normal activities in their assigned area(s) and cease attempts to pursue or follow the vehicle; except as provided in this policy.

All personnel involved in any aspect of a vehicular pursuit will be held accountable for their role in the continuation of the pursuit when circumstances indicate that it should have been terminated.

Any doubt concerning the propriety of a pursuit should be resolved in favor of the safety of Department members and other users of the highway by terminating the pursuit.

### Speeds

Due to wide variations in roadways and conditions, speed limits cannot be established that will apply to all pursuits. Consideration should be given to terminating a pursuit or initiating “surveillance mode” as described in MPP section 5-09/210.15, when the Deputy's and/or suspect's speed becomes unreasonable. On urban or suburban surface streets, speeds in excess of 20 miles per hour over the posted or prima facie speed limit would normally be considered unreasonable and shall require termination of the pursuit absent an articulable need to continue the pursuit. An exception to this criteria may include rural, unpopulated areas devoid of vehicular and pedestrian traffic.

Additional factors to be considered by pursuing Deputies and supervisors to determine reasonable speeds should include:

- public safety, including uninvolved bystanders, other motorists and persons in the pursued vehicle;



- officer safety;
- need for immediate apprehension vs. risks to the public, officers, and suspect(s);
- seriousness of the known offense;
- duration of the pursuit;
- location of pursuit (i.e., rural, residential, commercial, freeway, open highway, etc.);
- familiarity with area of pursuit;
- quality of radio communications;
- availability of air support;
- weather conditions and visibility; and
- type of vehicles involved in pursuit.

## **5-09/210.10 CONTROL OF A PURSUIT**

### Primary Unit Responsibility

The Deputy initiating a pursuit is the primary unit and shall, in all cases, immediately provide the Station/Unit Watch Commander with the following information through the Sheriff's Communications Center (SCC):

- unit identification;
- location, speed and direction of travel;
- the specific reason for the pursuit, including known laws violated;
- vehicle description, including license number, if known;
- number of occupants; and
- traffic conditions, including the description of any hazardous driving by the suspect.

Failure to immediately volunteer the above information shall be cause for the Station/Unit Watch Commander to order termination of the pursuit.

The primary unit shall maintain field command and bears operational responsibility for the pursuit unless relieved by a supervisor.

The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the Field Supervisor and Station/Unit Watch Commander.

Any time a pursuit is initiated due to a "possible" crime, including reckless DUI, personnel shall be required, subsequent to the pursuit, to articulate to the Watch Commander the objective criteria which led them to believe the suspect(s) was involved in criminal activity which warranted initiation of a pursuit under this policy. During the pursuit the Watch Commander may solicit sufficient information from the initiating unit, via radio, to justify continuation of the pursuit.

Personnel who participate in a pursuit, or are present at the termination of a pursuit, shall immediately report their involvement to the on-scene field supervisor.

### Assisting Unit Responsibility

Assistance will be coordinated by the SCC dispatcher who will immediately activate the duplex patch and advise the primary unit of the identity and location of back-up units in the immediate vicinity to assist in the pursuit and any subsequent tactical operation.

The active pursuit shall normally consist of no more than three units: the primary vehicle unit and two back-up units. A Field Supervisor's vehicle, if involved in the pursuit, is not counted toward the three-unit limit. If additional assistance is specifically requested, the level will be determined by:

- nature of crime;
- number of suspects;
- whether participating units are one or two-person cars; and
- other clear and articulated facts that would warrant the increased number of units.

Only a Field Supervisor or Watch Commander may authorize more than three units to engage in a pursuit. All other units will remain aware of the direction and progress of the pursuit, but shall not actively participate and shall not respond Code 3 unless specifically authorized. No unit shall parallel the pursuit on adjacent streets, Code 3 or otherwise.

NOTE: A Field Supervisor is expected and authorized to respond Code 3 toward the pursuit operation to enable the supervisor to be present for any post-pursuit tactical operation.

Assisting units, upon joining a pursuit, shall notify the SCC dispatcher of their presence and identity. If the primary unit is a one-person unit, the Deputy can request the first assisting unit to assume radio broadcast responsibility, allowing the primary unit to devote full attention to driving. The third, and any additional authorized units are back-up units intended to be available to provide tactical assistance at the terminus of the pursuit.

If the primary unit becomes disabled, the first assisting unit will then become the primary unit. The SCC dispatcher will advise field units that a new back-up unit is needed and the next unit to join the pursuit will be designated the back-up unit as authorized by the Watch Commander or Field Sergeant.

Personnel who participate in a pursuit, or are present at the termination of a pursuit, shall immediately report their involvement to the on-scene field supervisor.

### SCC Responsibility

Pursuit operations shall be conducted on the initiating unit's home frequency. The SCC dispatcher will immediately activate the duplex patch and advise the primary unit of the

identity and location of back-up units in position to assist. SCC shall immediately request an Aero unit. When the pursuit approaches or traverses another Station's/Unit's area, that Station's/Unit's frequency will be patched with the frequency upon which the pursuit is being broadcast, unless another emergency or other significant circumstance(s) indicates otherwise. This procedure is intended to enhance officer safety.

NOTE: The broadcast of a pursuit on any frequency shall not, by itself, be considered authorization for other units' participation in the pursuit.

#### Supervisory Responsibility - Field Sergeant

The Field Sergeant of the initiating unit, or the unit assisting an outside agency, shall acknowledge and actively monitor the pursuit. If there is no Field Sergeant, the Watch Commander shall deploy the Watch Sergeant, or request the assistance of the Field Sergeant of the Station/Unit nearest the pursuit. If necessary, the Sergeant shall assert control of the pursuit by directing specific units into or out of the pursuit, re-designating primary and/or back-up responsibilities or by terminating the pursuit. The Field Sergeant shall also ensure that the Watch Commander's orders are strictly followed. As with any tactical operation, it is not necessary that the Sergeant be physically present to begin coordination.

The Sergeant shall respond to the terminus of the pursuit, oversee post-pursuit tactics, and assert control when warranted. The Sergeant will ensure compliance with all Department policies, specifically as they relate to the use of force and field tactics. The Sergeant shall also identify all Department personnel who participated in, or responded to, the terminus of the pursuit. Personnel who participate in a pursuit, or are present at the termination of a pursuit, shall immediately report their involvement to the on-scene field supervisor. The Field Sergeant may respond Code 3.

#### Supervisory Responsibility - Watch Commander

The Watch Commander of the patrol unit initiating the pursuit shall maintain overall command of the operation. This command responsibility shall include all Department units involved in the pursuit.

NOTE: If a Deputy from a Unit other than a Patrol Station, in transit from one assignment to another or from their headquarters to an assignment, or assigned to Community Colleges Bureau, initiates a pursuit, the SCC Watch Sergeant shall notify the Watch Commander of the nearest Station, who shall assume immediate command of the operation.

NOTE: If a Deputy assigned to Transit Services Bureau initiates a pursuit, the TSB Watch Commander shall assume immediate command of the operation.

The Watch Commander shall respond to the desk area and immediately take command. In order to maintain operational command and control, the Watch Commander, either

directly or through subordinate personnel, shall establish "cold line" communications with the SCC Watch Sergeant, who shall immediately and directly carry out the orders of the Watch Commander. If necessary to assert operational control, the Watch Commander may communicate with field units using Station/Unit transmitting capabilities. This should rarely be necessary.

The Watch Commander shall make a decision regarding the continuation or termination of the pursuit based upon the information received, including weather and traffic conditions. In the absence of immediate information from the field, the Watch Commander shall order termination of the pursuit.

Should the Watch Commander be in the field during a pursuit, his/her duties and responsibilities shall be accomplished by use of the Sheriff's radio system. If the Watch Commander is not immediately available, the Watch Sergeant shall assume operational responsibility for the pursuit.

NOTE: For purposes of clarification, references to the Watch Commander throughout this policy will apply to the Watch Sergeant and/or Field Sergeant in those instances wherein the Watch Commander is not immediately available to assume command of the pursuit operation.

Watch Commanders shall ensure that adjacent jurisdictions or Station/Unit areas are notified of any public or officer safety concerns following the termination of a pursuit by this Department when the suspect vehicle is known or believed to be traveling into the other agency's or Station's/Unit's area. If the Watch Commander authorizes an Aero unit to continue monitoring a vehicle whose pursuit has been terminated, the Watch Commander may direct the Aero unit to make that notification via radio.

#### **5-09/210.12 AERO BUREAU RESPONSIBILITY**

An Aero Bureau unit shall attempt to become involved in every pursuit initiated by this Department or conducted in the Sheriff's Department's patrol jurisdiction. This Aero unit shall be under the command of the Station/Unit Watch Commander, who has overall responsibility for the pursuit. The Aero unit shall follow the directions of the Watch Commander, unless these directions jeopardize the safety of the Aero unit or ground units involved in the pursuit. In the event the Aero unit receives a directive which they cannot respond to or complete for reasons of safety, they shall immediately advise the Station/Unit Watch Commander.

At the time of initial visual contact and before engaging in the vehicle pursuit, the Aero unit shall broadcast:

- the total number of ground units visibly involved;
- the estimated vehicle speeds and traffic conditions; and

- when conditions permit, the Aero unit shall broadcast the rooftop numbers of all involved units.

Once the Aero unit is in a position to maintain visual contact with the pursued vehicle, they shall notify SCC. Radio broadcast responsibility and coordination of law enforcement activity on the ground then shifts to the Aero unit. All ground units, except the primary pursuit vehicle, and two back-up units, shall terminate all Code 3 operations and obey the rules of the road. If it is not immediately clear which units are primary and back-up, the Aero unit shall designate the primary unit and the back-up units by rooftop numbers. All other units will immediately disengage from the pursuit unless specifically authorized to remain in the pursuit by the Field Supervisor or Watch Commander. It is recognized that sufficient personnel should be available to handle any tactical incident if the pursuit suddenly terminates. Although radio broadcast responsibility and tactical coordination have shifted to the Aero unit, overall command continues to rest with the Station/Unit Watch Commander.

In addition to Aero Bureau's responsibility to broadcast rooftop number of vehicles engaged in the pursuit, the Watch Commander may direct the Aero unit to broadcast this information when appropriate and feasible throughout the pursuit operation. Any non-designated unit which does not immediately disengage from the pursuit shall be identified by rooftop number and broadcast to the Watch Commander.

The Aero unit will broadcast the location of the suspect vehicle and advise ground units of upcoming traffic congestion, road hazards, or any other information which may increase the margin of safety. This will not alleviate participating ground units from exercising due regard for the safety of themselves and the public.

The Aero unit shall remain with the pursuit operation, whether surveillance mode or actual pursuit, to its terminus, and shall adhere to the instructions of the Watch Commander and Field Sergeant. If the Aero unit is required to disengage, ground units shall reassume radio broadcast responsibilities for the pursuit and reassess the need to continue or terminate the operation.

Immediately upon conclusion of the operation, and when conditions permit, the Aero unit shall provide rooftop numbers for all Sheriff's vehicles in the immediate vicinity of the pursuit terminus. Authorization from either the Watch Commander or Field Sergeant shall be sought by the Aero unit prior to departing the scene.

If a Watch Commander or Field Sergeant orders the termination of a pursuit, the involved Aero unit shall discontinue further broadcasts of the pursued vehicle's location on any Sheriff's frequency. However, the Aero unit may request permission from the originating Station/Unit Watch Commander to continue monitoring the vehicle's location and notify adjoining Sheriff's Stations/Units and agencies that the previously pursued vehicle is entering their jurisdiction. Under MPP section 5-09/210.10 this notification is required of the Watch Commander; however, this task may be delegated to the Aero unit by the Watch Commander. If specific permission to follow the vehicle is not granted by the

Watch Commander, the Aero unit shall terminate further attempts to follow or surveil the pursued vehicle. In no event shall the Aero unit begin rebroadcasting the location and direction of travel of the pursued vehicle without specific authorization from the originating Station/Unit or originating outside agency Watch Commander.

## **5-09/210.15 PURSUIT - VEHICLE OPERATION AND TACTICS**

In order to minimize the likelihood of a pursuit, Deputies intending to stop vehicles shall, when practical and safe, be within close proximity to the vehicle prior to activating their red light and/or siren. Some individuals, who would not otherwise flee, may attempt to evade law enforcement when given several blocks warning of an intended stop. Deputies shall use red lights and siren as required by law to close their distance to a vehicle they are attempting to stop if necessitated by law, traffic, or road conditions. Unless the intended stop becomes a pursuit as described in MPP section 5-09/210.00, notification to SCC is not required (refer to MPP section 5-09/200.00).

### Offensive Tactics

There shall be no attempt to stop the suspect vehicle by boxing in, heading off, ramming, or driving alongside of the pursued vehicle while it is in motion. Pursuits shall be primarily following actions. However, a patrol car may be used to block a suspect vehicle which has stopped or is nearly at rest when injury is unlikely and property damage would be minimal. If, during a prolonged slow-speed pursuit, it is apparent that the pursued vehicle may be safely "boxed in," the Watch Commander may authorize this maneuver. Personnel involved must not use this maneuver if there is a likelihood that the suspect may have a firearm and a "cross-fire" or other hazardous situation may occur. Should a suspect evade a "boxing in" maneuver, it should not generally be attempted again.

### Roadblocks

Unless absolutely necessary, and then only in the absence of another viable alternative, Deputy personnel shall not use their vehicles or place anything else in the roadway as roadblocks, since this tactic has generally been found to be ineffective and counter-productive.

### Pursuit Termination Technology/Devices

Department members are authorized to deploy pursuit termination technologies (e.g., spike strips) in an attempt to terminate a pursuit; when appropriate and upon notification to the primary unit (prior to the Watch Commander taking command) or Watch Commander. Only Department-authorized pursuit termination technologies may be used by qualified Department members. Assisting agencies may deploy pursuit termination technology approved by the agency in accordance with that agency's policy, if requested by the Watch Commander. The Training Bureau shall maintain records of any training required by this section. A list of approved pursuit termination technologies shall

be maintained by Field Operations Support Services.

### Passing

There shall be no attempt by Deputies to pass other field units involved in the pursuit unless the passing Deputy receives specific permission from the unit to be passed.

### Surveillance Mode

Surveillance Mode is the authorized aerial surveillance of a suspect vehicle by an Aero unit after ground units have ceased their vehicle pursuit operation. Surveillance Mode is a separate tactical operation from the preceding ground pursuit and is not considered a continuation of the pursuit. However, it must be managed with the same diligence and priority as a pursuit. The duration of surveillance mode must be constantly evaluated against the reason for the pursuit and the resources committed to the operation.

In pursuits involving an Aero unit, wherein the pursuit becomes unreasonably dangerous because of the Deputy's speed, the suspect's speed or other factors, the Watch Commander shall order all ground units to discontinue their pursuit. The primary unit in the pursuit, the Aero unit, or any supervisor may order Surveillance Mode. The Aero unit shall follow the vehicle until it stops and the suspect exits the vehicle or the operation is terminated by the Watch Commander.

Once Surveillance Mode has been established, all vehicles involved in the pursuit shall cease their pursuit, discontinue their Code 3 operation, reduce their speed, and allow the Aero unit to monitor the suspect vehicle. It is the intent of Surveillance Mode operations that no ground police vehicles be visible to suspect vehicle occupants, and that the suspect(s) is unaware of the Aero unit's presence. The Aero unit shall advise the Watch Commander of the rooftop number of any unit that does not immediately reduce its speed and disengage from the pursuit. If the suspect vehicle does not slow to normal traffic speeds after a reasonably short time during Surveillance Mode, the operation shall be discontinued. If the suspect vehicle stops, ground units will be advised and a tactical containment may be initiated unless prohibited by the Watch Commander. Refer to MPP section 3-10/150.00, Tactical Incidents. Once the suspect vehicle has stopped, the Watch Commander may allow a primary and one or more back-up units to respond to the terminus Code 3.

The Watch Commander, Aero unit, Field Supervisor, or primary unit is encouraged to employ Surveillance Mode as an operational tactic to allow termination of a pursuit, whether or not "unreasonably dangerous" conditions exist.

### **5-09/210.16 POST PURSUIT TACTICS**

Once the pursued vehicle has stopped, for whatever reason, the previous tactical operation of a vehicle pursuit is immediately replaced by a new tactical operation

involving suspect containment and arrest. It is essential that all personnel involved in the pursuit recognize this transition from vehicle pursuit to containment and arrest. The handling Deputy remains the Incident Commander, unless relieved by the Field Sergeant.

At the termination of a pursuit, safety is critical. At no time will the need for decisive action and strict personal and collective self-control be more essential. If, at the pursuit terminus, any occupant of the pursued vehicle fails to obey commands to exit and remains in the vehicle, the situation shall be treated first as a felony stop and with continued non-compliance, a barricaded suspect incident. If the suspect is believed to be armed, a special weapons team shall be requested in accordance with MPP section 5-06/110.65.

Unless relieved by a supervisor, the primary pursuit unit retains the responsibility, as the Incident Commander, for maintaining control and directing activities at the terminus of a pursuit, specifically as it relates to the apprehension of the suspect and the use of force. All personnel involved in suspect containment and arrest shall adhere to the fundamental tactical principles outlined in MPP section 3-10/150.00, including the development of a tactical plan, the use of less lethal weapons, assignment of designated shooters, fire discipline and shooting backdrop. Unless specifically requested, once a Code 4 has been broadcast, no other Deputies will respond to the terminus of a pursuit. Assisting units already present shall immediately vacate the area once their specific mission has been completed.

The Field Sergeant shall respond (Code 3 if necessary), to the terminus of the pursuit and oversee post-pursuit tactics and assert control when warranted. The Sergeant shall further ensure compliance with all Department policies, specifically as they relate to the use of force and field tactics.

### **5-09/210.20 USE OF FIREARMS DURING PURSUITS**

The use of firearms against moving motor vehicles is inherently dangerous and almost always ineffective. Personnel engaged in pursuits shall conform to the policy regarding use of firearms against motor vehicles as described in MPP section 3-10/220.00, Assaults by Moving Vehicles - Firearms Policy.

### **5-09/210.25 INTER-AGENCY PURSUITS**

Notification by another law enforcement agency of a pursuit in progress shall not be construed as a request to join the pursuit. The caller from the outside agency shall be specifically asked if they are making a request for assistance or merely making a notification.

Deputies shall not become involved in another agency's pursuit unless specifically authorized by their Watch Commander through SCC, unless it is clearly demonstrated



that a lone unit from an outside agency is unable to request our assistance, or the emergent nature of the situation dictates the need for assistance by this Department. In these instances, all departmental pursuit and Code 3 policies, including the requirement to immediately notify SCC, are in effect.

The Department member ( SCC or Department Unit) receiving notification of a pursuit by an outside agency shall carefully assess the circumstances to determine whether the pursuit is likely to enter Sheriff's jurisdiction. Prior to making any radio broadcast, the person (SCC or unit) will obtain from the notifying department, the same information our primary pursuit unit is required to provide. It is recognized that, especially in smaller agencies, this information may not be immediately available.

NOTE: It is this Department's policy to provide the requested assistance immediately while continuing to seek the remaining information.

When an outside agency or a Unit Watch Commander notifies SCC of its agency's pursuit and our assistance is not required, SCC shall immediately make an "information only" broadcast on the appropriate Sheriff's Department frequency to alert otherwise unsuspecting field personnel of the potential dangers of an approaching pursuit. The "information only" broadcast shall advise units that our Department's assistance is not being requested and not to become involved in the pursuit. Any personnel who join in such a pursuit are in violation of this Department's pursuit policy.

Requests by other agencies for pursuit assistance will likewise be broadcast by SCC and the first Sheriff's unit to join will be designated as the back-up unit. Any additional assistance by this Department will be specifically authorized by the Station/Unit Watch Commander. All Department procedures shall be in effect.

The Sheriff's Department recognizes that there are differences between the pursuit policies of various agencies. Should a circumstance arise wherein Sheriff's personnel are requested to assist a lone or outnumbered officer(s) from another agency and the pursuit does not conform to Sheriff's Department policy, the Watch Commander shall attempt to contact the agency and advise them that the pursuit is not within this Department's policy and that Sheriff's Department personnel will disengage as soon as sufficient initiating agency personnel can arrive. The Sheriff's Department will, under these circumstances, provide only such assistance as is reasonable and specifically requested and will disengage as soon as possible without sacrificing the safety of another agency's personnel. All other elements of this policy remain in effect.

The Sheriff's Department will provide necessary assistance at the terminus of another agency's pursuit. The other agency remains in command of any ensuing tactical operation, unless they specifically request the Sheriff's Department to take command. All Sheriff's Department personnel involved in these operations shall comply with existing Department policies.

When an LASD pursuit enters an outside jurisdiction, the Unit Watch Commander will

ensure that the outside agency is immediately notified and will ensure that the operation is appropriately coordinated with that agency. This notification may be done by phone or radio, and by personnel from the concerned Station/Unit, SCC, or an Aero unit via the Watch Commander.

### **5-09/210.30 PURSUIT EVALUATION AND REPORTING**

Following a pursuit, it shall be the responsibility of the Watch Commander supervising the pursuit to ensure that the pursuit operation is fully debriefed. This debriefing will be conducted to assess the performance and tactics utilized, strategies which may be improved in future pursuits, and create training materials for other personnel. This debriefing may be conducted by the Field Sergeant and discussed with the Watch Commander, who shall document the debriefing in a memorandum to the Unit Commander. Efforts should be made, whenever possible, to include Aero Bureau participants in the debriefing.

- the Watch Commander shall also complete the Department Pursuit Evaluation Form and immediately submit the form to the Unit Commander for review;
- the Unit Commander charged with command responsibility for the Sheriff's vehicle engaged in the pursuit shall review the Department Pursuit Evaluation Form. The purpose of the Unit Commander's review is to determine if the pursuit was within Department policy and whether the pursuit was properly managed. If the pursuit involved personnel not assigned to a Patrol Station, a copy of the completed form shall be sent to the involved personnel's Unit Commander for review;
- if the vehicle pursuit is an integral part of a force or shooting incident being handled by the Internal Affairs Bureau (IAB) Force and Shooting Team, then the Executive Force Review Committee (EFRC) will be responsible for determining whether or not the vehicle pursuit was within policy. The Watch Commander shall complete the Department Pursuit Evaluation Form and immediately submit the form and other pertinent documents and audio files to the IAB Force and Shooting Team handling the incident;
- in all cases, the Unit Commander shall cause the Department Pursuit Evaluation Form to be submitted to the Traffic Services Detail within 15 business days; and
- Traffic Services Detail shall complete the California Highway Patrol, CHP-187, form and forward the form to the State as required by law.

The Department Pursuit Evaluation Form is available on the Sheriff's Data Network.

### **5-09/220.00 REQUESTS FOR ASSISTANCE**

When a Deputy in the field is involved in a situation where help is needed, he must be aware that a nonspecific request will result in an uncoordinated response. This may be a greater hazard to life and property than the originating incident. He must minimize this hazard by giving the following information:

- Unit;
- exact location;
- reason for the request;
- specify "assistance" if emergent;
- use "backup" if routine; and
- number of units required to handle the situation:
  - one, two or more units may be obtained by stating the number required;
  - 997 - the five units with the shortest estimated time of arrival (ETA) will respond. Aero will automatically be requested by SCC; and
  - 999 - an extreme emergency, more than five units will respond. Aero will automatically be requested by SCC.

The Deputy making the request shall remain near the radio long enough to determine that his call has been received by the Sheriff's communications operator. Additionally, he shall establish a radio command post as soon as possible to provide status reports, to coordinate the efforts of arriving units, and to confirm that adequate assistance actually arrives.

When the Codes 997, 998 or 999 are used, command and control of the response shall be handled by the Station/Unit Watch Commander with the assistance of the SCC Sergeant. SCC personnel shall summon the Aero unit with the shortest ETA, including any contract city patrol helicopters. As the situation becomes better defined, the Watch Commander will limit the response appropriately.

In dispatching assistance, desk personnel and the Sheriff's communications operator shall coordinate efforts to provide timely assistance from any available resource. Coordination of efforts is greatly facilitated when adequate assistance can be obtained in the following order:

- from Station/Unit resources;
- from adjacent Station/Unit; and
- from other agencies.

When a request for Code 3 assistance is received from another law enforcement agency, a controlled response shall be initiated and coordinated as outlined in this section.

#### **5-09/220.05 DEPUTY HAS BEEN FIRED UPON**

When a Deputy has been involved in a shooting and has been fired upon, he shall broadcast a "998" through SCC if the situation warrants. Often, Deputies who are involved in shootings either wound or kill their opponent and terminate the shooting incident in a matter of seconds. To issue a Code 998 broadcast when only minimal assistance is required would cause needless hazard to responding Deputies rolling rapidly to a non-emergent situation. Code 998 will not be used merely to signify that a

Deputy has fired his weapon.

The response shall be the same as for a "997" unless the requesting Deputy limits or increases the number of field units required.

#### **5-09/220.10 RESPONDING FIELD UNITS' RESPONSIBILITIES**

Upon receipt of a 997, 998 or 999 broadcast, Deputies are authorized to respond Code 3, governed by the limitations outlined in the previous subsections.

Responding field units shall identify themselves and give the SCC a conservative estimated time of arrival based on distance, traffic and weather conditions.

The first field units arriving should evaluate the need for additional assistance. If it is deemed that additional emergency help is no longer necessary, a Code 4 shall be broadcast through the SCC.

Upon receipt of a Code 4, responding field units shall discontinue the Code 3 operation and return to their districts unless requested to continue to the location under normal driving conditions.

#### **5-09/220.15 SHERIFF'S COMMUNICATIONS CENTER (SCC) - NOTIFICATIONS/RESPONSIBILITIES**

##### Code 3 Assistance

Upon receipt of any request for Code 3 assistance from a field unit, the SCC operator shall immediately acknowledge the request and broadcast it on the necessary frequencies with the following controls:

- ascertain the identity of the responding field units and their response time to the location; and
- except in the case of a "999," identify the required number of field units having the shortest response time and advise the other field units to remain in their districts.

Following receipt of a Code 3 request, the SCC operator shall notify the SCC Watch Sergeant as soon as possible of the action in progress.

The SCC Watch Sergeant shall assume the following responsibilities:

- coordination of the efforts of the field units responding to determine if adequate assistance will be available in the appropriate time limit;
- making necessary notifications to the California Highway Patrol (CHP) or the Los Angeles Police Department (LAPD) as requested or authorized by the Station/Unit

- Watch Commander, acting as liaison with them during the emergency;
- directing the operation as ordered by the Station/Unit Watch Commander; and
  - upon receipt of a Code 4, it should be broadcast at least twice for all field units, but not for individual unit acknowledgment.

### Pursuits

The SCC Watch Sergeant will be responsible for communications coordination of all pursuits initiated by Deputy personnel of this Department, and shall immediately activate the Duplex Patch so as to minimize the unnecessary repeating of information from the field. With the implementation of the Duplex Patch, rebroadcasting of all information may cause unnecessary interference and delay. Consequently, repeating should be kept to an absolute minimum.

In addition, the SCC Watch Sergeant shall:

- immediately request Aero Bureau assistance;
- keep the Station/Unit Watch Commander informed and relay all orders to the field with absolute priority; and
- assist in notifying other law enforcement agencies only as requested or authorized by the Station/Unit Watch Commander.

### **5-09/220.20 NOTIFICATIONS/REPORTING**

When death, injury or property damage is caused as the result of a Code 3 response, the Station/Unit Watch Commander shall immediately notify the Unit Commander and the appropriate Duty Commander and shall order photographs of the scene.

Traffic Services Detail shall be notified immediately of all collisions which result from a pursuit. Traffic Services Detail will evaluate and determine the need for response as appropriate.

When a traffic collision occurs as a result of any pursuit or Code 3 response, whether or not a County vehicle is involved, which causes death, any injury (including complaint of pain), or major property damage, the Station/Unit Watch Commander shall immediately notify the on-call Internal Affairs Bureau Lieutenant who will notify the Traffic Services Detail.

When death, serious injuries or major property damage is caused as the result of a Code 3 response, the Commander shall make an immediate investigation of the incident and shall report his findings to the Chief of the concerned Division.

Deputy personnel involved in the incident shall complete and submit forms and reports as required by Department policy. Pertinent information not set forth in such reports shall be reported via a SH-AD-32A addressed to the Unit Commander. If the Deputy is

physically unable to comply, he should be interviewed by his immediate supervisor as soon as possible.

## **5-09/220.50 FOOT PURSUITS**

### **POLICY**

It is the policy of the Sheriff's Department to assertively apprehend fleeing suspects in a manner that maximizes both public and Deputy safety, while giving due consideration to the Department's Use of Force Policy. Depending on the circumstances of an incident in which a suspect flees, Deputies and Security Officers are authorized either to pursue or coordinate a containment. Further references to "Deputy" personnel are also meant to reference Department "Security Officers."

Foot pursuits are inherently dangerous and require heightened officer safety awareness, keen perception, common sense, and sound tactics. It is the Department's position that, barring extenuating circumstances, surveillance and containment are the safest tactics for apprehending fleeing persons. Therefore, Deputies must initiate a radio broadcast with appropriate information within the first few seconds upon initiating a foot pursuit to ensure that adequate resources are coordinated and deployed to assist and manage the operation to a safe conclusion. The safety of Department personnel and the public is paramount and shall be the overriding consideration in determining whether or not a foot pursuit will be initiated or continued. Any doubt by participating Deputies or their supervisors regarding the overall safety of any foot pursuit shall be decided in favor of communication, coordination, surveillance, and containment.

Each provision of this policy is subject to emergency exceptions. However, the Deputy or supervisor who deviates from this policy will be solely responsible for explaining their actions. Common sense shall be the guiding factor in any decision to engage or not engage in a foot pursuit, as well as in any subsequent assessment of the decision made.

### **DEFINITIONS**

#### **Foot Pursuit Defined**

A foot pursuit is an attempt by a Department member to follow or track, on foot, a fleeing person who is attempting to avoid arrest, detention, or observation. Terms such as "chasing to follow," "moving containment," or other terms describing similar dynamic on-foot tactical operation shall be subject to the following procedures governing foot pursuits.

#### **Partner Splitting Defined**

"Partner splitting" during a foot pursuit occurs when loss of visual contact, distance, or obstacles, separates partners to a degree that they cannot immediately assist each other

should a confrontation take place.

For the purposes of this policy, "partner splitting" does not pertain to lone Deputies assigned to static containment positions.

## **PROCEDURES**

### Multiple Deputy Foot Pursuits

When conducted by multiple Deputies, foot pursuits can be an appropriate and effective tactic. Should partner splitting occur for any reason, Deputies shall be subject to the provisions of "One-Person Foot Pursuits" outlined below.

### Initiating Deputies' Responsibilities

Deputy personnel initiating a foot pursuit shall broadcast the following information over the radio, using the dispatch frequency, to SCC within the first few seconds. If the Deputy is assigned and/or working at MTA, TSB, Parks Bureau, Court Services, Custody Division, or County Services Bureau, the information shall be broadcast using their home radio frequency. If a Unit's home radio frequency is not monitored by SCC, their Unit's Desk personnel shall relay the information over the SCC Access channel. Desk personnel shall also coordinate communications between the Deputies involved and the nearest field resource (LASD patrol Station or Police Agency).

- unit identifier or name of Deputy in pursuit;
- suspect location and direction;
- reason for the foot pursuit;
- suspect description; and
- whether or not the suspect is armed, if known.

Barring extenuating circumstances, if a Deputy is unable to promptly and successfully broadcast this information, the foot pursuit shall be terminated and containment immediately established. The initiating Deputy shall be in field command and bears operational responsibility for the foot pursuit unless relieved by a supervisor.

### One-Person Foot Pursuits

One-person foot pursuits and the splitting of partners during foot pursuits present additional dangers to the Deputies involved. The decision to pursue must weigh the dangers of the pursuits against the necessity to apprehend.

If a lone Deputy initiates a foot pursuit, the objective of the pursuit shall be to apprehend by use of a containment, subject to valid emergency exceptions.

Should the decision to initiate a one-person foot pursuit occur, the Deputy shall adhere to the following guidelines which include but are not limited to:

- do not attempt to close and apprehend but maintain visual contact only;
- do not continue to pursue if visual confirmation is compromised;
- do not chase a suspect into a building;
- should a containment be established and the suspect is within the containment, termination of the foot pursuit should be considered; and
- should communication with SCC be lost, the pursuing Deputy shall immediately terminate the pursuit.

This policy does not restrict Deputy Sheriffs in their mission of apprehending violators of the law. The policy also does not mandate that Deputy Sheriffs put themselves at undue risk and pursue in every situation.

#### Field Sergeant or Court Services Branch Supervisor Responsibilities

As with any tactical incident, the Sergeant or Court Services Branch Supervisor does not have to be physically present to assert control over the situation and may order the termination of the pursuit based upon information received. In subsequent reviews for policy compliance, supervisory personnel shall be prepared to clearly articulate the circumstances which supported their decision to terminate, or to allow the continuation of, a foot pursuit.

The Sergeant or Branch Supervisor shall immediately respond to the terminus of the foot pursuit, oversee post-foot pursuit discipline, and assert control as needed. The Sergeant or Branch Supervisor will ensure compliance with all Department policies, specifically those relating to the use of force.

#### Watch Commander or Court Services Area Lieutenant Responsibilities

The Watch Commander or Court Services Area Lieutenant shall be in overall command of the operation. This command responsibility shall include all Department personnel involved in the foot pursuit. If the Court Services Area Lieutenant is not available, command responsibility shall be assigned to the next available individual who is below him/her in the Court Services Area rank structure.

The Station/Unit Watch Commander shall respond to the desk area and immediately take command either by establishing "cold line" communications with the SCC Watch Sergeant or via Station/Unit transmitting capabilities. Station/Unit Watch Commanders shall make a decision based upon their assessment of the information received regarding the continuation or termination of the foot pursuit. In subsequent reviews for policy compliance, Watch Commanders shall be prepared to clearly articulate the circumstances which supported their decision.

Should the Watch Commander be in the field during a foot pursuit, they may authorize the Watch Sergeant to assume operational control of the incident from the desk. This does not alleviate the Watch Commander's overall responsibility for the pursuit.



## SCC Responsibility

Upon the initiation of a foot pursuit by a Deputy, SCC shall immediately place the broadcasting Deputy on the duplex patch and request an Aero Bureau Unit. Coordination of resources to assist the Deputy is of paramount importance.

If Deputy personnel not assigned to a Patrol Station initiate a foot pursuit, and the pursuit is within an area patrolled by the Sheriff's Department, the SCC Watch Sergeant shall notify the Watch Commander of the nearest Station. If the pursuit is not in an area patrolled by the Sheriff's Department, SCC shall coordinate a response from, and notify the Police Agency who patrols the area where the pursuit is taking place. The Sergeant or Lieutenant from the Unit of the pursuing Deputy shall identify him/herself via radio and continue command of the incident. If no supervisor is on scene, the Watch Commander of the closest Station shall assume immediate command of the operation.

## Detective Division Personnel

Detective Division personnel routinely engage in surveillance and fugitive apprehension operations. This policy does not apply to counter-surveillance or detection avoidance activities by suspects or persons under surveillance. The policy does apply to situations in which a suspect is actively fleeing from immediate arrest, detention, or continued observation by pursuing investigators.

Should Detective Division Investigators become involved in a foot pursuit that requires assistance beyond those resources already involved and at scene, the team's designated radio operator will advise SCC via a SCC-monitored frequency. SCC shall notify the Watch Commander of the nearest station who will facilitate the response of assisting units. The Detective Division Sergeant or Lieutenant on scene will identify him/herself via radio and continue command of the incident. If no Detective Division supervisor is on scene, the Watch Commander of the closest station will assume command of the operation.

## **EVALUATION AND REPORTING**

All foot pursuits shall be debriefed. It shall be the responsibility of the Watch Commander or Court Services Area Lieutenant supervising the foot pursuit to conduct a debriefing of the incident with all personnel involved. The debriefing may be conducted by the Field Sergeant or Branch Supervisor and discussed with the Watch Commander or Court Services Area Lieutenant who will document the debriefing in the Foot Pursuit Database. Watch Commanders or Court Services Area Lieutenant shall ensure that Field Supervisors or Branch Supervisors discuss debriefed foot pursuits at regular Unit briefings. The Foot Pursuit Database printout shall be forwarded to the Unit Commander for his/her review.

If the foot pursuit is an integral part of a force or shooting incident being handled by the

Internal Affairs Bureau (IAB) Force/Shooting Response Team, the Executive Force Review Committee shall be responsible for determining whether or not the foot pursuit was within policy. The Watch Commander or Court Services Area Lieutenant shall complete the Department Foot Pursuit Evaluation Form and immediately submit the form and other pertinent documents and audio files to the IAB Force/Shooting Response Team handling the incident.

#### **5-09/230.00 DEPUTY'S DAILY WORK SHEET**

The Deputy's Daily Work Sheet is utilized as a necessary supplement to the Unit's operational log. It enables a Unit Commander to judge each Deputy's proficiency, and to note changing conditions throughout the Unit's jurisdiction. Information compiled on the Deputy's Daily Work Sheet is also used by the Department to compile statistics for RAPS, and therefore the accuracy of the work sheet is vital.

It is essential that the Unit or Station log and the Deputy's Daily Work Sheet agree in both classification and disposition of an incident. It shall be the Unit Commander's responsibility to ensure that the Deputy's Daily Work Sheet are reviewed in a timely manner, and any corrections made.

Through the Computer Aided Dispatch system, this shall be done by having the Watch Sergeant of the shift following the one just completed run an "Exceptions Report" to check for errors. He will then notify the Deputy whose log has the errors. This can be done via memo. Once the Deputy has corrected the errors, he will advise the Sergeant that the corrections have been made. The Watch Sergeant will then "O.K." the work sheet via the CAD.

#### **5-09/240.00 VEHICLE ACCIDENT AND DAMAGE REPORTS**

Damage to, and accidents involving, County vehicles and permittee vehicles on Department business shall be reported as outlined under the Case Assignment Volume and the Miscellaneous Administrative Procedures chapter.

#### **5-09/240.05 MECHANICAL DEFECTS AND/OR DAMAGES**

The driver of every County vehicle shall inspect his assigned vehicle for mechanical defects and/or damage prior to accepting the vehicle. If any discrepancies are noted, a Driver's Vehicle Condition Report (form LAFM-OPS500) shall be completed and brought to the attention of the employee's immediate supervisor. All subsequent mechanical defects shall also be reported.

The concerned supervisory personnel shall coordinate the submission of such Driver's Vehicle Condition Report to the proper Sheriff's Department representative, depending

upon the location of the reporting Unit.

### **5-09/240.10 TOUR OF DUTY EQUIPMENT REPORT**

The driver of every county vehicle shall inspect and inventory his assigned vehicle prior to the start of his shift, noting any damage or missing items, plus a statement of the vehicle's general condition on the Tour of Duty Equipment Report (form SH-CR-159). The completed form shall be submitted to the Unit Commander.

### **5-09/250.00 RIDE-ALONG PROGRAM**

It is the policy of this Department to encourage interested citizens to familiarize themselves with the facilities, equipment and operations of this Department by riding as observers in patrol cars and by touring Station facilities.

Assignments for patrol car rides (or Station tours) shall be made through prior arrangements with the Station involved. Station Commanders are urged to approve requests for rides which originate in their Station area, provided the participant meets the criteria set forth under this section. When headquarters Units receive group requests for ride-alongs, they shall supply the Station Commander with the names and phone numbers of the persons wishing to ride and coordinate the date and time with the Station involved. Individual requests should be referred to the appropriate Station.

High school juniors and seniors shall be permitted to participate as ride-alongs. Students below the junior year should be limited to well-planned comprehensive tours of Station facilities.

It is recommended that the number of observers allowed to ride during any one shift be limited by the local situation. The number of ride-alongs should be determined by the Station Commander.

Vehicle safety belts shall be worn by all ride-along participants while riding in county vehicles.

### **5-09/250.05 RESPONSIBILITY OF OBSERVERS**

Ride-Along observers shall be governed by the following rules and regulations:

- Waiver - observers shall be required to submit a Ride-Along Waiver (SH-AD-173), signed by the observer if he or she is 18 years of age or older. The minimum age for observers shall be 16 years of age (explorers excluded), and those between 16 and 18 years of age must have the waiver signed by a parent or guardian. The signature must be witnessed by a member of this Department. The original Waiver

and Release shall be retained in the Unit's file. Persons under the age of 18 years, including explorers, will not, under any conditions, be assigned for patrol car rides after 2300 hours;

- Dress and Appearance - Observers should be reasonably clean and neat in appearance and attire. Beards and long hair shall be allowed if other criteria are met and extremes are avoided. If a question arises as to whether an observer's attire meets reasonable modern standards, the Watch Commander shall make the decision as to whether or not an observer will be permitted to ride;

NOTE: Explorers may ride in their explorer uniform, but they will be expected to observe Department uniform and personal appearance standards.

- Identification - observers shall be issued a pin-on type of plastic badge on which shall be printed in large letters the words "Observer" or "Student Observer." The badge shall be worn in view on the outer garment during the time spent on the ride;
- Females - under normal conditions, females 18 and over should be permitted to ride the same as males. Females under 18 shall ride with a patrol Sergeant or in a two-person car;

NOTE: Female explorers may ride in a one-person patrol car on day or p.m. shift with the prior approval of their Post Advisor and concurrence of the Station Commander.

- Arrests / Transportation / Booking - observers may accompany an Officer during the transportation and booking process only if, in the opinion of the Officer, it would not constitute a hazard to the observer or interfere with the investigation. When the observer is allowed to remain during transporting in a one-person car with a security screen, the observer shall ride in the front seat and the prisoner shall be placed in the rear;

NOTE: If the transporting car does not have a security screen, the prisoner shall be placed in the front seat and the observer in the rear. In two-person cars, the observer shall ride in the front, with one Officer in the rear with the prisoner.

- Observer's Ride-Along Comments – at the conclusion of the ride, the observer shall be given an Observer's Ride-Along Comments form (SH-AD-543). The observer shall be asked to complete this form and submit/mail it to the Station Commander.

## **5-09/250.10 PATROL PERSONNEL RESPONSIBILITY**

The responsibilities of patrol personnel are as follows:

- Watch Commander - it shall be the responsibility of the Watch Commander to determine that a completed Ride-Along Waiver (SH-AD-173) is properly signed, witnessed and submitted prior to allowing an observer to enter the assigned patrol car;
- Dispatching of Calls - if an observer is riding in a regular patrol car, the dispatcher shall be instructed to use discretion in giving "hot" calls obviously involving danger to the car in question;
- Dangerous Situations - if, in the judgment of the host Deputies, they are entering a dangerous situation, they may, at their discretion, leave the observer in a safe place;

NOTE: Experience has shown that in many areas it is advisable to keep the observer with the patrol car, as the observer's safety can be better ensured with the Deputies than without them. On occasions, the observer has been able to assist the Deputies; however, the observer should be permitted to observe as much activity as possible and should not be restricted to the confines of the patrol car unless the Deputy feels there will be some danger or that the observer may interfere with the investigation. The observer's safety is always of primary concern.

- Host Deputy - the Deputy shall instruct the observer on requirements while he is riding in the patrol car. These should include:
  - that the observer shall not accompany a Deputy into a private residence without prior verbal approval from the resident;
  - that the observer not become involved in any investigation by handling evidence, by discussions with the victim or suspects or by the handling of police equipment;
  - that the observer follow the directions of the Deputies; and
  - that the observer may indicate at any time that he or she desires to be returned to the Station and to cease further participation in the "Ride-Along" program and that the request will be complied with as soon as possible;

NOTE: Deputies participating in this program shall respond to calls in an extremely safe manner and while en route shall attempt to brief the observer as to what information he is hearing on the police radio. They shall explain the procedures being applied to the call and the reason why. They shall also instruct the observer as to where he shall sit or stand upon their arrival at the scene of the call and during the Deputy's handling of the call.

- Station Commander - nothing in this section shall be construed as relieving the Station Commander of his responsibility for the safety of Deputies and observers or for the efficient operation of his Unit.

Department instructors who teach at the high school junior class level or above should

inform their class of the existence of the Ride-Along program. If his students are interested in participating in the program, the instructor shall supply the students with the Patrol Car Observation Information form (SH-AD-542), and should caution the students that if the specific request cannot be filled because of too many requests on the same date for the same Station, that the Station will do its best to provide an alternate Station or date.

The instructor shall deliver the completed forms to the concerned Stations. The Stations shall then indicate which of the requested dates is approved. The approved forms shall then be returned to the instructor who shall be responsible for notifying the students.

### **5-09/250.15 FILM CREWS**

At times, film crews, with prior approval from the Sheriff, may accompany Department members during the course of their duties.

When Department members are accompanied onto private property generally open to the public, e.g., a bar or other business establishment, the owner or his agent has the right to request that the film crew leave the premises. If the premises is a private residence or other area not open to the public, e.g., a restricted business office, the film crew must obtain consent and a written waiver from the owner, or his agent, or a resident of the premises before entry. The film crew will provide their own waiver forms.

Film crews shall not accompany Department members during the execution of search warrants into a private residence or other area not open to the public.

Additionally, film crews shall not accompany members during next-of-kin death notifications. Refer to section 5-09/090.30, Notification of Next-of-Kin, for proper notification procedures.

### **5-09/260.00 SENTRY DOGS**

Each Station/Unit shall maintain a file of sentry dog companies located within their policing area. A sentry dog company is any agency or person who agrees to furnish trained sentry, attack, narcotic or explosive detection dogs for hire.

The information concerning the company shall be typed on a 3x5 card, maintained in alphabetical order and shall contain:

- name of company;
- address of company;
- 24 hour telephone number of company; and
- names of dogs handled by the company.

Sentry dog companies are required to furnish the location and duration of assignment of each dog assigned in the jurisdiction of a Sheriff's Station/Unit. This information will be furnished not more than 15 days prior to a dog being assigned.

Each Station/Unit shall also maintain a "location card" for each business at which a sentry dog has been assigned by a sentry dog company to a location within the Station's/Unit's area. This location card shall contain the following information:

- name and address of the business having a dog assigned;
- name and phone number of the owner or manager of the business;
- name and phone number of the company owning the dog; and
- duration of assignment of dog.

All dogs assigned by such companies are required to wear an identification tag in addition to any other tag required by law. The identification tag will show the following information:

- name of the dog; and
- name, address and 24-hour phone number of the sentry dog company.

The types of dogs covered under this procedure are as follows:

- Sentry dog – a dog trained to work without supervision in a fenced facility to deter or detain unauthorized persons found within the facility;
- Narcotic detection dog – a dog trained to locate narcotics by scent;
- Explosives detection dog – a dog trained to locate bombs and explosives by scent; and
- Attack or tracker dog – a dog trained to work with a handler in searching facilities for burglary suspects and other intruders.

#### **5-09/265.00 CANINE BREAKS**

This section applies to all canine services detail personnel.

It is necessary to periodically allow the dog to get out of the car during the shift to take a break. This period of time allows the dog to unwind and relieve itself. Whenever possible, the dog should be given a break in a secure area not open to the public. In those instances when that is not possible, the dog shall be kept on a leash to avoid the possibility of an accidental bite.

#### **5-09/265.05 SPECIAL ENFORCEMENT BUREAU TACTICAL CANINE DEPLOYMENT**

The Special Enforcement Bureau's Canine Services Detail is responsible for maintaining police service dogs specifically trained to aid in the location and apprehension of

outstanding suspects wanted in connection with crimes meeting deployment criteria under this section.

The prompt and proper utilization of a trained tactical canine team has proven to be a valuable resource in law enforcement. When properly used, a tactical canine team greatly increases the degree of safety to all persons (including suspects) within a contained search area, enhances officer safety, significantly increases the likelihood of suspect apprehension, and dramatically reduces the amount of time necessary to conduct a search.

Tactical canine search teams can be requested through the Sheriff's Communication Center (SCC) or the Special Enforcement Bureau (SEB) Desk 24 hours a day. The opportunity for a safe and successful search operation will be enhanced with a timely request, response, and deployment of a canine team.

The following situations reflect suitable activities for tactical canine deployments:

- commercial and residential structure searches where there is the possibility of suspects hidden inside and wanted in connection with activity listed below under authorized deployment;
- area searches for criminal suspects who are wanted in connection with activity listed below under authorized deployment;
- capture of suspects who are armed, or believed to be armed, when less lethal forms of apprehension are appropriate;
- specialized security assignments;
- specialized saturation patrol; and/or
- unique tactical searches not previously described, with approval of the SEB Unit Commander or above.

Except in extreme emergencies, tactical canine teams are not to be utilized for crowd control situations.

Tactical Canine deployments are authorized for and shall be limited to:

- searches for armed suspects;–
- searches for suspects wanted for serious or violent felonies and/or where the circumstances of the situation would present a clear danger to the law enforcement personnel who would otherwise conduct a search without a canine;
  - serious or violent felonies will include any offenses classified as Part I Crimes in the FBI's Uniform Crime Reporting Program, except those categorized under Larceny-theft;
- it is not uncommon for suspects driving stolen vehicles to be utilizing the vehicle to facilitate involvement in other serious or violent felonies. However, absent additional information at the time of deployment, searches for suspects wanted only for motor vehicle theft shall be limited to those who are reasonably believed to be adults, and are reasonably believed to be the driver of a confirmed stolen



vehicle. Known passengers, absent extenuating circumstances, should not be searched for with the use of a police service dog;

- searches for known juvenile offenders shall be limited to those instances where the severity of the crime, the subject's age and propensity for violence, whether or not the subject is believed to be armed, or other critical factors would reasonably justify the use of a tactical canine search team. In these situations, an SEB supervisor of the permanent rank of lieutenant or above must first authorize the use of a canine;
- searches for articles, including weapons, narcotics or other property, which may have value as evidence in a criminal case; and/or
- special Weapons Team activations and other activities as may be deemed appropriate by the SEB Unit Commander, or his designee.

Station personnel requesting a tactical canine team are responsible for establishing an effective perimeter containment of the area to be searched. They are also responsible for ensuring the area is not contaminated by the scent from civilians or other law enforcement personnel. If a tactical canine team is requested, station personnel shall refrain from searching prior to their arrival, unless an exigency arises.

Most requests for a canine team will justify the use of a Code 3 response. Canine personnel shall adhere to existing emergency driving policies when initiating a Code 3 response.

In all instances, a supervisor from SEB, and/or a field supervisor from the concerned station, shall respond to the scene of the incident. In those instances where an SEB supervisor is not immediately present, field supervisors shall monitor the operation and ensure Department policy is adhered to. However, unless exigent circumstances requiring an immediate deployment exist, the decision to make a tactical canine deployment must first be approved by an SEB supervisor. Generally, once approved, the canine handler will then dictate the search tactics to be utilized and coordinate the deployment of assisting personnel.

Consideration shall also be given to requesting additional tactical personnel from SEB. These deputies have trained and worked closely with canine teams and are more familiar with the tactics and responsibilities involved. The decision to deploy SEB personnel rather than station personnel on a search shall be at the discretion of the SEB supervisor.

All canine handlers and deputy personnel assisting in canine searches shall abide by the Department's use of force policies at all times. Deputy personnel shall evaluate each situation requiring a force application in light of the seriousness of the facts and circumstances.

Prior to deploying tactical canine teams, announcements shall be made. These announcements are intended to notify persons within the containment area of the intent to utilize a canine, and to afford suspect(s) the opportunity to surrender to law enforcement personnel. The announcements shall be clear and audible to all personnel at the

operation and made in both English and Spanish. Radio car and helicopter public address systems, if available and equipped, will increase the likelihood that the canine announcements are heard and shall be utilized. Prior to deployment, the canine handler or incident command post shall ascertain from units on containment positions if the announcements were clear and audible. Any exception to this policy must be fully justified by conditions and circumstances inherent in a specific incident which create officer or public safety concerns exceeding those that may typically be associated with tactical canine deployment operations. Absent exigent circumstances, the decision to forego canine deployment announcements must be approved by an SEB supervisor of the permanent rank of lieutenant or above. The justification and circumstances shall also be documented in all subsequent reports.

Safety is of paramount concern. Canines are trained to protect their handlers and may react to perceived threats. Personnel should not enter or reach inside canine vehicles when the dog is inside, nor approach canine handlers abruptly. During search operations, personnel should follow the instructions of the canine handler and avoid any action which might jeopardize the safety of those involved in the operation. When a suspect is located, the handler will advise when it is safe to approach and take a suspect into custody.

In situations where a canine finds and bites a suspect, the concerned canine handler will as rapidly as possible determine if the suspect is armed or a continuing threat. – Keep in mind that when the resistance has been overcome or the threat abated, the de-escalation of force is the appropriate response.

The handler will remove the dog at the first possible moment the canine can safely be released. When deciding to remove the dog, particular attention must be given to the perceived threat or actual resistance presented by the suspect. Handlers will continue to factor into their decision that the average person will struggle if being seized or confronted by a canine. This struggling, alone, will not be cause for not removing the canine. Without exception, a reference to the estimated duration of the canine's contact with a suspect shall be included in the handler's supplemental report.

In instances where a dog bite occurs, the facts shall be reported by the concerned canine handler and search team members to the SEB supervisor and an immediate follow-up investigation shall be conducted. In most instances, canine bites will be investigated by the SEB supervisor, with notification to the Internal Affairs Bureau (IAB) via memorandum. The highly specialized nature of tactical canine deployments, the expertise of the SEB supervisors, and the need for immediate and timely follow up will constitute compelling circumstances under the Department's force review procedures which allow an SEB supervisor who may have been present and/or directed the deployment to conduct the investigation. However, in instances where canine bites result in hospitalization or any other mandatory notification circumstances occur in conjunction with the apprehension, the SEB supervisor will immediately consult with the on-call IAB lieutenant regarding the circumstances of the deployment and nature of the injuries. The IAB lieutenant will determine if an IAB Force/Shooting Response Team

response is appropriate. If an IAB Force/Shooting Response Team responds to assume control of the investigation, the SEB supervisor shall remain and assist them, as needed.

Station personnel shall not describe dog bite incidents in their reports. However, they will make reference to the supplemental report(s) written by the canine handler in their reports. Photographs of any injuries which may have been inflicted by a Department canine shall be the responsibility of the SEB supervisor. Unless specifically directed by an SEB or IAB supervisor, station personnel shall not photograph or capture on video any part of the deployment, injuries, or follow-up investigation.

All canine bites will be reviewed by the Executive Force Review Committee. An additional level of oversight may be conducted by any entity designated with that responsibility by the Department.

#### **5-09/265.10 OUTSIDE AGENCY TACTICAL CANINE DEPLOYMENT**

Deployment and use of force policies of other departments can be quite different from our own. As such, the use of tactical canines from other law enforcement agencies, in support of a Sheriff's Department operation, should be avoided, except in extreme emergencies which clearly dictate the need for an immediate canine search. When exceptional circumstances dictate the need to utilize a canine team from another agency, the following procedures shall be adhered to:

- the unit commander, or their designee, from the station making the request or a lieutenant from the Special Enforcement Bureau (SEB), must approve the deployment of other agency canines;
- the unit authorizing the deployment shall contact SEB and provide the details to the on-duty SEB canine supervisor;
- when a canine team from another agency is authorized and deployed, they shall be briefed and operate consistent with our Department's tactical canine deployment policy; and
- in situations where outside agency canines are used and a bite occurs, watch commanders shall immediately notify SEB and request a canine supervisor. The SEB supervisor shall respond and conduct a follow-up investigation. Additionally, the canine handler from the outside agency shall provide a detailed written report explaining the events.

#### **5-09/265.15 OUTSIDE AGENCY REQUEST FOR DEPARTMENT TACTICAL CANINES**

Independent agency requests for tactical canine assistance from our Department may be handled by the city's pre-designated mutual aid Sheriff's station, or by requesting assistance over any mutual aid frequency, or over Special Unit Dispatch, or through the SEB Desk. In all situations involving either the deployment of a Sheriff's canine in

another jurisdiction or in our jurisdiction for another agency, our Department's deployment policies shall apply.

### **5-09/270.00 DIPLOMATIC AND CONSULAR OFFICIALS - IMMUNITY**

Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families and servants. Diplomatic officers shall not be arrested or detained for any offense, and foreign career, consular officers shall not be arrested or detained pending trial except for the commission of a grave crime (felony offense) pursuant to a warrant, however, consular officials of certain countries may enjoy higher levels of immunity on the basis of special bilateral agreements. Family members of diplomatic officers, their servants and employees of a diplomatic mission are entitled to the same immunities under current U.S. law (22 USC 252), if they are not nationals of, or permanent residents in, the receiving state. Diplomatic passports and diplomatic visas do not provide conclusive evidence of immunity.

Associated with this personal diplomatic immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residence of a diplomatic agent, his property, papers and correspondence. Consular offices are also inviolable, but the residence of a consular may be entered subject to ordinary procedures.

### **5-09/270.05 DEPARTMENT POLICY**

Diplomatic and consular officers shall be accorded their respective privileges, rights and immunities as directed by international law and federal statute. These officials shall be treated with the courtesy and respect that befit their distinguished positions. At the same time, it is a well established principle of international law that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

### **5-09/270.10 DIPLOMATIC OFFICERS**

Ambassadors and Ministers are the highest ranking diplomatic representatives of foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary and Attache. These officials are located either in Washington D.C. or in New York City. It is unlikely, therefore, that a diplomatic officer would come into contact with personnel of this Department in a situation in which immunity would be an issue; however, it should suffice to point out that diplomatic officers, their families, official staff and servants, not nationals of or permanent residents in the receiving state, are protected by unlimited immunity from arrest, detention or prosecution with respect to any civil or criminal offense.

Diplomatic officers bear blue-bordered state department credentials; embassy administrative and technical staff who have the same level of immunity bear green-bordered state department credentials.

### **5-09/270.15 CONSULAR OFFICERS**

Consular Officers are Consuls General, Deputy Consuls General, Consuls and Vice Consuls. They are official representatives of foreign governments. Presently there are 80 career and honorary consular offices functioning in the County. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their persons, freedom or dignity. They are entitled to limited immunities as described below.

Career consular officers can be identified by credentials issued by the State Department and by the Sheriff or other official identification papers.

The pink-bordered State Department credential bears its seal, the name of the officer, his title and the signature of State Department official. This credential also states the bearer's immunities. Refer to section 5-09/270.40 for a description of Department Consular Identification.

Under prevailing international law and agreement, a foreign career consular officer is not liable to arrest or detention pending trial except in the case of a grave crime (felony offense) and pursuant to a warrant.

### **5-09/270.20 HONORARY CONSULS**

Often, nationals or permanent residents of the receiving state are appointed and received as honorary consular officers to perform the functions generally performed by career consular officers. Honorary consuls receive the same pink-bordered State Department credential as career consular officials. The credential identifies them as honorary consuls and states their limited immunities. Their family members enjoy no personal inviolability and no jurisdictional immunity of any kind. As a courtesy, Sheriff's consular identification cards are also issued to these representatives. These individuals are not immune from arrest or detention; however, appropriate steps should be taken to accord to such officers the courtesy required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by an honorary consul are inviolable at all times and wherever they may be, provided they are kept separate from other papers and documents of a private or commercial nature relating to the other activities of an honorary consul and persons working with him.

### **5-09/270.25 CONSULAR PREMISES, ARCHIVES, DOCUMENTS, ETC.**

Consular premises, used exclusively for the work of the consular post, cannot be entered without explicit permission from the head of the consular post or his designee or by the head of the diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.

The consular archives and documents are inviolable at all times and wherever they may be. The official correspondence of the consular post, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

## **5-09/270.30 PROCEDURE FOR HANDLING SELECTED INCIDENTS**

### Traffic Violations

Stopping a diplomat or consular officer for a traffic violation and issuing a traffic citation does not constitute an arrest or detention and is permissible. When a consular officer is stopped for a traffic violation, he will generally advise the Deputy of his privileged status. The Deputy shall determine the adequacy of the driver's credentials. Generally, it shall be the policy of the Department not to issue a citation; however, in those instances in which the driving of the official is so extreme and so aggravated as to clearly endanger others, a field supervisor shall be summoned to the scene. With the concurrence of the Sergeant, a citation may be issued.

If the consular officer chooses not to sign and/or refuses to accept the citation, he shall be permitted to depart from the scene. A memo detailing the incident and a copy of the unsigned citation shall be directed to the International Liaison Unit on the next business day following the incident. The citation will be processed by the Station/Unit in the customary manner, whether it is signed or not.

### Driving While Under the Influence

Sobriety tests may be offered in accordance with local procedures but may not be required or compelled. Refusal should be anticipated. In any event, all facts of the incident shall be documented in a field report alleging driving under the influence. All objective signs of intoxication shall be carefully included and the notation of the field release, if warranted, shall be noted in the body of the report. Although consular officials can only be arrested for felonies and only with a warrant, they may still be prosecuted for offenses other than official acts. The United States Department of State will often take action against foreign service personnel whose conduct is inappropriate. Under no circumstances shall the violator be permitted to drive. The protected person should be offered alternative transportation. The consul officer shall not be handcuffed unless restraint is necessary for the protection of the official or others.

The case shall be presented to the District Attorney for evaluation and filing. A copy of the report shall be immediately directed to International Liaison so that there may be follow-up with the Department of State.

## Other Offenses Involving Family Members

With certain exceptions, as noted, family members of a consular officer cannot claim immunity; however, consideration should be given to the special nature of this type of case. Family members shall be accorded appropriate courtesy and respect. A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once positive identification is made and the relationship with the consular officer is verified. If the relative is a juvenile, circumstances permitting, the subject is to be released to the parent consular officer.

## **5-09/270.35 REPORTING PROCEDURES**

In the event that a consular officer or member of his family or personal staff is involved in any actions taken by members of this Department, the International Liaison Unit shall be immediately notified through the Sheriff's Headquarters Bureau and apprised of the details.

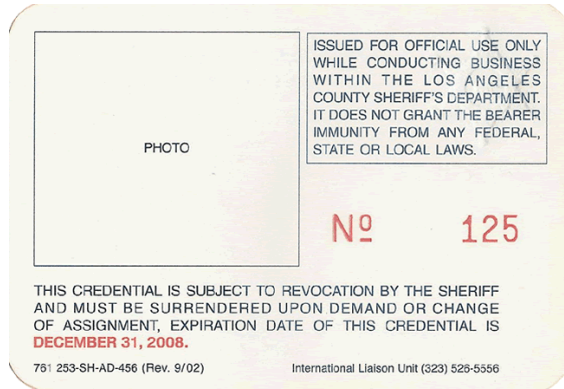
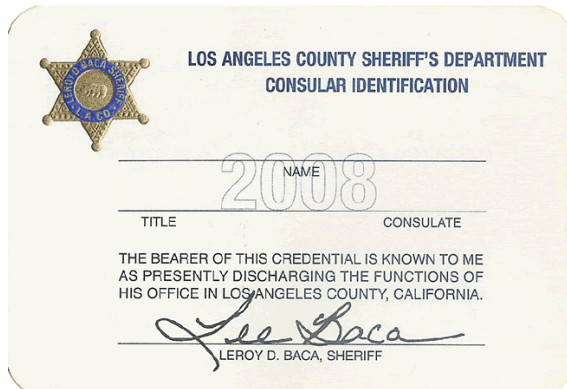
A SH-AD-32A concerning incidents involving a consular official shall be directed to the Sheriff, through channels, with a copy to the International Liaison Unit. It shall contain a complete and detailed statement of the circumstances, the action taken and the disposition.

## **5-09/270.40 LASD CONSULAR IDENTIFICATION SAMPLES**

### Consular Officer

The credential issued by the Department has an embossed gold star in the upper left-hand corner. It is white in color and bears the consular officer's name, title, and the name, of the country they represents. The card is signed by the Sheriff.

On the reverse side is a picture of the consular officer and an identification number. On the right upper corner, it has a printed statement which states, "Issued for official use only while conducting business within the Los Angeles County Sheriff's Department. It does not grant the bearer immunity from any federal, state or local laws." This is the only consular identification card issued by our Department. A consular identification card is issued by the United States Department of State and shall be accepted as valid consular identification. No other identification card shall be accepted by our Department.



## **5-09/271.00 IMMIGRATION INQUIRIES AND NOTIFICATIONS**

The Department must partner with some of the most diverse and immigrant-rich communities in the world. Serving the community, investigating illegal activity and preventing crime is immeasurably more difficult if law enforcement fails to maintain strong relationships with -- and the trust of -- all members of our community.

The Department is responsible for helping people in their time of need and investigating crimes that have occurred, regardless of the victim's or offender's immigration status. To that end, it has been the longstanding practice of the Department to provide law enforcement to all communities regardless of ethnicity or immigration status. In carrying out that mission, deputies are neither instructed nor trained to ask for a victim's or witness' legal residency status and are instead trained and instructed to treat all individuals with respect and dignity.

This policy is intended to reassure immigrant communities that there is no need to fear contact with the Department when they have been the victim or a witness to a crime.

### **IMMIGRATION STATUS INQUIRIES**

In keeping with the highest traditions of the Department and with respect for the dignity of the people we serve, Department members shall investigate criminal activity without regard to an individual's legal status and shall not initiate police action with the objective of discovering the individual's immigration status. Department members shall neither arrest nor book an individual solely on suspicion of violating a federal immigration law relating to illegal entry, being unlawfully present, or overstaying a visa. When they are in contact with individuals under investigation for other criminal activity, Department members shall not inquire about immigration status unless the information is absolutely necessary to ascertain their true identity.

While interviewing victims and witnesses, Department members shall not inquire about a victim's or a witness' immigration status unless that information is an essential component in their investigation (e.g., human trafficking, involuntary servitude, etc.).



Nothing in this policy is intended to limit the ability of personnel to collect the necessary information and facts to handle an investigation completely and to conclusion, nor shall it preclude a witness or victim from being asked to give alternate contact information outside of the United States for purposes of ensuring that they can be contacted in the future for further investigation or to testify in court should they voluntarily or involuntarily leave the United States.

## NOTIFICATIONS

If a victim's or a witness' immigration status is discovered during an investigation, Department personnel shall not forward that information to the United States Immigration and Customs Enforcement (ICE), unless such notification is required by documented mutual agreement and/or in regards to individuals already in LASD Custody.

Nothing in this policy is intended to interfere with Department personnel in their responsibility to assist undocumented immigrants who are victims and/or witnesses in certain criminal matters in obtaining U-Visas under the Victims of Trafficking and Violence Protection Act of 2000.

Moreover, this policy is not intended to interfere with a Department member's responsibility to notify foreign authorities pursuant to law or treaty when foreign nationals are arrested or otherwise detained (See section 4-04/035.00).

## **5-09/280.00 WEAPONS ABOARD AIRCRAFT, PROCEDURE FOR CARRYING**

In an attempt to forestall the potentially hazardous conditions that may exist when armed Deputies travel on public air carriers, the Department has set certain guidelines to be followed by all Deputy personnel.

## **5-09/280.05 AUTHORITY AND REGULATIONS**

Section 121.585 of the Federal Regulations states, "No person may, while on board an airplane operated by an air carrier in air transportation, carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed." This paragraph does not apply to:

- officials or employees of a municipality or state, or of the United States, who are authorized to carry arms; and
- crew members and other persons authorized by the air carrier to carry arms.

The FAA's definition of carrying a weapon is: concealed on a person; unconcealed on a person, which would be a Deputy in full uniform; and, contained in a person's carry-on baggage.

## **5-09/280.10 NOTIFICATION AND CLEARANCE PROCEDURE (FLYING ARMED)**

When a Deputy of this Department travels armed and in an official capacity on an air carrier, they shall adhere to the following procedures:

- prior to traveling, complete the Transportation Security Administration (TSA) training program (review of the TSA Microsoft Powerpoint presentation “Law Enforcement Officers Flying Armed,” April 2003);
  - the “Law Enforcement Officers Flying Armed” Powerpoint presentation is available on the Intranet, Field Operations Support Services’ website;
  - ensure an APIS roster is completed and forwarded to Professional Development Bureau, Education and Training Records Unit;
- every effort should be made to contact the air carrier at least twenty-four (24) hours prior to the planned flight to inform them that they will be traveling armed and if applicable, with a prisoner;
  - if the air carrier does not allow armed deputies to fly on their airplanes, it is the responsibility of the deputies to locate another air carrier;
- identify the security level of any prisoner to the air carrier. TSA policy states:
  - a “High Risk Prisoner” is a prisoner who is an exceptional escape risk and is charged with, or has been convicted of, a violent crime or felony;
    - no more than one “High Risk Prisoner” may be carried on an airplane at one time unless authorized by the TSA;
  - a “Low Risk Prisoner” means any prisoner who has not been designated as “High Risk;”
- every effort should be made to contact Sheriff Headquarters Bureau (SHB) at (323) 526-5541 with information such as Department personnel traveling, purpose of travel, and specific flight information, prior to arriving at the airport for departure.

### **Staffing**

Transportation of prisoners while flying commercial airlines presents unique security concerns for deputy personnel. Consequently, the following procedures shall be followed:

- there shall be at least two (2) armed deputies for a single prisoner; and
- when TSA has authorized more than one (1) prisoner to be transported on the same airplane, there must be at least one (1) armed deputy for each additional prisoner in addition to the two (2) armed deputies required for the primary prisoner.

### **Procedures to Fly Armed**

- the Department of Homeland Security, Federal Air Marshall Service now requires that an NLETS message be sent to request authorization for law enforcement officers to fly armed. An NLETS message can be sent via JDIC by typing

“FLYARMED” from a blank JDIC screen;

- a minimum of 24 hours before the flight, a properly formatted message must be sent, via NLETS, to ORIVAFAM0199;
- an NLETS receipt, with an 8 character Unique Alphanumeric Identifier will be transmitted from the Transportation Security Operations Center back to the requester;
- check-in with airline ticket counter and obtain “armed traveler” paperwork, then proceed to Armed Law Enforcement Officer (LEO) Screening Checkpoint;
- provide Unique Alphanumeric Identifier from NLETS message, display badge, credentials, boarding pass, a second form of government identification (i.e. CDL), and required airline paperwork (commonly referred to as Person Carrying Firearms (PCFA) forms);
- complete LEO logbook, proceed to boarding gate, inform boarding gate employee of presence and status, and present armed traveler paperwork;
- meet with Pilot in Command, Federal Air Marshal(s), Federal Flight Deck Officer(s), and/or other LEO’s onboard the flight;
- no alcoholic beverages may have been consumed within eight (8) hours of boarding the aircraft;
- if traveling in full uniform, deputies must have their firearm on their person;
- if traveling out of uniform, all firearms must be concealed and out of view, either on their person, or in immediate reach. No weapon may be placed in an overhead storage bin; and
- every effort should be made by Deputy personnel to ensure that handcuffs/restraints of prisoners be as inconspicuous as possible, Complete any required documentation requested by the airline.

### Procedures on the Aircraft

- Deputy personnel shall not drink any alcoholic beverages while aboard the aircraft;
- request pre-boarding the aircraft before other passengers when escorting prisoners;
- comply with requests made by airline officials, especially the captain of the aircraft;
- avoid the inadvertent display of weapons or associated equipment in the terminal and on board the aircraft;
- every effort should be made by deputies to be seated between any prisoner and any aisle;
- Deputies must accompany the prisoner at all times and keep the prisoner under control while aboard the aircraft; and
- Deputies must ensure that the prisoner is restrained from full use of their hands by an appropriate device that provides for minimum movement of the prisoner’s hands. Leg irons shall not be used.

Deputies will strictly limit requests to carry weapons aboard aircraft to those situations which require an officer to be armed in-flight to ensure the safe completion of their mission. Following proper notification procedures could avoid serious compromises of

safety, including the possibility of an inadvertent confrontation between legally armed personnel.

Deputies required to be armed on a particular flight shall comply with reasonable regulations requested by the airline officials and/or the captain of that aircraft. Weapons that contain chemical agents or containers that contain chemical agents (e.g., mace, tear gas, etc.) shall not be permitted on board passenger aircraft.

Deputies wishing to only transport their firearms via commercial airlines may check their firearm as checked baggage. The firearm in checked baggage must be declared to the airline, must be in a locked container, and the ammunition must be in a fully enclosed container designed for the shipment of ammunition (a manufacturer's cardboard box with slots or cutouts is the preferred method). All firearms and magazines must be unloaded and secured in a locked container at the time of baggage check-in.

### **5-09/290.00 DRUG ABUSE CLINICS**

The County Health Services Department currently has several drug abuse clinics in operation. The purpose of these clinics is to handle all types of drug problems including treatment of those persons suffering from mental, emotional or physical dysfunction from amphetamines, barbiturates and other drugs. The clinics will also administer a methadone maintenance program for heroin addicts.

The policy of this Department is to do everything reasonable to ensure the success of the clinical programs. In order to ensure the success of County Health Services operated clinics, people with drug related problems must feel that they have free access to the clinics.

The clinics are not to be considered as sanctuaries for criminal law violators. Deputies will, however, refrain from visiting or maintaining surveillance of these clinics, unless they have a specific purpose for doing so (e.g., warrant for suspect known to be at clinic or need for any valid law enforcement function). Should such specific need arise, the public health investigator at the clinic in question shall be contacted and his assistance requested in accomplishing the task.

### **5-09/300.00 ALCOHOLISM COUNCIL REFERRAL**

Deputies of this Department often come in contact with persons who either have a drinking problem or who are being adversely affected by a person with a drinking problem. While our primary concern is keeping the peace, it is beneficial if we can provide information to such people to help alleviate their problems. This may reduce the incidence of repeated calls to the same location.

By referring persons who desire help with alcohol related problems to the Alcoholism

Council, we provide a valuable service and help to meet the needs of the community. The telephone number for the Council is (213) 384-0403. If 24-hour referral is needed they suggest that the Deputy contact Alcoholics Anonymous at (323) 936-4343.

#### **5-09/310.00 CONSUMER FRAUD QUESTIONNAIRE (Form SH-CR-569 and SH-CR-569A)**

Following preliminary investigation of the complaint, it shall be the decision of the Field Deputy to initiate a criminal report or to issue a Consumer Fraud Questionnaire. It is imperative that Department personnel guard against referring all fraud complaints via this form. Citizens' complaints that are unquestionably criminal in nature, or appear to be criminal in nature, must still be reported as specific crimes or suspicious circumstances. If the information presented by the complaining citizen has no apparent criminal elements and the citizen believes he has been victimized, the Consumer Fraud Questionnaire will be utilized. SH-CR-569-A is the Spanish version of this form.

If the form is used, the Deputy shall sign and date in the appropriate space and advise the citizen of the following:

- read the introductory information prior to completing the form;
- upon completion of the form, mail to the address noted or take it to the nearest Sheriff's Station;
- upon receipt of the form, the Forgery/Fraud Detail will examine the contents and determine either to:
  - file a criminal complaint;
  - mediate the complaint;
  - file a civil injunction through the Consumer Protection Division of the District Attorney's Office; and
  - refer the matter to a state or local agency having jurisdiction;
- assure the citizen that he will be notified.

#### **5-09/320.00 INDEMNIFICATION FOR VICTIMS OF CRIMES**

Local law enforcement agencies are responsible for informing each person, who may qualify to file a claim, of the existence and address of local victim centers. Refer to 13968(c) of the Government Code regarding the Victims of Crime Program.

#### **5-09/320.05 VICTIMS OF VIOLENT CRIMES ELIGIBILITY, FORMS AND RESPONSIBILITY**

The State's Victim Compensations and Government Claims Board (BC) Application for Crime Victim Compensation shall be completed in duplicate and mailed by the claimant to the State Board of Control within one year after the death of or injury to a victim of a

violent crime when the following factors are involved:

- injuries were sustained during the commission of a crime of violence against the claimant;
- a monetary loss is suffered because of a crime resulting in personal injury or death to a person upon whom the claimant is financially dependent;
- an individual legally assumes the obligation for, or voluntarily pays, the medical or burial expenses incurred as a result of a death caused by a violent crime;
- injury or death as intentionally inflicted through the use of a motor vehicle, aircraft or water vehicle;
- injuries were sustained through auto-related accidents involving a driver in violation of section 20001, 23152 or 23153 of the Vehicle Code; and/or
- injuries were sustained in an accident involving a suspect in a vehicle fleeing the scene of a violent crime in which he knowingly and willingly participated.

Information on the Victims of Crime Program, and/or BC Form VOC-100, can be obtained from the State's Victim Compensations and Government Claims Board, by contacting them at (800) 777-9229, or the Los Angeles County District Attorney's Victim-Witness Assistance Program at (800) 773-7574. Additionally, those units with Internet access may refer to the State's Victim Compensations and Government Claims Board website at <http://www.vcgcb.ca.gov/>, or the Application for Crime Victim Compensation at [http://www.vcgcb.ca.gov/docs/forms/victims/apps/victimcompensationapp\\_eng.pdf](http://www.vcgcb.ca.gov/docs/forms/victims/apps/victimcompensationapp_eng.pdf), or the District Attorney's website at <http://da.co.la.ca.us/vwap/vwap.htm>.

#### **5-09/320.10 GOOD SAMARITANS ELIGIBILITY FORMS AND RESPONSIBILITIES**

The State compensates if the claimant was killed, injured or his property was damaged under any of the following circumstances:

- preventing the commission of a crime against the person or property of another;
- apprehending a criminal; and/or
- materially assisting a police officer to prevent a crime or apprehend a criminal.

BC Form VOC-100 is to be completed in duplicate and mailed by the claimant to the State's Victim Compensations and Government Claims Board within one year after the occurrence.

This form requires verification and a recommendation of the law enforcement agency involved. This form may be initiated by a law enforcement agency on behalf of an individual.

Claims verified and recommended by letter under this program shall have the approval of the appropriate Division Chief before being forwarded to the State's Victim Compensations and Government Claims Board or before being released to the individual for mailing.

## **5-09/320.15 DEPARTMENT RESPONSIBILITIES - FIELD PERSONNEL**

Field personnel shall advise victims who qualify for victim/witness assistance of the existence and locations of local victim centers. At the end of the report, under "notifications," the date, time and place of the advisement will be entered. If the person informed regarding the victim/witness program is other than the victim, enter the name, address and relationship of that person in the first report.

When notification cannot or is not made, the reasons shall be stated in the notifications portion of the report along with any additional information which might aid the investigator in making a notification.

### **Investigators**

Each member assigned to investigate a crime wherein the victim may be eligible to file a claim shall ascertain if the victim is aware of his eligibility. If the victim or his family has not been advised, the investigator will follow the same procedure as outlined for field personnel including the notifications entered in the supplemental report.

Investigators shall immediately notify the State's Victim Compensations and Government Claims Board whenever a victim, and possible claimant, refuses to cooperate in an investigation that may lead to the apprehension and conviction of the suspect.

### **Reports and Information**

We shall provide to the designated local victim center, upon request, a complete copy of all reports involving the crime, public offense, or incident giving rise to a claim.

The Department may withhold the names of witnesses or informants from the victim centers if the release of such names would be detrimental to the parties or an investigation.

## **5-09/330.00 PAWNSHOPS - STOLEN PROPERTY**

Deputies shall only seize property when it is to be used as evidence, or when it is contraband, (537e PC, 23900 PC, etc.), or when it becomes the subject of an ownership dispute. The investigator shall issue a Receipt for Seized Property (SH-CR-624), noting the condition of the property and listing any damages, when property is seized.

### **5-09/330.10 MAJOR CRIMES BUREAU, PAWNS AND LICENSE DETAIL**

Upon locating alleged stolen property in a pawnshop, within our jurisdiction, the Pawns

and License Detail shall:

- verbally, in person or telephonically, place a 90-day hold on the items;
- notify the investigating employee of this Department or other agency of the located property, verbally, in person or telephonically, followed by written notice;
- take appropriate action and render necessary assistance and advice to the above investigators; and
- follow-up investigation within 30 days to determine property status on outside agency notifications.

### **5-09/330.20 INVESTIGATION**

Upon notification that property from his case has been located, the investigator shall:

- within three business days of notification, respond to the location to examine and make a determination on the property as follows:
  - not stolen: Advise pawnbroker hold has been dropped and advise Pawnshop Unit of release; or
  - property is taken: Place an evidence label and hold for Sheriff sticker on the item.
- when property is stolen, the investigator shall:
  - record on the evidence label and his own records the precise condition of the item at the time and advise the pawnbroker to store the item in a separate secure location; and
  - make entry into Automated Property System.

### **5-09/330.30 DISPOSAL OF PROPERTY**

Property seized and used as evidence in court shall be disposed of by the court pursuant to sections 1408 through 1410 and 1413(c) of the Penal Code, and procedures found in the Property and Evidence chapters.

Property seized and not entered into evidence in court shall be disposed of as follows:

- the investigator shall notify the pawnbroker with a Notice of Claim of Ownership (SH-R-90), and a Declaration of Ownership (SH-R-388) from the victim when the victim wishes to claim the property;
  - the pawnbroker has 10 days to respond asserting his claim of ownership;
  - if the pawnbroker makes no claim within the specified time, the investigator shall photographically record the property, complete the Declaration of Ownership (SH-R-388) and release the property;
  - if both the pawnshop and owner (victim) claim the property, the investigator shall determine ownership based on supporting data, evidence and known facts and make disposal of property accordingly;



- the investigator shall release the property to the pawnbroker using the above procedure when the victim makes no claim; and
- the investigator shall notify the Pawnshop Unit regarding final disposition of all property.

Property held in the pawnshop and not used as evidence shall be disposed of as follows:

- the investigator shall notify the pawnbroker with a Ownership Claim (SH-R-387), and a Declaration of Ownership (SH-R-388) from the victim when the victim wishes to claim the property;
  - the pawnbroker has 10 days to respond asserting his claim of ownership; and
  - if the pawnbroker does not respond or show sufficient cause to retain ownership, the investigator shall send a letter (SH-R-386) to the victim with instructions to claim the property.

If the victim/owner's address is unknown, or is unable to establish ownership or does not wish to claim the property, the investigator shall notify the pawnbroker, in writing, that the property may be disposed of in accordance with the existing laws.

#### **5-09/340.00 CITIZEN COMMENDATIONS**

Any member of this Department may recommend special recognition for a citizen when that person has performed:

- exceptional service to the Department; or
- meritorious acts performed in matters involving this Department.

#### **5-09/340.05 REPORTING PROCEDURE**

Unit Commanders will, upon receipt of a member's memorandum of information from any other reliable source which relates either of the above situations, initiate correspondence (SH-AD-32A) to their respective Division Chief with specific recommendations for appropriate action.

Recommendations from outside source reports should be preceded with an examination for authenticity.

When reporting the circumstances of the incident, the Unit Commander shall indicate which one of the following types of recognition would be appropriate:

- letters of commendation signed by:
  - Unit Commander;
  - Division Chief or Division Director;

- Assistant Sheriff; or
  - Sheriff;
- personal presentations of letter and Distinguished Service Certificate by the Sheriff.

When the Division Chief is in agreement with the Unit Commander and endorses the stated commendation, he shall forward the correspondence to the Sheriff for approval. Where appropriate, the Division Chief may elect to return the recommendations to the Unit Commander for other action.

### **5-09/350.00 POLICY AND PROCEDURE FOR SEX RELATED CRIMES**

Per Government code 6254 (f)(2), the names and addresses of victims of Penal Code sections 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 646.9 shall be confidential and not disclosed to the public.

The Watch Sergeant shall stamp all such reports as confidential.

Refer to Section 4-01/020.60 for further information regarding the processing of confidential and the above specified sex offense reports.

In accordance with California Penal Code Section 293(a), it is mandatory for all personnel who receive a report from an alleged victim of a sex offense to advise the victim that his name will become a matter of public record unless he requests otherwise (pursuant to Section 6254 of the Government Code). Any written sex offense report shall indicate that the alleged victim has been so informed. The victim's response shall be documented by the appropriate notation on the pre-printed "Victim of a Sex Crime Request for Confidentiality" box on the reverse side of the Incident Report form (SH-R-49, Rev. 10/99). The advisement shall be read to and signed by the victim. An additional notation shall be completed on the pre-printed "Sex Offense Victim Information" box on the front page of the Incident Report. This section shall indicate if the report contains a sex offense victim's personal information.

In all alleged cases of violations of section 261, 261.5, 262, 286, 288a or 289 of the Penal Code, Deputies assigned to the case shall furnish the victim with the following: a handout containing information regarding procedures to follow after a sexual assault; the names and locations of rape victim centers within the County; and a statement that sexual assault by a person known to the victim, including the victim's spouse, is also a crime. Deputies shall notify the local rape counseling center whenever the victim has been transported to a hospital for examination, provided the victim approves of the notification.

In all cases when the crime was an attempt, victims shall be provided the same information and notification.

## **5-09/350.05 RESPONSIBILITIES OF STATION/UNIT PERSONNEL AND RESPONDING DEPUTIES ON RAPE AND SEXUAL ASSAULT CASES**

The crime of forcible rape or any sexual assault is a crime of violence and shall be investigated with high priority and subject to intensive follow-up. Because of the often severe personal trauma experienced by victims of rape or sexual assault, they shall be afforded the utmost courtesy and consideration during the entire investigation.

### **Desk Personnel**

Pursuant to a report of an alleged rape or sexual assault, Station/Unit desk personnel shall immediately dispatch a field unit to the location.

### **Responding Deputy**

The responding Deputy shall determine if a sexual assault has occurred and then shall proceed as follows:

- if the sexual assault incident occurred within 96 hours, transport the victim to the nearest county contracted hospital for treatment and obtain laboratory specimens in the manner prescribed for Department sexual assault evidence kits (sexual assault incidents which are over 96 hours old, do not require an immediate medical examination);
- notify the local rape victim counseling center if a sexual assault victim is transported to the hospital for any medical evidentiary or physical examinations;
- a sexual assault victim has the right to have a support person of their choosing present at any medical evidentiary or physical examination (this may or may not be a rape counselor). The support person may be excluded from the exam if the deputy and/or the medical provider determines that the presence of the support person would be detrimental to the purpose of the examination;
- obtain all pertinent information relative to the suspect and his automobile for an immediate radio broadcast;
- if a male Deputy is the first responder, he shall ascertain if the victim is comfortable being interviewed by him. If the victim states her approval, the male Deputy shall prepare the first report listing applicable crimes. If a female Deputy is requested, then she shall conduct the interview of the victim and if a sexual assault is the primary crime, prepare the first report. If a sexual assault is the secondary crime, she shall assist the handling Unit and cover a sexual assault in a Supplemental Report;
- victim of a sexual assault shall be provided with the Department's "Sexual Assault" pamphlet;
- immediate notification shall be made to Special Victims Bureau without undue delay;
- if the suspect is detained and the incident occurred within 96 hours, transport the suspect to the nearest County contracted hospital for treatment and obtain laboratory specimens in the manner prescribed for Department sexual assault

evidence kits (sexual assault incidents which are over 96 hours old, do not require an immediate medical examination). If sexual assault exams are conducted on the victim and the suspect, ensure that they are kept separated at all times; and

- information and action taken by any other Unit shall be included in the first report or a Supplemental Report.

### SVB Detective

Detective follow-up investigations shall be conducted with utmost priority.

If a male investigator is assigned, he shall ascertain if the victim is comfortable being interviewed by him. If there is a reluctance to be interviewed on the part of the victim, or in the case of a juvenile, the caretaker, a female investigator will be brought in to handle the interview.

Victims of a sexual assault shall be provided with the department's pamphlet entitled, "What Happens After Sexual Assault."

### **509/350.10 UNIT COMMANDER'S RESPONSIBILITY ON SEXUAL ASSAULT CASES**

Unit Commanders are responsible for the following:

- maintaining an adequate supply of Department sexual assault evidence kits at each participating hospital or clinic within the Station/Unit area. The Department sexual assault evidence kits are to be used by hospital or clinics only when obtaining laboratory specimens in sexual assault cases handled by this Department. These kits are available as needed from the Serology Section, Scientific Services Bureau;
- advising personnel of concerned hospitals or clinics that billings for obtaining laboratory specimens must be submitted monthly to this Department's Fiscal Administration, General Accounting; and
- forwarding at the end of each month, to Fiscal Administration, General Accounting, a Monthly Report of Blood Samples and Sexual Assault Evidence Collections" (SH-AD-659).

### **5-09/350.15 CRIME PREVENTION AND PUBLIC APPEARANCE**

Upon the development and distribution of information on the "Self Protection for Women," Station Commanders shall select and train several of their female Deputies to make requested public appearances relative to this subject matter.

### **5-09/360.00 MARIJUANA INCIDENTS**

This section outlines the procedure for handling possession of marijuana incidents. It applies to possession of marijuana other than "concentrated cannabis." Concentrated cannabis is defined as the separated resin, whether crude or purified, obtained from marijuana.

### **5-09/360.05 POSSESSION OF MARIJUANA**

Sections 11357(b) - possession of one ounce or less, is an infraction and 11360(b) - gives away or transports one ounce or less - of the Health and Safety Code are non-arrestable misdemeanors. Persons in violation of these sections shall be issued a Notice to Appear (Form 76T551-CR-66) and shall not be booked. A Statement of Facts (SH-CR-607) shall be completed and submitted with the citation.

If, by prudent judgment, the total volume of loose marijuana appears to be in excess of two ounces, the suspect shall be booked at the Station. If the handling Deputy has doubt that the total volume is more than two ounces, he shall issue the suspect a Notice to Appear and write a Statement of Facts (SH-CR-607).

When the quantity of marijuana involved is less than an ounce, it is possible that the facts and circumstances could justify an arrest for "possession for sale," 11359 H&S. While there are no specific guidelines establishing the quantity which would be sufficient to justify a possession for sale arrest, it should be noted that under 11357(b) H&S, simple possession of one ounce or less of marijuana is an infraction and 11357(c) H&S, any amount of marijuana over one ounce is only a misdemeanor. The quantity involved, the manner in which it is packaged, and the circumstances surrounding its seizure should all be taken into consideration when contemplating an arrest for possession for sale. The greater the quantity, the greater the likelihood that a possession for sale arrest would be justified.

A person in possession of an ounce or less could be arrested for "sales" under 11360 H&S if the Deputy has personal knowledge of sales occurring, which can be supported by evidence. When there is doubt concerning the probable cause to believe that sales are occurring and the situation involves an ounce or less of marijuana, the individual should be cited and released. The Deputy's report should then be presented to the District Attorney for his consideration in the matter of filing a felony complaint.

The following crimes involving marijuana are felony charges:

- possession of concentrated cannabis (11357(a) & (c) H&S);
- possession for sale (11359 H&S);
- importing into this State, selling, furnishing or administering any amount of marijuana (11360(a) H&S);
- offering to sell, import into this State, furnish or administer any amount of marijuana (11360(a) H&S);

- attempting to import into this State any amount of marijuana (11360(a) H&S);
- transporting, giving away; offering or attempting to transport or give away more than 28.5 grams of marijuana (11360(a) H&S);
- cultivating marijuana (11358 H&S);
- adults employing minors to transport, sell or furnish marijuana (11361 H&S);
- adults selling or furnishing marijuana to minors (11361 H&S); and
- adults inducing minors to use marijuana (11361 H&S).

### **5-09/360.10 NOTIFICATION**

Narcotics Bureau shall be notified by phone only if the arrest involves an appreciable amount of contraband, or there are unusual circumstances of the arrest.

### **5-09/360.15 MARIJUANA INCIDENT REPORTING PROCEDURE**

#### **Single offense - marijuana violation is only charge**

When the marijuana violation is possession of one ounce or less, the handling Deputy shall:

- issue a citation (Form 76T551-CR-66); and
- complete the Statement of Facts (Form SH-CR-607).

If the suspect refuses to sign the citation or has no identification and cannot be sufficiently identified, the person shall be arrested and handled as outlined in a marijuana violation of possession of more than one ounce.

When the marijuana violation is possession of more than one ounce, the handling Deputy shall:

- arrest and book the suspect; and
- complete an Incident Report (Form SH-R-49).

#### **Multiple offenses - one of the charges is possession of one ounce or less of marijuana**

Deputy personnel who charge a suspect with a primary offense and subsequently additionally charge “possession of less than one ounce of marijuana,” “transportation, sale, import, give away, etc., less than one ounce of marijuana,” or “possession of less than one ounce of marijuana while driving a motor vehicle” shall document the marijuana incident in the all inclusive first Incident Report (SH-R-49). **Under these circumstances, Deputy personnel shall not issue a separate citation to the suspect for the marijuana charge, nor shall a Statement of Facts (SH-CR-607) be completed.**

Suspects charged solely with possession of less than one ounce of marijuana shall continue to be cited in the field. In these cases, a Statement of Facts may be used to document the incident.

### **5-09/360.20 RESPONSIBILITY FOR FILING MARIJUANA INCIDENT CASES**

In all cases, the Narcotics Bureau will make a follow-up determination as to whether a filing will be made.

When it is determined that a filing is to be made, patrol cases dealing with possession of marijuana shall be filed by Court Deputies. Court Deputies shall also be responsible for advising the Narcotics Bureau of the case disposition.

### **5-09/370.00 FORFEITURE LAWS: CONTROLLED SUBSTANCE INCIDENTS**

Forfeiture laws are the means by which profits and property derived from illegal drug transactions may be seized. Conveyances used as means of drug transportation are also subject to forfeiture action.

There are two separate applicable forfeiture laws: state and federal. The Narcotics Bureau is responsible for handling all narcotic related forfeiture actions and will make the decision concerning which state or federal agency will handle the forfeiture portion of each individual case.

The following describe the practical applications of the state and federal forfeiture laws for personnel involved in field situations.

### **5-09/370.05 STATE ENFORCEMENT POLICY AND GUIDELINES**

The state forfeiture law makes any boat, airplane or certain heavy vehicles used to unlawfully transport a controlled substance for sale, subject to forfeiture. Additionally, monies, negotiable instruments, securities, real property, and other things of value can be seized for designated violations.

The state forfeiture law is contained in Health and Safety Code sections 11470 thru 11490. The responsibility for making the final decision to file or not file state forfeiture actions is vested with the District Attorney.

### **5-09/370.10 STATE ENFORCEMENT POLICY AND GUIDELINES**

Any Deputy making or attempting to make an arrest for violations of the Health and Safety Code Sections listed below, insofar as the offense involves sale, transportation for sale or

possession for sale of any controlled substance by the owner of any boat, airplane or forfeitable vehicle, may seize the conveyer used to unlawfully transport the controlled substance. Also, monies, negotiable instruments, securities, real property and other things of value can be seized for designated violations.

The applicable Health and Safety Code sections are:

- 11351 Possession for Sales of Designated Controlled Substance;
- 11352 Transporting, etc., Controlled Substances;
- 11353 Inducing minors re: Transporting, Sales, etc., Controlled Substances;
- 11355 Offering Controlled Substance;
- 11359 Possessing Marijuana for Sale;
- 11360 Transporting, etc., Marijuana;
- 11366 Opening or Maintaining Unlawful Place;
- 11366.5 Allowing a Place to be Fortified for purposes of Selling, Possessing for Sales, Cocaine, Heroin, PCP, Methamphetamine, Amphetamine;
- 11366.6 Using a Place Designed to Suppress Law Enforcement to Sell, Possess for Sale;
- 11378 Possession for Sale of Controlled Substances;
- 11379 Transporting, Sale, Manufacture, etc., of Controlled Substances;
- 11379.5 Transports or Imports;
- 11379.6 Manufacturing; and
- 182 PC Conspiracy Involving Narcotic Activities according to 11470 (p) Health and Safety Code.

### **5-09/370.15 FEDERAL FORFEITURE LAWS - CONTROLLED SUBSTANCE INCIDENTS**

The federal forfeiture law makes any boat, airplane or certain vehicles used to facilitate the sale of a controlled substance, subject to forfeiture. Additionally, monies, negotiable instruments, securities, real property and other things of value can be seized when they are used to facilitate the sale of a controlled substance or when they are the product of illegal controlled substance activity.

The federal forfeiture law allows law enforcement agencies to seize and seek equitable transfer of property, through a federal agency, pursuant to 21 United States Code, section 881, and 19 United States Code, section 1616(c). The responsibility for making the decision to file or not file is vested with the Federal Bureau of Investigation, Drug Enforcement Administration, and U.S. Customs.

### **5-09/370.20 GENERAL GUIDELINES CONCERNING FORFEITURE PROCEEDINGS**

Due to the nature of offenses specified in the state and federal forfeiture laws, Field Deputies may be confronted with the possibility of initiating forfeiture procedures.



Should Field Deputies on routine patrol become involved in seizure and forfeiture incidents, the following guidelines shall be adhered to:

The arresting Deputy shall keep in mind the legislative intent of the law, i.e., to make a financial impact on substantial drug traffickers. Consideration shall be given by the arresting officer to the amount of drugs as defined in Health and Safety Code 11470(e). Consideration as to the value and condition of the conveyance should be given prior to making the seizure.

There must be reasonable cause to believe the property to be seized is directly related to criminal activity, i.e.:

- large amounts of unexplained cash;
- controlled substance in a conveyance;
- "Pay and Owe" sheets, bank books, safe deposit box keys, etc.;
- conflicting information, such as false or altered vehicle registration, denial of property ownership, etc.; and
- information from citizens, informants or other police agencies which verified that specific property or evidence was transported in a particular conveyance or that property was obtained with monies gained from criminal activity.

Whenever practicable, the decision to seize or not to seize a vehicle or properties shall be made after consulting with Narcotics Bureau. In those situations where the Narcotics Bureau cannot be notified, the property in question should be seized and held for Narcotics Bureau disposition. In all cases where property is seized for forfeiture action, the Narcotics Bureau shall be notified as soon as possible.

A Receipt for Seized Property (SH-CR-624) shall be completed, particularly noting the condition of the property and listing any damages.

Additionally, when any member of the Department assists any law enforcement agency on the federal, state, or local level in an investigation or arrest, wherein substantial quantities of drugs and/or money are seized, the Asset Forfeiture Unit of the Narcotics Bureau shall be notified as soon as possible.

### **5-09/370.25 PROCEDURE FOR INVOKING FORFEITURE LAWS**

Whenever an arrest is made for one of the Health and Safety Code sections listed in section 5-09/360.05 and assets or the conveyance used to transport the controlled substance is subject to possible forfeiture, the arresting Deputy shall:

- ascertain the ownership of the money, property or conveyance, and the relationship of the driver to the owner;
- immediately notify Narcotics Bureau, which shall determine whether or not to have the money, property or conveyance seized by considering the amount of drugs

- and the value and condition of the boat, airplane or vehicle involved; and
- based on Narcotics Bureau's decision, seize and impound the conveyance, money or property;
  - if it is not feasible to consult with Narcotics Bureau, seize and impound the conveyance and notify Narcotics Bureau of the action as soon as possible.

Vehicles shall be impounded as outlined in the Motor Vehicles chapter.

Boats, if being towed by a vehicle, shall be impounded with the vehicle. Boats which are docked shall be locked and secured at the docking location. The Sheriff's Harbor Patrol and the agency having jurisdiction shall be notified and requested to make patrol checks of the impounded boat.

If an aircraft is seized, notify Aero Bureau, who shall coordinate the impounding.

Include in the arrest report the seizure of the forfeitable assets or conveyance, as the federal or state agency must be notified of possible forfeiture proceedings as early as possible. The Narcotics Bureau shall be responsible for making notification to the proper forfeiture agency.

Timely notification, by the Narcotics Bureau, to the adopting agency is imperative as there are strict statutory time limitations.

### **5-09/370.30 STATE FORFEITURE LAW EXCLUSIONS**

In California, if the vehicle requires Class 3 or 4 license and is driven on the highway, the vehicle is not subject to forfeiture if it is a community property interest by a person other than the defendant or the vehicle is the sole vehicle available to the family.

### **5-09/370.35 FEDERAL FORFEITURE LAW EXCLUSIONS**

Under the following circumstances, vehicles are not subject to federal forfeiture:

- common carrier, unless otherwise proven;
- offense committed by person other than owner, if conveyance was unlawfully in possession of such person; or
- lease vehicles or rental cars.

### **5-09/370.40 DISPOSITION OF PROPERTY AND VEHICLES**

If a decision is made to file forfeiture proceedings, the Narcotics Bureau shall assume possession of, and responsibility for, the seized monies and/or conveyance.

In those cases where no forfeiture action will be filed, the Narcotics Bureau shall be responsible for releasing assets, monies, and conveyance directly to the owner.

### **5-09/380.00 ISSUANCE OF LICENSES FOR CONCEALED WEAPON**

In accordance with Penal Code section 12050, subject to the following Department procedure, any person may obtain a Department application for authorization to carry a concealed weapon.

### **5-09/380.05 POLICY STATEMENT**

No Concealed Weapon License should be granted merely for the personal convenience of the applicant. No position or job classification in itself should constitute good cause for the issuance or denial of a license. Each application shall be individually reviewed for cause.

### **5-09/380.10 APPLICATION REQUESTS**

Any person may obtain the standard State of California's Concealed Weapon License Application (form SH-AD-602 revised 2/95) from any Station, the concerned Assistant Sheriff, or Undersheriff.

Each applicant must demonstrate proof of residence and good character. In addition, good cause for the purposes of Penal Code section 26150 shall exist only if the following prevails:

- convincing evidence of a clear and present danger to life or of great bodily harm to the applicant, his spouse or dependent child, which cannot be adequately dealt with by existing law enforcement resources and which danger cannot be reasonably avoided by alternative measures, and which danger would be significantly mitigated by the applicant's carrying of a concealed firearm.

If the applicant resides in an incorporated city not policed by this Department, they must apply to the chief of police of their city of residence for a Concealed Weapon License and have such application acted upon. Within 60 days after a denial of such application, such city resident may file a separate application with the Sheriff's Department, attaching a copy of the Letter of Denial by the chief of police. The concerned Assistant Sheriff will exercise independent discretion in granting or denying licenses to such persons but may review, consider and give weight to the grounds upon which such denial was made.

### **5-09/380.15 APPLICATION PROCESSING**

## Reserve Deputies

Reserve Deputy personnel shall direct their concealed weapon permit requests to Reserve Forces Bureau for processing.

## All Other Applicants

All other applicants shall complete the Department's Concealed Weapon License Application and return it to any Station, the concerned Assistant Sheriff, or Undersheriff. If returned to a Station, the concerned Station shall forward the application to the Undersheriff or the concerned Assistant Sheriff.

Applicants must specifically state under the section entitled "Reason for Desiring License" those circumstances which present convincing evidence. (See first dashed item of preceding section 5-09/380.10.)

Additionally, the applicant must show proof of residence by some type of approved, recognized identification card, and at least one cancelled item bearing United States postage.

The following procedure shall be adhered to upon accepting the application:

- all completed applications and reproductions of the proof of residence will be submitted to the Undersheriff or the concerned Assistant Sheriff. Each application will be reviewed and either approved for further processing or disapproved by the Sheriff or his designated representative; and
- Reserve Forces Bureau, the concerned Assistant Sheriff, or the Undersheriff will notify the applicant of the Sheriff's action, by mail.

At the time of this appointment, the applicant must show proof of completion of a state-approved, firearms training course, or alternate proof of firearms proficiency. A reproduction of this document shall be attached to the application.

Additionally, the applicant will complete the California State application form for a Concealed Weapon License, Bureau of Identification (form BID-7), deposit a non-refundable fee of \$10.00 for Department processing, in addition to such fees required by the State Department of Justice and submit to fingerprinting and photographing.

No license will be issued until the CII check is returned.

- a photograph of the applicant may be affixed to license at time of issuance (optional);
- the Bureau of Identification (form BID-7) and Department of Justice fee will be submitted by the Department for CII processing; and
- once the Department of Justice has processed the application and a CII history sheet attesting to the applicant's good character have been returned to the office of

the Undersheriff or concerned Assistant Sheriff the Department will notify the applicant of the final disposition.

Evidence of past criminal history will be grounds for an automatic disapproval of a concealed weapon license.

When appropriate, the applicant will be notified to contact the Undersheriff or concerned Assistant Sheriff for an appointment to obtain the license.

- the Undersheriff or concerned Assistant Sheriff shall prepare the appropriate State license form for signature by the Sheriff or his designee. The date of issuance shall be set for the day upon which the applicant can respond to the office of the Undersheriff, the office of the concerned Assistant Sheriff or Reserve Forces Bureau to obtain the license; and
- distribution of the three-part BCII 4501 form shall be as follows:
  - white original to licensee;
  - yellow copy to CII; and
  - pink copy to be retained by the Undersheriff's office, the concerned Assistant Sheriff's office, or Reserve Forces Bureau.

#### **5-09/380.20 FIELD LICENSE CHECKS**

When Deputies have an occasion to inspect a concealed weapon license (possession mandatory), they shall give special attention to the following:

- description of weapon licensed to be carried;
- photograph (optional);
- other weapons authorized; and
- restrictions itemized on reverse side of license.

#### **5-09/380.25 REGULATORY GUIDELINES FOR LICENSED PERMITTEE**

All Concealed Weapon License applicants, whether applying for a new or renewal license, are subject to the preceding criteria and the following restrictions.

When a Concealed Weapon License is issued, the following restrictions will apply and shall appear on the reverse side of the first copy of the BCII 4501 form:

- restriction violations of this license shall constitute an immediate revocation and subjects the bearer to provisions of 25400 PC. Additionally, the license may be seized by any peace officer and returned to LASD, Attn: Office of the Undersheriff or concerned Assistant Sheriff; and
- while exercising the privilege granted to them under the terms of this permit, licensees shall not:

- consume any alcoholic liquor;
- represent to any person that they are peace officers unless they are, in fact, peace officers as defined by law;
- abuse this privilege by an unjustified display of a deadly weapon;
- violate any law of this state or country;
- be under the influence of any medication or narcotic drug;
- impede law enforcement officers in the conduct of their activities; and
- refuse to display their license or to surrender their concealable firearm to any peace officer for inspection upon demand.

In addition, SPECIAL LIMITATIONS may include, but are not limited to, the time, place and circumstances under which the license is valid. Some examples of special limitations include:

- licensee must wear eyeglasses;
- license is further limited to geographic areas which are less than the County boundaries;
- license is valid only at specified times;
- license is valid for a period which is less than one year;
- exercise this limited privilege only within this County; and
- other conditions which are identified by the statement of good cause.

#### **5-09/390.00 SELF-DEFENSE TEAR GAS WEAPONS**

Self-defense tear gas permits are issued by licensed vendors who determine the purchaser's eligibility to purchase, possess and use these weapons.

The vendor maintains complete and permanent records of all sales. It is his responsibility to ascertain the local police agency and mail the green copy of the "Self-Defense Tear Gas Permit Application and/or Sales Receipt" (Form DLE 138) to the Sheriff's Station or police agency that has jurisdiction over the purchaser's place of residence. This copy, applicable to this Department, shall be forwarded to RIB, Report Processing Unit, for filing.

#### **5-09/400.00 USED FIREARMS PURCHASED FOR DEPARTMENTAL USE - APPROVAL PROCEDURE**

Deputy personnel purchasing used firearms for use in any official Department capacity shall submit them to the Advanced Training Bureau, Weapons Training Section, for inspection and approval prior to using such firearms on or off-duty.

Before inspecting a used firearm, the Weapons Training Section shall check the firearm through the State's Automated Firearms System (AFS) for wants or records. If there are no wants or records, the firearm shall be inspected for safety and proper functioning by

Weapons Training; they shall assure that all safety devices are intact and operable. When the firearm has been inspected and approved for Department use, Weapons Training shall submit a Used Firearm Report to Personnel Administration and the concerned Deputy shall submit an Employee's Personal Information (SH-AD-91) to Personnel Administration in accordance with section 3-02/020.05. Personnel Administration shall attach and maintain these forms.

If there are wants or records on the firearm, Weapons Training shall obtain a copy of the wants or records (AFS printout), attach it to the Used Firearm Report, notify East Los Angeles Station and request a Deputy respond to take a first report. The responding Deputy shall submit the first report, Used Firearm Report, copy of wants or records and the firearm for follow-up investigation and final disposition in accordance with existing Department procedures.

If the firearm is cleared of all wants or records and legal ownership of the weapon by the concerned Deputy is established, the Station Detective Commander should make a notation of this fact on the Used Firearm Report, notify the concerned Deputy and have him respond to the Station/Unit to sign a receipt and take possession of the firearm along with the Used Firearm Report. The concerned Deputy may then resubmit the firearm with the Used Firearm Report to the Weapons Training Section for completion of the inspection and approval process as outlined above.

#### **5-09/410.00 TELEPHONE SUBSCRIBER INFORMATION**

The following procedure shall be followed whenever, in the course of an official investigation, it becomes necessary for a sworn member of this Department to know:

- the location of a telephone having a known number;
- a telephone number for a known telephone location or; and
- the name of a telephone subscriber at a known telephone location or number.

Upon approval from the Watch Commander, the requester shall call the Sheriff's Headquarters Bureau, and provide whatever pertinent information is known, request the information required and advise the Sheriff's Headquarters Bureau whether the request is emergent or nonemergent. Upon receiving a request, Sheriff's Headquarters Bureau personnel shall initiate an inquiry with the concerned telephone company in the following manner:

- nonemergent requests shall be submitted to the telephone company by a letter from the Sheriff's Headquarters Bureau. The estimated response time is 3 to 10 days; or
- emergent requests, e.g., hostage, person pulled away from a telephone, barricaded suspect, small child, etc., shall be made via telephone, 24 hours a day, to the concerned telephone company by the Sheriff's Headquarters Bureau. A follow-up letter shall be sent to the concerned telephone company by the Sheriff's

Headquarters Bureau. A 20 to 60-minute response time can be anticipated.

The above procedure shall not apply to members of the Narcotics Bureau or the Major Crimes Bureau, Organized Crime section. These Units shall provide the coordination service for their own investigations.

#### **5-09/420.00 RENT CONTROL LAWS**

Some cities which contract with the Department for law enforcement services have rent control laws.

Deputies assigned to a Station serving contract cities shall be knowledgeable of the various rent control laws, if any, and be familiar with the procedures for reporting any alleged violations.

#### **5-09/434.10 ACTIVATION OF TRAFFIC COLLISION RESPONSE TEAM**

See section 5-05/010.00

#### **5-09/434.20 EXECUTIVE RISK REVIEW COMMITTEE**

Each Traffic Collision Response Team report, as well as any administrative investigations relating to Sexual Harassment, Discrimination and other select risk/liability incidents/issues, is evaluated by the Executive Risk Review Committee. The committee is comprised of three Area Commanders, one of whom oversees the Equity Program and acts as the chairperson. The two other Commanders shall, where possible, be from separate Divisions that have a case or cases scheduled before the Executive Risk Review Committee.

#### **Traffic Collision Response Team Cases**

If the review involves a Traffic Collision Response Team roll-out, the purpose of the committee is to review all roll-outs that involve employee-related traffic collisions resulting in complaint of pain, serious injury, death, substantial property damage, or which are the result of a pursuit and/or Code 3 Operation. The role of the committee is to review each incident in detail to determine if there are any aspects of the incident that expose the Department to undue risk, constitute violations of the law or policy, involve training issues, or other risk management considerations.

The package submitted to the Executive Risk Review Committee for review shall include the Collision/Incident Analysis from Traffic Services Detail and the Traffic Collision Report (CHP-555). The Incident Report (SHR-49) and any related Departmental reports are required when a crime is involved. Each of the three Commanders, as well as the



concerned Unit Commander, will receive a copy of appropriate portions of the Traffic Collision Response Team reports (which become a component of the Executive Risk Review Committee package) and each is responsible for reading the documentation and being prepared to discuss the facts and reach conclusions. The investigator of the incident shall be available to present the case, discuss and/or clarify issues.

Based on their findings, the Executive Risk Review Committee shall determine disposition (i.e., preventable, non-preventable, work damage, etc.), and has the option of recommending a commendation, or directing that a debriefing, training discussion or counseling session be conducted. The committee might also determine that no further action is required, or that additional interviews or investigations are required for clarification. The committee may direct that an administrative or even a criminal investigation be conducted. Upon the completion of any additional review or investigation, the package is returned to the committee chairperson and the incident is again brought before the Executive Risk Review Committee for final determination.

The Executive Risk Review Committee package and the committee's findings and recommendations shall be forwarded to the concerned Unit Commander via Division headquarters. The Unit Commander has thirty (30) business days to complete his evaluation of the material, act on the recommendations, document his/her actions, and forward the reports via his Division Chief for approval back to the committee chairperson. If the Executive Risk Review Committee has determined that violations of policy have occurred, the Unit Commander shall determine the appropriate discipline and prepare a disposition sheet for each employee that was deemed to have violated policy.

Following the review, the Unit Commander and Watch Commander should complete the Supervisor's Report of Damage to County Vehicle or Permittee's Vehicle, SHR-257, based on all the available information.

In the event that the Unit Commander disagrees with the findings and recommendations of the Executive Risk Review Committee, the dissent must be justified in a memorandum to his/her Division Chief. In addition to the memorandum, the Unit Commander shall submit a copy of the Executive Risk Review Committee package, and copies of any audio or video tapes, pictures and/or materials related to the case (which can be obtained from Traffic Services Detail). With the concurrence of the concerned Unit Commander's Division Chief and the appropriate Assistant Sheriff, the Executive Risk Review Committee's recommendations may be overruled.

The concerned Unit Commander shall ensure adherence to recommendations of the Executive Risk Review Committee. Actions taken must be documented by the concerned Unit Commander on the "Unit Commander's Response" form contained within the Executive Risk Review Committee package, which is then forwarded to the committee chairperson.

#### Sexual Harassment/Discrimination Cases

In the areas of sexual harassment and discrimination, the role of the committee is to review each incident in detail to determine if there are any aspects of the incident that expose the Department to undue risk, constitute violations of the law or policy, or involve training issues or other risk management considerations.

Upon the conclusion of the investigation by Internal Affairs Bureau, as outlined in the Manual of Policy and Procedures Section 3-04/020.00, the case will be presented at an Executive Risk Review Committee meeting. Prior to that meeting, each of the three Commanders, as well as the concerned Unit Commander, will receive a copy of the Internal Affairs Bureau investigation, and will be responsible for reading the documentation and being prepared to discuss the facts and reach conclusions. The Internal Affairs Bureau investigator who wrote the report shall be available to present the case, discuss and/or clarify issues. Regular attendees shall include representatives from the Office of the Ombudsperson, Training Bureau's Mandated Training Unit, and Employee Relations/Advocacy Services to provide subject matter expertise, and representatives from Bureau of Compliance, who serve as staff for the Executive Risk Review Committee.

Once the case has been presented, the Executive Risk Review panel will render their decision as to whether the case is founded, unfounded or unresolved. If the case is deemed **founded**, the panel, along with the Unit Commander, Internal Affairs Bureau and Advocacy Services representatives will meet in "executive session" and further discuss the mitigating and aggravating factors of the case. Thereafter, the Executive Risk Review panel, in conjunction with the Unit Commander, will determine the appropriate level of discipline.

At the conclusion of each Executive Risk Review Committee meeting, the committee staff will document the committee's findings and recommendations, and prepare the Final Disposition Sheet, which is then forwarded to the committee chairperson for his review and final approval.

The entire Executive Risk Review Committee/Internal Affairs Bureau package, including all reports and documents describing the Executive Risk Review Committee's findings and recommendations, documentation of all remedial and/or disciplinary actions taken, and appropriate disposition sheets, is maintained by the Internal Affairs Bureau. All appropriate data bases are updated from the information provided within the Executive Risk Review Committee/Internal Affairs Bureau package.

#### **5-09/440.00 IDENTIFICATION PHOTOGRAPHS OF STREET GANG MEMBERS**

Photographs shall not be taken by members of this Department, in non-custodial situations, of known or suspected street gang members to be used for photographic show-ups and suspect identifications except in the following cases:

- personnel shall be assigned to investigative Units actively involved in conducting

- criminal investigations of reported crimes; and
- personnel shall be assigned to Units specifically assigned the responsibility of preventing and suppressing gang violence.

In the above exceptions, personnel shall be prepared to justify, in detail, the purpose and necessity for such non-custodial photographs, e.g., photograph needed to eliminate a person as a possible suspect in a reported crime.

In any investigation involving the taking of non-custodial identification photographs, the person to be photographed must willingly consent to the procedure. In no event shall Department personnel physically force or coerce anyone to be photographed in non-custodial situations.

The above does not affect the current process of photographing an arrestee.

#### **5-09/460.00 ALCOHOLIC BEVERAGES/ILLEGAL FIREWORKS - FOUND/SEIZED - NO PROSECUTION SOUGHT**

The following procedures shall be utilized when alcoholic beverages or illegal fireworks are seized/found, prosecution is not appropriate and returning the contraband is inappropriate.

Deputies taking possession of alcoholic beverages or illegal fireworks under these circumstances shall:

- make an appropriate log entry in the Deputy's Daily Work Sheet (SH-CR-73), including the items found/seized and utilizing the designated monthly URN;
- place the contraband in the evidence locker in the designated container; and
- list the seized/found contraband on the Alcoholic Beverages/Illegal Fireworks - Not for Prosecution Record Form (SH-R-400).

The Watch Sergeant or other person designated by the Unit Commander shall ensure that:

- on the first day of each month an URN is designated for these incidents and posted for briefings. This URN shall include:
  - the Station's/Unit control number (i.e., Lennox - 0300, Carson - 1600); and
  - statistical code 444 (other, noncriminal).

A different URN shall be designated for the Independence Day fireworks season.

- at the end of every month, an Incident Report (SH-R-49) is processed covering all incidents under the designated URN, and include:
  - the designated URN described;
  - classification line indicating "Found property-Suspicious Circumstances"

- and listing possible misdemeanor/infraction violations;
- a brief narrative explaining that either alcoholic beverages or fireworks were found or legally seized at various locations, prosecution will not be sought and the contraband will be destroyed; and
- copies of the Alcoholic Beverages/Illegal Fireworks - Not for Prosecution Record Forms, listing all beverages or all fireworks confiscated under the one URN.

Each month an entry shall be made in the Master Property Control Ledger reflecting the aggregate totals of contraband obtained under an assigned URN.

- thirty days after processing the SH-R-49, a Supplemental Report (SH-R-2) shall be completed, listing:
  - itemized amounts of contraband;
  - date, time and method of destruction;
  - supervisor witnessing the destruction; and
  - inactivate the URN.

The Unit Commander shall designate a Lieutenant to witness and ensure that all contraband obtained during a monthly period is disposed of as follows:

- destruction of alcoholic beverages involves emptying the entire content of each beverage container into an appropriate basin with flushing water and disposing of the empty containers; and
- contraband fireworks shall be released to the County Fire Department, Fire Prevention Team, for destruction. A signature from a member of this team on the Incident Report will suffice as a receipt.

Since fireworks can be disposed of immediately after the Independence Holiday season, a Supplemental Report will not be required. All information can be incorporated into the first report.

## **5-09/465.00 SEARCH OPERATIONS**

Search operations are defined as service of search warrants, probation and parole searches, and pre-planned warrantless searches of fixed locations (structures, yards, vehicles at the location, etc.). This policy does not apply to searches of vehicles on public roads. It does not apply to personnel conducting routine searches in response to calls-for-service or in immediate response to field observations.

When planning a search operation, the paramount concern will always be for the safety of the public, our personnel, and, to the greatest extent possible, the protection of property.

Planning is a prerequisite for any successful operation. In emergent circumstances which do not allow for detailed advance planning, risk assessment factors (section

5-09/465.10 Search Operations - Risk Assessment) relating to officer safety should still be considered.

Narcotics Bureau shall be notified in all situations relating to possession for sale or sale of narcotics, dangerous drugs or marijuana where follow-up investigation, a consent search of a location, or the acquisition and service of a search warrant is necessary. Such cases shall generally be the responsibility of the Narcotics Bureau. Station/Unit personnel shall request Narcotics Bureau to conduct the appropriate inquiry into the L.A. Clearinghouse, and/or any other related intelligence clearinghouses to establish that there are no conflicting investigations.

Deputy personnel assigned to multi-jurisdictional task forces which are operated and managed by other agencies (e.g., Drug Enforcement Administration, Bureau of Narcotics Enforcement, Federal Bureau of Investigation, L.A. IMPACT, etc.) shall follow the standard operating procedures of the agency operating the task force, the instructions of its supervisors and managers, and any memorandum of understanding between the task force and the LASD.

The Incident Commander shall be responsible for coordinating Code 20 information. The Sheriff's Headquarters Bureau shall be advised when press or media inquiries are anticipated so that a representative of that Bureau can be available.

### **5-09/465.10 SEARCH OPERATIONS - RISK ASSESSMENT**

Search operations are classified and handled according to risk assessment. The risk factors used to define each classification are explained as follows:

#### **Highest Risk**

Highest risk search operations are defined as having one or more of the following hazards associated with the location of the operation:

- heavily barricaded location;
- suspect armed with automatic weapons or explosives is believed to be at the location;
- suspect wanted for armed assault on a peace officer believed to be at the location; and
- hostage believed to be at location.

Highest risk search operations (absent exigent circumstances) require the following:

- a signed Ramey or search warrant at the time of service;
- an approved operations plan and pre-operations briefing;
- service by full Special Weapons Team (SWT) or Special Enforcement Bureau's Tactical Entry Team (TET);

- notification to concerned Division Chiefs, Area Commanders, and Unit Commander; and
- Incident Commander shall hold the permanent rank of Lieutenant or above.

### High Risk

High risk search operations are defined as having the following hazard associated with the operation:

- assault weapons, superior armament (high powered rifles, scoped rifles, etc.) or ballistic protection (body armor, building fortification, etc.),

Or three or more of the following hazards associated with the operation:

- secured barred doors and windows;
- CCTV monitors or alarms;
- guard dogs believed to be at the location;
- handguns believed to be at location; and/or
- suspect believed to be at location that:
  - is a third strike candidate;
  - has a violent criminal history; or
  - has made threats against officers.

High risk search operations (absent exigent circumstances) require the following:

- a signed Ramey or search warrant at the time of service;
- an approved operations plan and pre-operation briefing;
- consultation with the Special Enforcement Bureau and service by SWT/TET or Unit-level personnel depending upon circumstances;
- notification to concerned Area Commanders and Unit Commander; and
- Incident Commander shall be of the permanent rank of Sergeant or above (A Lieutenant shall oversee all entries involving SEB personnel).

Any number of circumstances may indicate that a Special Weapons Team should be used to safely conduct a search operation. Detective and patrol supervisors are encouraged to contact the Special Enforcement Bureau whenever questions arise in evaluating service options and criteria. Special Weapons Teams (S.W.T.'s) and Tactical Entry Teams (T.E.T.'s) are not limited to use only in the above situations. Incident Commanders hold the prerogative to request these resources whenever circumstances warrant their use.

T.E.T.'s are comprised of personnel from the Special Enforcement Bureau, and are available to provide tactical assistance to all Department personnel. These teams are assigned to conduct search warrant entry and the expeditious clearing of locations, with the involved investigators providing backup and perimeter containment.

In determining the need for a T.E.T., many factors should be considered; however, the paramount issue is, and will always be, the safety of those involved in the entry. Supervisors requesting the use of a T.E.T. should realize that the use of a T.E.T is not a use of force, but rather a tactical option available to Department personnel. Supervisors shall utilize the Search Warrant Preparation Checklist to assist them in making the determination whether or not to request a T.E.T.

The responsibility for requesting a T.E.T. rests upon the concerned Incident Commander.

The extent of scouting of a location, and the preparations made for entry will be contingent upon the facts at hand, and based upon the approval of the Incident Commander. Except where special circumstances are present, the Special Enforcement Bureau's responsibility shall be limited to location entry and clearance. Thereafter, involved host Unit personnel shall be responsible for the actual search for and retrieval of evidence, arrests, and report writing.

Contact S.E.B. for clarification if there is any doubt regarding the appropriate level of support necessary to safely execute an operation.

The responsibility for deciding whether or not Unit-level personnel will execute the search operation rests with the concerned Incident Commander.

### Moderate Risk

Moderate risk search operations are defined as having one or two of the hazards associated with high risk operations. Moderate risk search operations require the following:

- a signed Ramey or search warrant at the time of service (except probation and parole searches), a signed Entry and Search Waiver, SH-R-410, (in the case of a consent search), or an audio/video taped verbal consent;
- service by Bureau or Station-level personnel;
- notification to concerned Unit Commander for operations involving two or more locations;
- incident Commander shall be of the permanent rank of Sergeant or above; and
- operations plan requirement may be waived by the Incident Commander.

### Lower Risk

Lower risk operations are defined as follows:

- having none of the risk factors associated with high risk operations; and;
- generally restricted to crime scene investigations and business record searches.

Lower risk search operations require the following:

- “lower risk” classification must be approved by the Incident Commander in the case of a search warrant;
- operations plan requirement may be waived by Incident Commander;
- pre-search and post-search video taping not required if no physical search is involved, such as the voluntary surrender of business records; and
- may be served by as few as two Station or Bureau-level Deputies except in cases involving third party business records searches (e.g., telephone company records; internet service provider records). In those cases, only one Deputy is necessary.

An Incident Commander is defined as an individual holding the permanent rank of Sergeant or above. The Incident Commander shall be an individual holding the permanent rank of Lieutenant or above whenever the following conditions exist:

- any operation involving the use of SEB personnel;
- out-of-County search operations conducted ten (10 ) miles beyond the county border (except those assessed as lower risk); and
- whenever a search operation is expected to result in an evidence seizure valued at \$10,000 or more.

#### **5-09/465.20 SEARCH OPERATIONS PREPARATION CHECK LIST**

The use of the SH-R-461 checklist is mandatory for all search operations. The purpose of the Search Operations Preparation Checklist (SH-R-461) is to ensure that all search operations have been properly evaluated for known risks per section 5-09/465.10 Search Operations - Risk Assessment.

A Field/Team Sergeant or above shall review the Search Operations Preparation Checklist and Operations Plan (if required) for completeness and accuracy and sign the checklist before any search operation is executed.

Prior to signing the Checklist and/or Operations Plan (if applicable), the supervisor shall ensure that all appropriate investigative leads have been explored and that all relevant information has been briefed to personnel assigned to the operation.

The Search Operations Preparation Checklist, form SH-R-461, is available online at the following address: Microsoft Outlook / Public Folders / All Public Folders / All Forms / Detective. The original check list shall be maintained at the Unit as part of the “Search Documentation Package.”

#### **5-09/465.30 OPERATIONS PLAN PREPARATION**

The Department's Operations Plan format is designed to accommodate a broad range of anticipated situations, while at the same time maintaining a systems approach to planning and documentation. Use of this format will ensure consistency and uniformity in the



planning and documenting of information pertaining to search operations.

An operations plan shall precede any search operation, absent exigent circumstances. For "Moderate" or "Lower" risk operations this requirement may be waived by the Incident Commander. The operations plan shall be reviewed for completeness and accuracy by the Incident Commander. The Incident Commander shall oversee a pre-operation briefing and personally supervise the execution of the plan. The operations plan shall be approved by a Watch Commander/Team Lieutenant or above.

The operations plan shall contain the following points:

- all searches shall be conducted in teams of two (2) Deputies per room; and
- a scribe shall be appointed to author a report describing the execution of the plan and any subsequent search. The report shall include the following information:
  - all Deputies present during the search of the location; and
  - a listing of each item of evidence seized, specifically describing the location where it was recovered and the name of the Deputy who recovered it.

An operations plan template (SH-R-470) is available online at the following address: Microsoft Outlook / Public Folders / All Public Folders / All Forms / Category: Complaint / Force / Investigation. The original operations plan shall be maintained at the Unit as part of the "Search Documentation Package."

To the extent possible, all operations plans shall be computer generated to simplify editing, correcting, and storage of materials, including the back-up files/disk(s).

### Pre-Briefings

In complex, multi-unit, multi-agency operations, a pre-briefing shall be conducted with each team leader present to discuss tactics, logistics, individual agency's policies, documentation of events, etc. This shall be noted on the check-off sheet. A pre-briefing allows for points of concern to be addressed and changes made to the search operations plan prior to briefing all personnel. All changes made as a result of the pre-briefing shall be reflected in the operations plan.

### Briefing

All personnel involved in a search operation shall attend the operation briefing prior to execution of the plan unless excused by the Incident Commander. Personnel who do not attend a briefing shall not participate in any field related aspects of the operation without the approval of the Incident Commander.

Primary reasons for having a search operations briefing are to:

- account for all personnel involved in the operation;
- identify and introduce all personnel to one another. This is particularly important

when:

- undercover or non-uniformed personnel are involved; and
- when different agencies are involved and/or when personnel who are unknown to one another are involved;
- ensure that the required materials and equipment are distributed to the proper personnel;
- ensure the dissemination of the same information to all concerned personnel;
- ensure the same level of understanding, by all personnel, of the information which is briefed and which is contained in the search operations plan;
- provide an opportunity for any necessary clarifications or questions;
- provide an opportunity to raise concerns not included in the search operations plan;
- ensure that all personnel are properly equipped with required safety equipment, as well as appropriate equipment for communications, during the search operation; and
- ensure uniformity in the commencement of the operation.

#### **5-09/465.40 SEIZURE OF HIGH VALUE PROPERTY DURING SEARCH OPERATIONS**

High Value Property is defined as:

Any item(s) of money, narcotics, valuables or other evidence (other than vehicles or real estate) with an estimated worth of \$10,000 or more.

Receipts for seized high value property shall be given to the person from whose presence it was seized or who claims ownership of the property. If it is a secure location, the receipt may be left at the scene.

Upon discovery of any large amount of currency (believed to be over \$10,000), Deputy personnel shall immediately request one Deputy back-up with the closest ETA. Deputy personnel shall also make notification to the Field/Team Sergeant.

Currency shall always be bagged separately from property and valuables.

#### **Seizures with Estimated Values of \$10,000 or More**

If it is anticipated that high value property will be found or seized during the service of a search warrant, the Unit Commander shall be notified. If the value of the seizure is expected to be \$10,000 or more, the Unit Commander shall designate a Watch Commander/Team Lieutenant to be the Incident Commander. The Watch Commander/Team Lieutenant shall oversee the warrant service and the recovery of the property. During multiple location search warrants, the on scene Commander for a particular location may be a Sergeant. If cash or property exceeding \$10,000 in value is discovered at a location, a Watch Commander/Team Lieutenant shall respond to the

location, from the command post, as needed.

The seizure of cash or valuables (excluding vehicles and real estate) estimated in value at \$10,000 or more shall be supervised by a Watch Commander/Team Lieutenant. If a Watch Commander/Team Lieutenant is not already assigned as the Incident Commander, one shall be summoned immediately to assume the duties of the Incident Commander. The property shall be left in place until his or her arrival absent exigent circumstances. Once the Watch Commander/Team Lieutenant has assumed control, the following shall apply:

- uncounted currency, negotiable securities, checks, jewelry, bullion, other negotiable items, or collectibles, etc., estimated at more than \$10,000 in value, shall be sealed in a transparent narcotics evidence bag, under the direct supervision of the Lieutenant, who shall maintain personal custody of the bag;
- all seizures of cash or property believed to be valued in excess of \$10,000 shall be documented on video tape showing its condition upon discovery and the recovery process (including the sealing of the evidence bag and the evidence bag serial number); and
- the Watch Commander/Team Lieutenant and one other sworn member shall transport the seized money or valuables to the concerned Station or Unit. It shall be entered in the safe ledger by the transporting Watch Commander/Team Lieutenant and secured in the Unit safe by the Watch Commander or Watch Sergeant (if the transporting Watch Commander is the Unit Watch Commander), two signatures required. The evidence bag serial number shall be noted in the safe ledger entry.

It is not necessary for Incident Commanders (Sergeant or Lieutenant) to personally transport large amounts of bulky high value property or recovered cargo loads, as long as the property has been properly inventoried at the scene. The Incident Commander shall maintain a copy of the inventory sheet and ensure that the property is escorted by no less than two Deputies to a secure holding facility. The Incident Commander shall ensure that the inventory sheet is reconciled against Department reports listing recovered evidence or property, and that it has been entered into the master evidence ledger by the handling Deputies.

On rare occasions, it may be impractical or impossible to hold the scene for a long period of time. If a Lieutenant is not available and circumstances dictate a need for immediate seizure, the senior Department member present shall supervise the seizure. This member shall, as soon as practical, provide the concerned Watch Commander/Team Lieutenant with the video recording, written reports, and receipts of the seizure for his/her review. The written report of the incident shall reflect the circumstances which dictated the need for immediate seizure.

#### Currency Seized for Narcotics Asset Forfeiture Proceedings

Money and valuables which are from trafficking in controlled substances are seizable for

asset forfeiture proceedings under 11470 (f) HS. Cash seized for asset forfeiture (estimated to be \$1,000 or more) shall be sealed uncounted into a serialized, tamper proof narcotics evidence bag and booked into the Unit safe ledger by the seizing Deputy.

Station/Unit narcotics detectives shall be routinely notified whenever a seizure for asset forfeiture proceedings occurs. Seizures of more than \$10,000 cash shall be reported without unnecessary delay to the Station/Unit narcotics crew or to the Narcotics Bureau on call representative. Narcotics Bureau personnel shall give direction or respond and take charge of the investigation and evidence.

A sealed narcotics evidence bag containing an uncounted amount of currency held for asset forfeiture proceedings may be entered into a Unit safe by the Watch Commander pending transfer to the Narcotics Bureau, Asset Forfeiture Unit without being opened or the amount counted by the Station/Unit Watch Commander.

Prior to release of the sealed bag to a Narcotics Bureau supervisor for transmittal to the Narcotics Bureau's Asset Forfeiture Unit for machine counting and forfeiture processing, the Watch Commander shall inspect the serialized sealed bag and ensure that it has not been open or tampered with.

This procedure for initial booking of uncounted currency will allow for a single count of large amounts under controlled conditions by the Narcotics Bureau Asset Forfeiture Unit and prevent discrepancies.

#### Currency Seized for other than Narcotics Asset Forfeiture Proceedings

If seized currency is to remain in the custody of a Station or Unit, and the Unit has elected to account for the currency using the "sealed bag" method, the Unit may utilize the services of the Narcotics Bureau Asset Forfeiture Unit to accomplish an automated count of the currency under controlled conditions.

The Narcotics Bureau Asset Forfeiture Unit shall receive the sealed evidence bag(s), open the bags in the presence of the transporting personnel and count the contents according to established Narcotics Bureau policy and procedure. After the count is complete, the Asset Forfeiture Unit shall advise the submitting Unit of the amount, record their names and the amount on the bag, reseal it and return it to the custody of the submitting Unit for processing.

The Unit of case assignment has the responsibility to cause a final disposition of money evidence that has been entered into a Unit safe. That disposition shall be made within 30 days of the initial entry.

The Narcotics Bureau Asset Forfeiture Unit is located in Room D115 at STARS Center. The hours of operation are Monday - Friday, 0900 - 1700 hours. Asset Forfeiture Unit personnel may be contacted at (562) 946-7116. Units shall give appropriate notice to the Asset Forfeiture Unit prior to transporting money for counting.

## Non-Warrant Seizure of High Value Property

In the event that high value property (excluding vehicles and real estate) is found during a routine investigation, a Sergeant shall be notified immediately and shall respond. If the property shall be seized for evidence or safekeeping and is believed to be valued at more than \$10,000, a Watch Commander/Team Lieutenant shall be requested to respond to the location. All applicable recovery procedures noted in this section shall apply.

## **5-09/465.50 SERVICE OF SEARCH WARRANTS AND AFFIDAVITS**

Any Department member prior to authoring or reviewing a search warrant and affidavit, shall attend the Department mandated search warrant and affidavit training course. For further information, refer to section 3-02/080.01, Training Requirements for Sworn Personnel.

A Department member holding the rank of sergeant or above shall review the warrant and affidavit for completeness and accuracy and he/she shall sign the checklist before the documents are presented to a judge. A watch commander/team lieutenant or Department member of higher rank shall review the Search Operations Preparation Checklist prior to the service of the warrant.

Watch commander/team lieutenants who are unavailable to sign the documents may give verbal approval for the service of a search warrant and affidavit. Verbal approval shall be issued only after the lieutenant confers with the field sergeant/team sergeant on the following points:

- The affidavit contains sufficient probable cause to search the location and seize the property described therein;
- The location matches the description on the warrant;
- Risk assessment factors have been properly evaluated;
- An operations plan of sufficient detail has been drafted;
- All assigned personnel will attend a pre-operation briefing, unless excused by the Incident Commander; and
- All required notifications have or will be made.

Once satisfied, the watch commander/team lieutenant shall authorize the sergeant to sign his or her name in the designated places followed by the sergeant's initials, time and date. It shall be the watch commander/team lieutenant's responsibility to review the documents as soon as practical.

The most current version of the Los Angeles County District Attorney's Office's Search Warrant Manual shall be used as the guiding document when authoring search warrants and affidavits.

## Search Warrants and Affidavits Served Outside of Sheriff's Department Jurisdiction

The following shall apply when search warrants and affidavits are served outside of LASD jurisdiction:

- The concerned area commander shall be notified of the intention to serve all out-of-county search warrants and affidavits; and
- Incident commanders serving out-of-jurisdiction search warrants and affidavits shall notify the watch commander of the affected police agency prior to the warrant service.

## Audio/Video Taping of Search Warrant and Affidavit Locations

All warrants served by Department personnel shall be audio taped from the "knock and notice" announcement through the point of entry into the location. Any deviation from this policy shall be documented. Each warrant service shall be recorded on a separate tape and appropriately identified. If exigent circumstances dictate that entry be made without a "knock and notice" announcement, the circumstances must be documented.

The incident commander shall direct deputy personnel to videotape the location prior to commencing the search and again at the conclusion of the search. The locations of all search warrant and affidavit services, excluding those deemed lower risk, shall be videotaped.

Upon rendering a location secure (after completing a sweep for persons/items posing a threat to officer safety), the entry team leader shall ensure that the location is videotaped, including a descriptive narrative of the location and any and all damage to the location. The narrative should also include descriptive information such as the color, trim, location of the address and any unusual features, etc. Pre-existing damage, along with damage resulting from law enforcement activities, as well as the general condition of the location, shall be videotaped and identified in the narrative.

The incident commander shall verify that all the required videotaping is completed. Each search warrant and affidavit service should be videotaped on a separate video cassette and appropriately identified.

All persons found inside the location shall be identified on videotape. Each person shall be asked about presence of money, valuables and firearms before the search begins.

The incident commander shall also verify that the scribe documents the existence of all audio and videotapes generated as a result of the operation. All original video and/or audiotapes shall be retained at the unit as part of the "Search Documentation Package." For further instructions, refer to section 5-07/075.00, Taking of Photographs During Search Warrants.

## Receipt for Seized Property and Notice for Retrieving Property

The Receipt for Seized Property and Notice for Retrieving Property form (SH-R-460) shall be completed by personnel whenever property is seized pursuant to a search warrant and affidavit or seizure order.

The Receipt for Seized Property Continuation form (SH-R-460A) shall be used when items of property seized are too numerous to list in the space provided on the Receipt for Seized Property and Notice for Retrieving Property form.

A copy of the completed receipt(s) shall be left at the location where the seizure occurred and the original receipt(s) shall be attached to the incident report.

## **5-09/465.60 POST SEARCH OPERATIONS PROCEDURES**

### **Document Retention**

All documents and tape recordings associated with search operations shall be assembled into a "Search Documentation Package." The "Search Documentation Package" shall be maintained at the Unit of assignment for a period of five (5) years.

At a minimum, the "Search documentation Package" shall include copies of:

- original operations plan;
- original Search Warrant Checklist;
- original video and audio tapes;
- the search warrant (if applicable);
- the search warrant affidavit (if applicable);
- property receipts;
- scribe's report;
- all other arrest and supplementary reports connected with the search operation; and
- no payment receipts or confidential reports concerning informants shall be included in the Search Documentation Package.

In order to ensure a complete accounting for all required documents, a "*Search Documentation Checklist*" form SH-AD-689 shall be completed by the handling investigator and included with the package. The Field/Team Sergeant shall review the package for completeness and sign the checklist. The "*Search Documentation Checklist*" shall be entered into the Department's record management system through existing procedures.

Form SH-AD-689 is available online at the following address: Microsoft Outlook / Public Folders / All Public Folders / All Forms / Category: Complaint / Force / Investigation.

The Unit Commander shall designate a Lieutenant to conduct regular audits of Search

Documentation Packages. The intervals between audits shall not exceed six months. In addition, Lieutenants conducting the audits shall review the audio and video tapes to ensure:

- the recording equipment is operational; and
- personnel are conforming to Department policy.

Annual audits of Search Documentation Packages shall be coordinated by the Headquarters Staff of each Division as part of the Command Inspection process. In addition to general compliance with this policy, arrest and search warrants will be checked for due diligence requirements.

#### Post Search Warrant Service Procedures

In the event that a 1538.5 PC motion is granted and this results in the suppression of the search warrant and/or evidence, the handling investigator shall prepare a supplemental report indicating the court's decision. A copy of the supplemental report should be retained in the handling Unit's files. A copy of this report, along with a copy of the search warrant served, should also be forwarded to the Administrative and Training Division, Risk Management Bureau, for analysis and review.

#### **5-09/470.00 MAJOR INCIDENT SCENE CONTAINMENT**

At the direction of a supervisor, a Major Incident Log (SH-CR-620) shall be maintained at all major incident scene containments. These scene containments may be a result of, but are not limited to, criminal activity, hazardous material spills, bomb threats, etc. The Major Incident Log shall be maintained until all Department personnel have left the scene and the containment is discontinued.

Only persons authorized by the handling Deputy, supervisory personnel or handling investigator shall be permitted to enter a major incident scene containment.

All persons entering a major incident scene containment or persons known to have been at a scene prior to containment, regardless of their rank or reason for entering, shall be identified on the Major Incident Log.

The Major Incident Log shall be attached to the first report and remain a permanent part of that file.

#### **5-09/470.05 HOMICIDE AND DEPUTY INVOLVED SHOOTING SCENE CONTAINMENT**

At the scene of a homicide, or a Deputy involved shooting, the first Deputy to arrive shall initiate a Major Incident Log (SH-CR-620).



Only persons authorized by Homicide Bureau shall be permitted to enter a crime/shooting scene containment.

The handling Deputy shall be responsible for maintaining scene integrity and keeping unauthorized persons out of a crime/shooting scene containment.

The reasons for entering the crime/shooting scene containment, and the name of the person authorizing entry, shall be written on the Major Incident Log.

All persons entering a crime/shooting scene containment or persons known to have been at a scene prior to containment, regardless of their rank or reason for entering, shall be identified on the Major Incident Log. The Major Incident Log shall be attached to the first report and remain a permanent part of that file.

#### **5-09/480.00 NOTIFICATION TO POLICE AGENCIES PRIOR TO ENTERING THEIR JURISDICTION**

Prior notification shall be made to the concerned agency's Watch Commander when entering the jurisdiction of another police agency to:

- conduct an investigation that could potentially arouse the interest of the news media;
- serve a search warrant;
- make an arrest which may impose an extreme hazard or develop into a prolonged tactical operation; and
- conduct any type of stakeout.

Occasionally circumstances may dictate that notification would be impractical prior to entering another jurisdiction. These include but are not limited to:

- time constraints;
- officer or public safety; and
- factors influencing the success of the mission.

Additionally, a Unit Commander may authorize a delay in notification until such time as he deems appropriate if unusual circumstances exist or highly sensitive investigations are being conducted.

Routine investigations, contract services, and civil or administrative processes do not require notification.

When notification has been made to another police agency, a follow-up notification shall be made at the conclusion of the activity. Notifications shall also be documented on any written report.

## **5-09/490.00 TERRORISM LIAISON OFFICERS AND COORDINATORS**

### **TERRORISM LIAISON OFFICERS**

#### **Definition**

The Los Angeles County Sheriff's Department (LASD) has established the Terrorism Liaison Officer (TLO) program to facilitate the flow of information between the members of the department and the homeland security community. The TLO is someone who serves as an information conduit between members of the public safety community, public/private sector, citizenry and the US Government, in the fight against terrorism. All LASD TLOs shall be certified by the Joint Regional Intelligence Center (JRIC).

#### **Designation**

A Terrorism Liaison Officer (TLO) shall be designated by each unit commander. This individual shall be known as the Primary TLO and shall serve as the point of contact for the Los Angeles County Sheriff's Department's Homeland Security Division and the JRIC. Backup TLOs shall also be designated to assist the primary TLO, and be available in their absence. The number of Backup TLOs at each unit shall be determined by the unit commander. For units with multiple facilities, a TLO shall be designated for each location. The selection of TLOs shall be based on the following qualities and shall not be determined by rank or assignment:

- express an interest in assuming the responsibilities of a TLO;
- demonstrate a desire and interest in Homeland Security;
- demonstrate leadership ability;
- possess good communication skills; and
- possess good training skills.

#### **Responsibilities – TLO**

Each TLO shall be responsible for the following:

- meet the following State of California TLO certification process:
  - the prospective TLO must have written approval from his/her unit commander or designee to participate in the program. (Utilize "TLO Approval Form" located in the Sheriff's Data Network Public Folders/All Forms);
  - attend the 8 hour TLO Basic Course no later than six months after being assigned as a TLO. This Commission on Peace Officers Standards and Training (POST) certified course is considered the "minimum training standard" to serve as a TLO. To schedule this course, students should contact the JRIC; and

- understand and sign the Joint Regional Intelligence Center's "FOR OFFICIAL USE ONLY (FOUO) Non-Disclosure Agreement" presented during the eight hour TLO Basic Class;
- act as the unit point of contact for:
  - Joint Regional Intelligence Center (JRIC);
  - Emergency Operations Bureau's Counter Terrorism Unit (EOB/CTU);
  - LASD TLO Program Manager; and
  - Terrorism Liaison Officer-Coordinators (TLO-Cs);
- monitor the Joint Regional Intelligence Center's informational products regarding homeland security issues that may affect their jurisdiction;
- provide a constant flow of homeland security related information to unit personnel such as bulletins, advisories and requests for information;
- maintain unit situational awareness of national, state and local homeland security efforts;
- be familiar with the mission, function and operations of the JRIC;
- provide homeland security related training to unit personnel including the procedures for JRIC notifications, and the proper use of Statistical Codes 154 (Weapons of Mass Destruction), 444 (Suspicious Circumstances) and 709 (Potential Homeland Security Activity - MPP section 5-09/490.10);
- conduct unit briefings regarding homeland security related information;
- coordinate with other LASD TLOs and establish a network with outside agency TLOs from the law, fire, and health communities; and
- inform TLO Coordinators of assignment changes.

### Responsibilities – Unit Commander

The Unit Commander shall be responsible for the following:

- appoint Primary and Backup TLOs;
- ensure all TLO duties are performed properly.

### TERRORISM LIAISON OFFICER COORDINATOR

#### Definition

The Terrorism Liaison Officer Coordinator (TLO-C) is a Department member who manages TLOs within their assigned division(s) with guidance and assistance from the Terrorism Liaison Officer Program Manager.

#### Designation

In order to effectively manage the span of control of TLOs within the Sheriff's Department, TLO-Cs shall be designated by the LASD TLO Program Manager. Terrorism Liaison Officer Coordinators may be selected from any division within the Los Angeles Sheriff's Department and their selection shall be directly coordinated with their unit commander.

### Terrorism Liaison Officer Coordinators shall:

- have a demonstrated ability to train Sheriff's Department personnel;
- have verifiable knowledge of terrorism and expertise in Sheriff's Department homeland security and emergency management programs;
- meet or exceed the State of California's TLO certification requirements;
- coordinate directly with the LASD TLO Program Manager; and
- Terrorism Liaison Officer Coordinators shall be assigned to work within all Sheriff's Department Divisions.

### Responsibilities

The Terrorism Liaison Officer Coordinators shall be responsible for the following:

- manage TLOs within their assigned divisions within the Los Angeles County Sheriff's Department;
- provide homeland security related training and briefings to LASD TLOs;
- maintain a TLO email distribution list on the Sheriff's Data Network; and
- maintain working relationships with members of the LASD Emergency Operation Bureau's Counter Terrorism Unit (EOB/CTU).

### TERRORISM LIAISON OFFICER PROGRAM MANAGER

#### Definition

The Terrorism Liaison Officer Program Manager is a Sergeant within the LASD who manages and is responsible for all aspects of the LASD's Terrorism Liaison Officer Program.

#### Designation

In order to effectively manage the LASD Terrorism Liaison Officer Program, the full-time position of Terrorism Liaison Officer Program Manager shall be staffed by a Sergeant assigned to the Homeland Security Division's Emergency Operations Bureau.

#### Responsibilities - Program Manager

The TLO Program Manager shall be responsible for the following:

- manage TLO Coordinators;
- implement the TLO Program as directed by the Captain of EOB;
- coordinate TLO training courses and meetings;
- assess needs and resources of the TLO program based on the requirements of the LASD homeland security mission;
- act as a direct representative for the LASD to the JRIC;
- work closely with the JRIC's Regional TLO Program;

- participate in the California Regional Terrorism Threat Assessment Center (RTTAC) TLO Managers group;
- facilitate the training of LASD personnel regarding JRIC notifications and reporting Potential Homeland Security Activity (MPP section 5-09/490.10); and
- coordinate the development of current and future TLO training curriculum.

#### Responsibilities - Emergency Operations Bureau Unit Commander

The Captain of EOB shall be responsible for the following:

- designate a TLO Program Manager;
- set the direction of the LASD TLO Program; and
- ensure duties of the Program Manager are performed properly.

### **5-09/490.10 NOTIFICATION PROCESS FOR POTENTIAL HOMELAND SECURITY ACTIVITY**

#### Definition

Potential Homeland Security Activity (PHSA) is defined as unusual or suspicious activity that may have a nexus to terrorism.

NOTE: The reporting of PHSA is also known nationally as “Suspicious Activity Reporting (SAR).”

Following any incident or upon receipt of any information which may be Potential Homeland Security Activity (PHSA), the Joint Regional Intelligence Center (JRIC) shall be immediately notified to ensure the information is analyzed, investigated, validated, and the proper experts/authorities are contacted. It is critical that all personnel understand reporting procedures of PHSA in order to ensure the effective and efficient flow of information.

#### Joint Regional Intelligence Center

The JRIC is a task force that is staffed by Department personnel and by representatives from federal, state and local agencies. It functions as the regional fusion center for terrorism intelligence and analysis. The JRIC also serves as the Los Angeles Regional Terrorism Threat Assessment Center (LA-RTTAC) for the State of California, and coordinates the regional Terrorism Liaison Officer (TLO) Program.

Personnel who report PHSA will be contacted by the JRIC for investigative follow-up purposes. The JRIC also determines intelligence collection requirements for the region and coordinates “Requests For Information” (RFIs) to and from the field.

Information submitted to the JRIC is analyzed to integrate criminal and terrorism threat

intelligence. The JRIC converts the information into operational intelligence to detect, deter and defend against terrorist attacks and major crime threats within the JRIC's seven county operational area.

The operational area for the JRIC includes the counties of:

- Los Angeles
- Orange
- Riverside
- San Bernardino
- San Luis Obispo
- Santa Barbara
- Ventura

### Reporting Threshold

It is the duty of all personnel to report any unusual or suspicious activity (PHSA) that may have a nexus to terrorism, whether or not they deem such information to be a credible or viable threat. Stated simply: Sheriff's Department personnel must "know what to look for and how to report it."

All personnel shall be responsible for:

- reporting all Potential Homeland Security Activity to the Joint Regional Intelligence Center (JRIC); and;
- notifying the Watch Commander and unit TLOs for situational awareness.

Personnel shall be aware that:

- potential Homeland Security Activity may not rise to the level of a crime;
- the activity may not have a clear nexus to terrorism;
- the activity may or may not require a separate incident report (SH-R 49); and
- speed and accuracy in reporting is crucial.

### Reporting Procedures – JRIC

Upon determining that any information or incident may be PHSA, handling personnel shall immediately notify the JRIC. Any of the methods listed below may be utilized:

- web notification: [www.JRIC.org](http://www.JRIC.org)
- email notification: [Leads@JRIC.org](mailto:Leads@JRIC.org)
- telephonic notification: 562-345-1100 (24/7) - 888-705-5742 (JRIC) Toll Free

### Statistical Code 709

Statistical Code 709 is the clearance code used to identify Potential Homeland Security

Activity and shall be used in the following circumstances:

- primary or Secondary Log Entry Clearance; and
- as a secondary statistical code if an incident report is written.

Any report or log clearance submitted that utilizes the 709 stat code shall articulate the observations of the reporting party and the reason(s) why the activity or incident is believed to be a PHSA. Reports utilizing 709 stat codes shall not be deferred.

NOTE: Personnel at the JRIC monitor the use of the 709 statistical code. Department personnel utilizing this clearance shall immediately contact the JRIC to provide all available information pertaining to the incident.

### Terrorist Screening Center Match – NCIC Query

The Terrorist Screening Center (TSC) is located in Washington D.C. and maintains the U.S. government's consolidated Terrorist Watch list. This resource is a single database of identifying information about those known or reasonably suspected of being involved in terrorist activity. Access to the TSC database is accomplished via CLETS/NCIC queries.

Upon receiving a possible match to a known or suspected terrorist, pursuant to an NCIC query, deputies shall contact the TSC immediately at (866) 872-9001. Each TSC match will indicate an associated "Handling Code". Deputies shall handle TSC subject query matches in the following manner:

- TSC Handling Code 1: Approach with caution. The individual may be the subject of an arrest warrant. If a warrant is returned, detain the individual pursuant to departmental procedures for handling an outstanding warrant. Call the TSC immediately at 866-872-9001;
- TSC Handling Code 2: Approach with caution. There may be a detainer for this individual. Detain the individual for a reasonable amount of time for questioning. Call the TSC immediately at 866-872-9001; and
- TSC Handling Code 3: Approach with caution. Do not alert the individual that he/she may be on the terrorist watch list. Contact the TSC during this encounter at 866-872-9001. If this would expand the scope or duration of the encounter, contact the TSC immediately thereafter. Do not detain or arrest this individual unless there is evidence of a violation of federal, state, or local statutes.

NOTE: Terrorist Screening Center handling codes are not related to, or the same as LASD radio codes. A TSC "Handling Code 3" return does NOT require an emergency vehicle response.

All personnel that receive a TSC hit in response to a NCIC query shall contact the TSC and then notify the JRIC immediately. Field units shall log each encounter and utilize the 709 clearance code.

### Responsibilities – Supervisor

- review reports for terrorism related information and potential homeland security activities (PHSA);
- ensure proper procedures for immediately notifying the JRIC are followed; and
- ensure correct use of statistical codes:
  - 154 - Weapons of Mass Destruction;
  - 444 - Suspicious Circumstance; and
  - 709 - Potential Homeland Security Activity.

### Responsibilities – Watch Commander

The Watch Commander shall log all significant incidents of Potential Homeland Security Activity for the purpose of maintaining shift and unit situational awareness.

### **5-09/500.00 OUTSIDE REQUEST TO USE A DEPARTMENT HELIPAD**

Aero Bureau personnel shall have the authority to restrict use or grant permission to land aircraft on any helipad under the control of the Department.

A request by a public safety agency for permission to land shall be coordinated through the Aero Bureau Desk. A request by other than a public safety agency for permission to land shall be coordinated through the Aero Bureau Unit Commander. Aero Bureau personnel can be contacted by calling the 24-hour main telephone at (562) 421-2701.

When any aircraft is in distress, the aircraft shall be permitted to land without prior approval from Aero Bureau. Department personnel shall make immediate notification of the circumstances to the Aero Bureau Desk.

Department personnel who become aware of the unauthorized use of a Department helipad shall immediately notify Aero Bureau Operations.

### **5-09/510.00 HANDLING HATE CRIMES**

#### DEFINITIONS

#### Hate Crime:

Any criminal act or attempted act directed against:

- a person(s) motivated by bias (1) due to that person's (actual or perceived) race, religion, ethnicity, sexual orientation, gender (including trans-gender) or disability (including mental) or (2) due to that person's association with any of the aforementioned protected groups; or



- a public agency or private institution which apparently is motivated due to the fact that the agency or institution is identified or associated with a person(s) with an identifiable protected characteristic (i.e., race, religion, ethnicity, sexual orientation, gender or disability).

#### Hate Incident:

Any non-criminal act, including words, directed at a person(s) motivated by bias against a person or group based on that person's race, religion, ethnicity, sexual orientation, gender or disability.

Hate incidents include, but are not limited to, the following:

- utterance of epithets;
- distribution of hate materials in public places;
- posting of hate materials without causing property damage; and
- the display of offensive materials on one's own property.

#### Gang-Related Hate Crimes:

All hate crimes should be considered gang-related when the suspects or victims, acting individually or collectively, are believed to be gang members or gang affiliates. When the suspects are unknown, a crime should be considered gang-related when:

- there are strong indications a crime is gang-related, such as the nature of the offense or the fact the participants were wearing/using common gang identifying signs, symbols, or colors; or
- there are indications that a crime is gang-related based upon the circumstances of the crime or the expert opinion of a gang investigators.

NOTE: The definition of a gang-related crime should not be confused with a gang-motivated crime. Motivation is used for investigative and prosecutorial purposes only. Gang motivated is a state of mind that can be proven in a court of law by the totality of circumstances or by statements.

### DUTIES AND RESPONSIBILITIES

#### Complaint Desk

Information regarding hate crimes/incidents received at the complaint desk will be entered into the Department's computer-aided dispatch system (CAD), assigning the call to the attention of the appropriate field supervisor and dispatched immediately. "Hate-related crime/incident" shall be referenced in the remarks section of the call prior to dispatching.

## Handling Deputy Responsibilities

Deputies receiving possible hate-related calls shall give them higher priority than other non-emergency calls. For example, a hate-related vandalism report would take priority over a burglary report; however, a hate-related vandalism report would not take priority over crimes in progress, burglary or robbery alarms, or medical emergencies.

Deputies handling a hate-related crime or incident shall prepare an Incident Report (SH-R-49). Hate crime reports shall not be deferred. Hate incident reports may be deferred with the approval of the Watch Sergeant.

All gang-related hate crimes or hate incidents shall be reported and documented with the statistical code 860.

In conducting the initial investigation, the handling Deputy shall:

- give victims time to voice their immediate concerns and express their feelings;
- express empathy for victim(s);
- express the Department's official position on the importance of these cases, the measures that will be taken to apprehend the perpetrator(s), and the Deputy's and Department's interest in the victim's well-being;
- assist victims in identifying and contacting community-based individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, clergy, or agencies that provide counseling, shelter, food, clothing, childcare, or other related services, as needed;
- notify the field supervisor of the crime/incident and, if appropriate, request they respond to the scene;
- ensure the Crime Analysis Information form (MO Factor, Bias-Motivated Incident check-off section on the SH-R-49) is completed;
- ensure that the proper hate crime statistical code (520-529) is used in the Incident Report; and
- if the suspect(s) is in custody, immediately notify a member of the Hate Crime/Human Trafficking Task Force.

## Field Sergeant Responsibilities:

Provide the Watch Commander with the pertinent information on the hate crime/incident as soon as possible.

## Watch Sergeant Responsibilities:

The Watch Sergeant shall:

- review all hate crime and hate incident reports for appropriate classification;
- assign all hate crimes to "Station Detectives" unless incidents would ordinarily be assigned to O.S.S., Homicide, Major Crimes, Arson Explosives, or Special Victims

Bureau. These shall be assigned after consultation with their respective on-call investigator;

- assign all hate incidents to “patrol;”
- all hate crimes/incidents reports shall be considered “active;” and
- SRD (Special Request Distribution) all hate crime and hate incident reports to the Hate Crime Human Trafficking Task Force. Ensure that the date and time of such notification is referenced in the Incident Report.

#### Watch Commander Responsibilities:

The Watch Commander shall:

ensure that an Operational Log entry has been completed for any hate crime. All hate crimes/incidents shall be recorded in the Watch Commander’s Summary Log and documented with a Chief’s Memorandum; and notify the Station’s Hate Crimes Coordinator of the incident.

#### Station Detective Responsibilities:

The Station Detective shall:

- review the report within ten business days of the crime/incident to ensure the proper classification (or declassification) of the report as a hate crime. Any changes shall be brought to the attention of the Hate Crimes Coordinator and the Hate Crime Human Trafficking Task Force; and
- if a case is assumed by the Hate Crime Human Trafficking Task Force, station detectives shall close their case by completing a case clearance supplemental report using clearance code “112 – Reassigned to Other Agency.” The case clearance supplemental report shall indicate that the case will be handled by the Hate Crime Human Trafficking Task Force.

#### Unit Commander Responsibilities:

The Unit Commander’s involvement in the process provides command emphasis that builds community confidence and maintains the integrity of the community partnership. This is a vital component in the Department’s effort to reduce hate crimes and hate-related incidents, as well as reducing the spread of misinformation through education and enforcement. Therefore, Unit Commanders shall:

- ensure that key Station personnel meet periodically with neighborhood groups and/or residents in target communities to provide information and share concerns;
- express to the community the Department’s concern for, and response to, hate crimes and hate incidents;
- establish liaison with community-based organizations, commissions, and task forces that deal with the issue of hate crimes. When a hate crime occurs, ensure that these organizations are briefed on actions taken and/or intended actions by

- the Department;
- identify impacted groups to allay fears and relay the Department's concern over and response to these incidents;
  - develop procedures that reduce the potential for violence and provide safety, security, and crime prevention information regarding hate crimes and hate incidents;
  - ensure that a process is in place to provide direct and referral assistance to victims and/or their families;
  - participate in public meetings on hate-related threats and violence; and
  - establish liaison with local community organizations and leaders.

#### Hate Crime Coordinator Responsibilities:

The Station Hate Crime Coordinator shall:

- review reports to ensure all appropriate reports have been completed;
- ensure that all hate crime and hate incident reports have been SRD'd to the Hate Crime Human Trafficking Task Force;
- liaison with the handling investigator, the community, and any applicable community-based organizations;
- act as an information resource for deputies at their Station regarding hate crimes and hate incidents; and
- expand, where appropriate, existing preventive programs.

#### Station Clerical Staff Responsibilities:

A copy of all hate crime and hate incident reports shall be immediately faxed to the Hate Crimes Fax Distributors list in Outlook and a copy SRD'd to the Hate Crime Human Trafficking Task Force and the unit's Hate Crime Coordinator as soon as possible.

#### Reporting Requirements:

Section 13023 of the Penal Code requires all law enforcement agencies to forward to the Department of Justice (DOJ) all hate-related crimes/incidents. Therefore, it shall be the responsibility of the LASD member of the Hate Crime Human Trafficking Task Force to provide the Crime Analysis Program (CAP) with the hate crime statistics. At the end of each month, CAP shall continue to process and report hate crime information in compliance with County, State, and Federal requirements.

#### Hate Crime Human Trafficking Task Force:

The Task Force shall seek the most effective investigation and prosecution with consideration given to both State and Federal laws.

See MPP section 4-11/012.00 Hate Crimes for additional information on hate crime reporting, clarifying distribution, and handling procedures.

## **5-09/520.00 CONSTITUTIONAL POLICING AND STOPS**

As a public law enforcement agency, the Department is committed to ensuring that members of the public receive equal protection of the law without bias based on race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation and in accordance with the rights secured or protected by the Constitution or laws of the United States. These ideals are engrained into our efforts and reflect our Department's continued commitment to Constitutional Policing.

### **5-09/520.05 STOPS, SEIZURES, AND SEARCHES**

Department members shall only conduct investigatory stops or detentions when they have reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime.

Department members shall not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause except as part of actual and credible description(s) of a specific suspect or suspects in any criminal investigation.

Department members shall not use race, color, ethnicity, national origin, religion, gender, gender identity, disability, or sexual orientation in exercising discretion to conduct a search except as part of an actual and credible description of a specific suspect or suspects in any criminal investigation.

Department members shall not initiate stops or other field contacts because of an individual's actual or perceived immigration status.

Department members shall not conduct arbitrary searches. The request to conduct a consent search must be reasonable, and a deputy must be able to articulate a valid reason under law and policy for initially having stopped the individual.

Department members shall only conduct searches of individuals based on probation or parole status when knowledge of a probation or parole search condition has been established.

Department members shall immediately notify a supervisor when routine field activity or observations lead to consideration of a home search based on consent, and the supervisor shall either approve the search before it is conducted or, if appropriate, a search warrant should be sought.

### **5-09/520.10 BACKSEAT DETENTIONS**

A backseat detention occurs when an individual's freedom is restrained by placing the individual in the backseat of a patrol vehicle for investigative purposes for any period of time. Backseat detentions shall not be used except when the deputy has individualized reasonable suspicion that justifies a detention and an articulable reasonable belief that the detained person may pose a threat of physical harm or is an escape risk unless detained in the backseat. Backseat detentions are not permitted when based on unreasonable or factually unsupported assertions of deputy safety. Deputies shall not conduct backseat detentions as a matter of course during routine traffic stops or domestic violence situations.

In instances where the backseat detention is due to weather conditions or the individual's desire for privacy, the deputy will ask the individual whether he or she would like the option of sitting in the backseat of the vehicle and make clear that this placement is a courtesy and that the individual is free to exit the vehicle at any time.

Deputies shall explain to civilians in a professional and courteous manner why they are being detained in the backseat of patrol cars. If an individual complains about being detained in the backseat of a patrol car, the deputy shall call for a field sergeant to respond to the scene to address the individual's complaint. If the individual does not want to wait for the field sergeant to respond to the scene, the deputy shall provide the individual the deputy's business card.

Deputies shall not attempt to dissuade any individual from registering a complaint with a supervisor about a backseat detention, whether through their words, actions, or by delaying the notification to or the response from the supervisor.

The backseat detention contact type codes shall be used as the primary code in the Contact Type field to document all backseat detentions on the Deputy's Daily Work Sheet. The length of time of the backseat detention and the factual justification for the backseat detention "seizure" shall be articulated in the narrative portion of the deputy's log.

#### **5-09/520.15 CONSENSUAL ENCOUNTERS**

Persons that are contacted during consensual encounters shall be free to leave at all times and the contact shall be voluntary. A consensual encounter can transform into a detention if a reasonable person believes that they are not free to leave.

#### **5-09/520.20 LOGGING PUBLIC CONTACTS**

Field units performing regular field law enforcement duties shall create an electronic Deputy's Daily Work Sheet (DDWS) through the Mobile Digital Computer (MDC) or Computer-Aided Dispatch (CAD) system.

Units included in this classification include, but are not limited to:

- General patrol
- Traffic patrol
- Motorcycle patrol
- COPS teams
- Special Assignment Officers
- Gang Enforcement Team patrol units
- Special Enforcement Bureau directed patrol units
- Bicycle patrol
- Foot patrol
- Beach patrol units
- Associated field supervisors for the above units

Regular field law enforcement duties include, but are not limited to:

- Responding to calls for service
- Conducting vehicle, bicycle, and pedestrian stops for enforcement/investigatory purposes
- Assisting members of the public

The requirement to create a DDWS extends to units not equipped with an MDC. When a unit is not equipped with an MDC, the DDWS shall be created at the beginning of the shift by utilizing a station CAD terminal. Completion of the DDWS shall occur either during the course of the shift or prior to its conclusion.

#### **5-09/520.25 LOGGING FIELD ACTIVITIES**

All significant public contacts and activity shall be appropriately logged on the Mobile Digital Computer's Deputy's Daily Work Sheet (DDWS). The Mobile Digital Computer's DDWS logs shall contain only accurate information including, but not limited to, the race of each individual detained or searched, the result of the stop, and the date, time, and location of the stop.

For the purposes of this policy, "significant public contacts and activity" are defined as:

- Calls for service;
- Self-initiated activity that results in arrest or citation;
- Self-initiated activity that is enforcement/investigative in nature but does not result in arrest or citation; and/or
- Self-initiated activity which is not enforcement/investigative in nature but results in Department personnel taking some form of constructive action, e.g., requesting a tow truck for a stranded motorist.

Each field incident shall be logged separately with its own unique "Tag" number. Deputies shall not log multiple unconnected incidents or traffic stops under a single "Tag" number. Multiple citations or activities resulting from the same traffic stop or incident shall be logged under the same "Tag" number. These concepts are equally applicable to vehicle, pedestrian, and bicycle stop contacts.

### **5-09/520.30 STATISTICAL CODES FOR TRAFFIC, PEDESTRIAN, AND BICYCLE STOPS**

The statistical codes 840 (Traffic Stop), 841 (Pedestrian Stop), and 842 (Bicycle Stop) shall be used when field personnel conduct vehicle, pedestrian, or bicycle stops based on probable cause, reasonable suspicion, or for other investigative purposes or to follow up on leads from prior incidents. The codes shall be used when logging vehicle, pedestrian, or bicycle stops which are associated with:

- Calls for service;
- Self-initiated activity that results in arrest or citation; and/or
- Self-initiated activity which is enforcement or investigative in nature but does not result in arrest or citation.

These codes shall be used in addition to any other statistical code(s) used to classify the incident. The narrative portion of the logged incident shall also include the reason for the contact and a brief description of the action taken by deputies.

The Mobile Digital Computer "Reasonable Suspicion" and "Pat Down" Contact Information Codes require justification for the stop or search and shall be noted in the narrative portion of the deputy's log.

### **5-09/530.00 SUSPECT IDENTIFICATION PROCEDURES**

Fair and reliable suspect identification procedures are crucial to solving crimes, convicting criminals, and ensuring the innocent are not prosecuted. The Department recognizes there are various methods to conduct fair and reliable suspect identification procedures/photo arrays. The following guidelines are intended to ensure the reliability, fairness, and consistency of suspect identification procedures throughout the Department.

Absent extraordinary circumstances, photo arrays should be displayed to witnesses by deputy personnel (e.g., detectives, detective supervisors, etc.) who have received Department-approved training in proper procedures and law.

Deputies should use techniques that do not influence a witness in their identification of a suspect. Regardless of the method used, the deputy is required to uphold the integrity of



the suspect identification procedures, and shall document the steps taken in each case in notes or reports.

### **5-09/530.10 RECORDING ADMONISHMENT TO WITNESS AND ARRAYS**

Witness admonishments regarding the photo array process, as well as the actual witness viewing and making comments about the array, shall be audio and/or video recorded unless it is not practical to do so. Whenever an admonishment or procedure is not recorded, the deputy shall advise their supervisor of the reason(s) for not doing so and document in writing the reason(s) and the name of the supervisor who was advised. All photo arrays, witness admonishments, and photo array procedure recordings shall be retained as a permanent part of the investigation and disclosed as required by law. The audio and/or video recording requirement does not apply to field show-up or field identification procedures, although it is encouraged.

### **5-09/530.20 PHOTO ARRAYS**

The following applies to photo array procedures:

- Deputies showing photo arrays shall not make any comments or gestures that could influence the witness or prejudice the investigation. Suggesting one suspect over any other in any manner, shape or form, either by body language, verbal articulation, or other communication to the witness are unacceptable and will likely render the identification inadmissible in court.
- The showing of photo arrays in the presence of more than one witness is not appropriate, unless the witness is so distraught that the witness requests the presence of another person for emotional support. If the witness and the accompanying person are both witnesses to the same crime, then measures must be taken to separate each individual while the actual showing of the photographs is conducted. A lack of separation of the witnesses may result in the inadmissibility of either person's identification.
- Prior to being shown a photo array, witnesses shall be admonished regarding the procedures (form #SH-R-628 the "Witness Admonition – Photo Array).
- All witnesses shall be admonished that the suspect may or may not be among the photographs presented, and the witness is not required to make any identification.
- When photo arrays are shown to multiple witnesses who may communicate with each other (e.g., family members, friends, associates, co-workers, etc.), deputies shall present the suspect's photograph in different, random positions within the photo arrays. This procedure reduces the possibility of one witness telling another witness the position or number of a suspect in a photo array.
- Deputies who show photo arrays to witnesses are prohibited from confirming or denying, in any manner, including verbally, hand signs, body language, facial expressions, or otherwise, whether or not they have identified the correct individual.

- All persons present during a photo array shown to a witness, including other sworn personnel, interpreters, or those present to support the witness, shall be identified and documented in writing.
- Witnesses shall be admonished not to discuss the case with others, nor indicate that they have or have not made an identification, unless directed to do so by law enforcement personnel or during the judicial process.
- Deputies shall document in writing a witness' response to a photo array anytime a witness is shown a photo array in any format. Any effort at identification must be fully documented, whether an identification is made or not.

### **5-09/540.00 TARASOFF NOTIFICATIONS RECEIVED FROM LICENSED PSYCHOTHERAPISTS**

The California Welfare and Institutions Code (WIC) section 8100 (b) states: any person who communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim is prohibited from possessing or purchasing any firearm or other deadly weapon for a period of five years.

WIC section 8105 (c) requires a licensed psychotherapist to report (known as a Tarasoff Notification) the identity of these prohibited persons to the local law enforcement agency who, in turn, must immediately notify the Department of Justice (DOJ).

The firearms prohibition begins on the date the licensed psychotherapist reports the identity of the prohibited person to the local law enforcement agency. The Department of Justice is required to notify the individual by certified mail of their prohibition and inform them that they may petition the court to have their firearms rights restored during the five year period.

Tarasoff notifications to a law enforcement agency can either be in person, telephonic, or in writing. These notifications do not require law enforcement to notify the identified victim or victims. This is the responsibility of the licensed psychotherapist.

Upon notification by a licensed psychotherapist, of a serious threat of physical harm against a reasonably identifiable victim or victims, Sheriff's personnel **shall** complete a Sheriff's Department "Law Enforcement Report of Firearms Prohibition" form. The form must include the subject's complete mailing address and other personal identification information (i.e., name, date of birth, and physical description). The completed form shall be immediately faxed or e-mailed to Special Operations Division-Mental Evaluation Team (MET) for notification to DOJ. The MET will be responsible for completing a California State Form BC II 8074, Law Enforcement Report of Firearms Prohibition. The MET shall maintain a copy and send the original state form to DOJ.

The completion of the Law Enforcement Report of Firearms Prohibition form does not preclude Department personnel from taking additional police action should the circumstance warrant (e.g., a complaint report relative to other crimes such as stalking,

terrorist threats, suspicious circumstances, etc.).

### **5-09/550.00 AUTOMATED LICENSE PLATE RECOGNITION (ALPR)**

This policy will establish procedural guidelines and responsibilities of personnel and units utilizing the Automated License Plate Recognition (ALPR) System. As with any technical system, adherence to standards and procedures is a key element to the success of the system. For additional information regarding how the Department shares and receives information, quality assurance, collation and analysis of data, merging records, sharing and disclosure, security safeguards, information retention and destruction, accountability, and enforcement and training, please refer to the Department's ALPR Privacy Policy.

### **5-09/550.10 GENERAL ADMINISTRATION**

The Advanced Surveillance and Protection Unit (ASAP) is responsible for the following:

- Receiving reports of Automated License Plate Recognition (ALPR) defects, damage and/or other matters requiring maintenance of the Department's ALPR systems.
- Maintenance of data, including safeguarding and backing up of ALPR data, specific requests for searches, and for maintenance of internal hot lists.
- Inventory of ALPRs within the Department and for ensuring that the Department has included all ALPR equipment in fixed assets and tagged as County assets.
- Conducting an annual review of the policy and procedures contained herein, and for making recommendations to the Sheriff for any necessary amendments thereto.

Unit commanders are responsible for identifying unit staff authorized to capture, access, or use ALPR data. Unit commanders are further responsible for ensuring that authorized staff are appropriately trained and that all policies relative to ALPRs are followed.

### **5-09/550.20 RULES APPLICABLE TO ALL CAPTURE, ACCESS, AND USE OF ALPRS DATA**

Automated License Plate Recognition (ALPR) data shall only be used for legitimate authorized purposes related to law enforcement, criminal justice, and public safety functions of the Department.

ALPRs shall only be used by members who have been trained in the use of the ALPR.

ALPR data shall only be accessed for appropriate, job-related functions. Data shall not be used for any non-work-related purpose, and all users shall take into consideration the

privacy, civil rights, and civil liberties of individuals.

ALPR data shall only be accessed by Department personnel who have been authorized to access the data by their unit commander.

ALPR data, whether fixed, mobile, or portable, will be uploaded to the Department's physical and/or hosted ALPR servers and will be managed by the Advanced Surveillance and Protection Unit (ASAP).

If there is enforcement action, an investigation and/or prosecution that results from ALPR data, the ASAP unit shall be notified so that the original information can be preserved and a copy can be kept and held by the investigator.

### **5-09/550.30 FIELD PROTOCOLS - PATROL**

Automated License Plate Recognition (ALPR) is useful in general patrol assignments when the patrol vehicle is in a position to monitor vehicular traffic.

ALPR-equipped vehicles should be deployed regularly. When not in use, ALPR-equipped vehicles shall be secured.

Personnel shall perform an upload of hotlist data prior to the deployment of an ALPR system to prevent potential traffic stops using outdated hotlist information.

When the ALPR system indicates a hit, prior to making the traffic stop and when safe to do so, personnel shall:

- Verify that the license plate information matches the license plate image of the vehicle.
- Confirm that the hit is still "active" by either running the license plate through the vehicle's Mobile Digital Computer (MDC) or via their radio to dispatch (if confirming via SCC, advise the request is for an ALPR hit on a vehicle).
- If a decision is made to initiate a "Code-9" due to an ALPR hit on a stolen vehicle and prior to receiving a secondary confirmation, the deputy shall advise SCC they are following a vehicle due to an ALPR stolen vehicle hit.

Proactive/manual entry of ALPR hotlist in the field is permitted for:

- Dispatched reports of crimes, "Be on the Look Outs" (BOLOs), Amber, Blue, Silver, or Yellow Alerts, or other law enforcement alerts in which a license plate number is part of the broadcast.
- When directed or authorized by the unit commander for a legitimate law enforcement purpose.

- Department members should query their ALPR system to ascertain if there is a prior read of the license plate which is the subject of the particular alert, bulletin, or alarm.

Proactive/manual entry of ALPR hotlist in the field is required for Amber Alerts, missing child, or critical missing persons. Additionally, Department members must query their ALPR system to ascertain if there is a prior scan or read of the license plate which is the subject of the alert.

ALPR may be used in special operations or details such as:

- High crime area patrols;
- Gang investigation/suppression;
- Driving under the influence initiatives;
- Enforcement details;
- Directed criminal investigations;
- Other investigations subject to authorization from the investigating unit's unit commander.

When a violent crime occurs, the Department may solicit assistance from other law enforcement agencies with ALPR-equipped vehicles to assist in identifying potential vehicle license plates and/or to gather license plate data in a particular area. Similarly, other law enforcement agencies may request assistance from this Department in the event of the same. Any mutual aid request shall be directed through the station's operations staff. Consideration should be given to deploying ALPR strategically, such as at a perimeter, choke points, major highway, or other avenues of approach or escape.

Personnel shall log that they are using a mobile ALPR system in their Mobile Digital Computer (MDC) worksheet when logging on.

- Deputies shall ensure that logs and arrests associated with the ALPR system are complete and utilize the appropriate ALPR statistical code.
- If the deputy's log has an arrest associated with an ALPR hit, this information will be provided to the Advanced Surveillance and Protection Unit (ASAP) to retain the information for the case file.
- The deputy's log will be retained until all ALPR-related arrests have reached a final disposition.

When desk personnel receive a hit from a fixed ALPR system, which is the result of license plate data taken from a fixed camera, they shall confirm the current status of the vehicle via their CAD terminal or SCC. While waiting for confirmation, desk personnel shall advise field patrol units of the ALPR hit, the location, direction of travel, the vehicle description, request Aero Bureau, and coordinate responding field units.

## **5-09/550.40 AUDIT PROTOCOLS**

An audit trail sufficient to allow the identification of each individual who accessed information shall be retained by the Department, including the information requested and the reason for the access.

Requests to review stored ALPR data shall be recorded and maintained with a sufficient audit trail.

All inquiries of ALPR data will be automatically recorded in the audit trails and maintained by the Department.

ALPR audit trails shall be retained for a minimum of two years or until any associated case is adjudicated.

### **5-09/550.50 DATA**

Department personnel may request (with the concurrence of their unit commander) that the Advanced Surveillance and Protection Unit (ASAP) enter a specific vehicle license plate into the Department's hotlist. Examples of entries include:

- Gang members/associates;
- Sex offenders;
- Crime suspects;
- Fugitives;
- Search warrant targets.

Members making inquiries into the Automated License Plate Recognition (ALPR) database must enter all information requested fully and completely in order to accurately track and manage each query into the system.

If the ALPR data query log contains a hit and an arrest is associated with the hit, the deputy or investigator shall retain a copy of this hit as part of the case file and notify ASAP.

ALPR data query logs shall be maintained and secured for future audits for a minimum of two years or until any associated case is adjudicated.

Personnel conducting a query on behalf of an authorized requestor shall log each query as such.

ALPR data shall be uploaded on specified incremental time frames as designated by ASAP to keep each hotlist up to date in the ALPR server. ALPR data transferred from all mobile, portable, and fixed ALPR cameras will be managed by ASAP.

All ALPR data shall be reviewed for record retention (validation or purge) at five years,

and when information has no further value or meets the criteria for removal by applicable law, it shall be purged or permanently deleted except in cases such as:

- ALPR records related to a prosecution will be maintained until a final disposition has been reached in the case.
- ALPR records associated with a criminal investigation can be maintained in the criminal case file and retained for the maximum period of time associated with such records.
- Whenever otherwise directed by an executive of the Department for a particular case or internal investigation.

Stored data shall only be shared pursuant to an executed inter-agency agreement.

The Department does not maintain copies of shared data from outside agencies. Such data is maintained by those agencies subject to their own retention policies.

## **5-09/560.00 INTERACTIONS WITH TRANSGENDER AND GENDER NON-CONFORMING PERSONS**

### **PURPOSE**

The Los Angeles County Sheriff's Department does not tolerate discrimination on the basis of sex, race, color, ancestry, religion, national origin, age (40 and over), disability, sexual orientation, gender identity, gender expression, marital status, medical condition, or any other characteristics protected by federal or state law.

The purpose of this policy is to answer questions and establish procedures for handling interactions with transgender and gender non-conforming members of the public. For questions regarding Department procedures which affect transgender employees, please refer to the LASD Guide to Transgender and Gender Non-Conforming Employees (available through the Bureau of Labor Relations and Compliance and on the BOLRAC intranet homepage).

### **DEFINITIONS**

The definitions provided here are not intended to label individuals, but rather to assist in understanding this policy and LASD's legal obligations.

- **LGBT**: A common abbreviation that stands for Lesbian, Gay, Bisexual, and Transgender. It should be noted that lesbian, gay and bisexual are all identifications defined by a person's sexual orientation, while transgender identification has to do with a person's gender identity. Sexual orientation and gender identity are two independent and separate characteristics.
- **Sexual Orientation**: A person's physical and emotional attraction to people of the same and/or other gender. Straight, gay, lesbian, and bisexual are some

ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people may identify as straight, gay, lesbian, or bisexual, just like non-transgender people.

- **Gender Identity:** An internal sense of one's own gender, which may not necessarily match traditional definitions of male or female. One's gender identity is not outwardly visible to others. It is generally determined in the early years of an individual's life and, if different from the individual's physical gender, may result in increasing psychological and emotional discomfort and pain.
- **Gender Expression:** An individual's external social characteristics and behaviors related to gender (such as name, preferred pronouns, appearance, dress, mannerisms, speech, and social interactions), which may be perceived as masculine, feminine or androgynous.
- **Transgender:** Individuals with a gender identity that is different from the sex assigned to them at birth. Someone who was assigned the male sex at birth, but who identifies as female, is a transgender woman. Likewise, a person assigned the female sex at birth, but who identifies as male, is a transgender man. Some individuals who would fit this definition of transgender do not identify themselves as such, and identify simply as men and women, consistent with their gender identity. The guidance discussed in this policy applies whether or not a particular individual self-identifies as transgender.
- **Gender Non-Conforming:** Individuals who display gender traits which are not generally associated with the sex assigned to them at birth. Gender non-conforming individuals may or may not identify as male, female, or transgender. Also known as gender-variant, gender fluid or androgynous.
- **Transition:** The process of changing one's body from the sex that was assigned at birth to match one's gender identity. Individuals undergoing a transition often seek some form of medical treatment such as counseling, hormone therapy, electrolysis, cosmetic surgery and/or sex reassignment surgery. Some individuals, however, will not pursue some (or any) forms of medical treatment. Transitioning may also include the emotional task of telling one's family, friends, and co-workers, and the process of changing one's name and gender on legal documents and identification. The exact steps involved in transitioning vary from person to person. Avoid the phrases "sex change," "pre-op," and "post-op" when referring to a transition.
- **Intersex:** The general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male.

The terms homosexual, transsexual, transvestite, and sexual preference are outdated or defamatory terms which are seen as offensive by many people. These terms should not be used when speaking to or about the LGBT community.

## **NAME AND PRONOUN USAGE**

Los Angeles County Sheriff's employees are to interact with transgender and gender non-conforming people in a manner that is professional, respectful, and courteous.



Employees shall follow these policies when either of these two conditions are met:

- 1) A person informs a deputy or employee that he/she is transgender.
- 2) A deputy or employee has good reason to believe the individual is a transgender person. Good reason may be based on gender expression and presentation, reasonable observations, prior interactions, and/or background checks.

Every individual has the right, upon request, to be addressed by the name and pronoun that correspond to their gender identity. Proof of a court-ordered name or gender change is not required. If an individual's appearance and gender expression do not clearly indicate their gender identity, a deputy or employee shall politely and respectfully ask how the person wishes to be addressed, for instance, "What name and pronouns would you prefer I use when I address you?"

Whether or not the name on a person's driver license or identification card coincides with the person's gender identity, employees shall address and refer to the person by the name and gender that person has used to identify him or herself.

Additionally, if the name on a person's driver's license or identification card does not correspond with the individual's gender expression, the person shall be asked his or her legal name in a one-on-one situation, absent extenuating circumstances. If the contact is made in a group environment, the person shall be asked to step outside the group in order to obtain the legal name and avoid "outing" or embarrassing the individual. Deputies who need to obtain the legal name of a detained individual or suspect shall ask, "What is your legal name or birth name?" rather than asking, "What is your 'real' name?" as the latter question may be viewed as offensive.

The intentional or persistent refusal to respect an individual's gender identity (for example, intentionally referring to the person by a name or pronoun that does not correspond to their gender identity) constitutes harassment and violates this policy as well as MPP section 3-01/030.15, Conduct Toward Others.

Deputies are cautioned not to treat a person's transgender status or appearance as a basis for suspicion or as evidence of prostitution or any other crime. Transgender individuals are not more likely to be involved in illegal activities than non-transgender individuals.

## **REPORT WRITING**

When writing a report involving a transgender person whose legal name and/or gender do not correspond with the name and gender they identify with, use the person's legal name and gender on the face page of the complaint report. However, in the first paragraph of the narrative, include a statement such as: "Victim Terrance Smith is a transgender woman who identifies as 'Tamera Smith' and she will be referred to as such throughout the remainder of this report." Throughout the report, use the pronoun that matches the

person's gender identity (i.e., "she" for Tamera Smith).

Note: The explanation of a person's transgender identity in the first paragraph of the narrative preserves respect for the individual. Maintaining their legal name on the face page of the incident report avoids confusion with service of subpoenas and court appearances.

When arresting a transgender suspect whose legal name does not match the name they are currently using, include the name they are using in the "AKA" box on the face page of the report (in addition to the narrative section as described above).

## **PRIVACY**

Personnel shall not ask victims, witnesses, informants, community members, and fellow employees about the current medical status of their gender transition process. This is an extremely private issue and shall be respected as such. Also, under no circumstances shall an employee disclose that a person is transgender to non-law enforcement personnel, with the exception of medical personnel when appropriate, or to other non-relevant Department personnel.

Department personnel shall not ask questions or make statements about a transgender person's genitalia or surgical status. With suspects who have been arrested and are being booked, Department personnel shall refer to Custody Division Manual 5-02/050.00, Classification and Housing of Gay, Gender Non-Conforming, Intersex, and Transgender Inmates, for procedures about processing arrested transgender suspects.

When booking a transgender inmate, directions to remove appearance-related items, such as prosthetics and wigs, shall be consistent with requirements for the removal of similar items from non-transgender inmates. Articles of clothing, such as bras and undergarments that match the inmate's current gender identity, shall not be removed unless like articles are removed from all inmates of that gender.

## **SEARCHES**

All searches of transgender persons shall be conducted in a manner that respects their identity and affords them their dignity. Searches shall not be conducted for the purpose of demeaning the individual who is being searched.

- In all cases, a transgender or intersex person shall have their identity respected and be accorded their dignity. Under no circumstances shall deputies or officers search any person for the purpose of determining genital status or presence/absence of breasts or for the purpose of demeaning transgender or intersex individuals.
- Under no circumstances shall transgender or intersex individuals be subject to

more invasive search procedures than non-transgender or intersex individuals.

- Immediate cursory searches of transgender or intersex individuals may be conducted by a deputy or officer of either gender.
- More invasive searches, including strip searches, visual body cavity searches, and physical body searches shall be, in all circumstances, conducted by deputies or officers of the gender requested by the transgender or intersex person. No personnel may be present who are not directly relevant to the search, and the search shall be conducted in private. All strip, visual body cavity and physical body cavity searches shall have prior approval of the Watch Commander, who shall closely evaluate the need for the particular search.

If contraband is identified in a body cavity of an inmate during a strip search or visual body cavity search, personnel shall immediately notify a supervisor (sergeant or higher). Personnel shall verbally encourage the inmate to remove the secreted contraband, but shall not force the inmate to remove the secreted contraband. Sound officer safety tactics should always be employed due to the possibility of the secreted item being a weapon. If the inmate does not comply or agree to remove the contraband, then the watch commander must be notified to determine if Contraband Watch Procedures should be initiated.

If any deviation from the procedures for transgender searches occurs, including during an emergency, a supervisor shall be notified of the deviation, and the reasons for the deviation shall be documented in the Watch Commander's Log, or within a custody environment, in the Electronic Uniform Daily Activity Log (e-UDAL). (Custody Division Manual section 5-08/010.00, Searches, Station Jail Manual).

### **RESTROOM ACCESSIBILITY**

Under California State law, transgender persons have the right to use restrooms corresponding to their gender identity. This applies to public restrooms, public schools, and places open to the public such as shopping malls, stores and restaurants (California Civil Code 51(b) - Unruh Civil Rights Act).

Deputies responding to calls for service which involve a complaint about restroom accessibility shall sensitively explain the law to all the parties involved. Claims of lewd conduct and/or sexual activity or assaults shall be thoroughly investigated and enforced regardless of the gender identity of either party.

### **ADDITIONAL RESOURCES**

- LASD Guide to Transgender and Gender Non-Conforming Employees – Available on Bureau of Labor Relations & Compliance Intranet page
- Policy of Equality Intake Specialist Unit (323) 890-5371 – For questions regarding discrimination or harassment

- LASD Department Resource for LGBT Issues – Lieutenant Donald Mueller [DMMuelle@lasd.org](mailto:DMMuelle@lasd.org)
- Transgender Law Center <http://transgenderlawcenter.org/>

## **5-09/570.00 UNMANNED AIRCRAFT SYSTEM**

For purposes of this section, unmanned aircraft system (UAS) is defined as a small unmanned aircraft that weighs less than 55 pounds, including any attachments.

Special Enforcement Bureau (SEB) responds to high-risk tactical/rescue/hazmat emergencies. In these situations of extreme threat, the deployment of an UAS may be authorized. SEB is the only unit authorized to operate an UAS and is the lead point of contact between the Federal Aviation Administration (FAA) and LASD for UAS operations. No other member of the Department shall deploy their own personal UAS during the course of their duties.

Authorized UAS operations are search and rescue missions, explosive ordnance detection missions, disaster response, barricaded suspects, hostage situations, active shooters, hazardous materials incidents, fire-related incidents, and other high-risk tactical operations. The UAS **shall not** be used for non-emergent surveillance missions or missions that would violate the privacy rights of the public.

SEB shall maintain a cadre of individuals certified by the FAA to operate an UAS. Only those personnel authorized by the SEB unit commander to operate an UAS shall operate an UAS. An UAS operation shall require a two-person team of SEB personnel consisting of a qualified operator and observer.

An UAS is not a substitute for Aero Bureau. It may compliment Aero Bureau but has different missions and capabilities.

## **5-09/570.10 UNMANNED AIRCRAFT SYSTEM PROCEDURES**

All requests for the use of the unmanned aircraft system (UAS) shall be evaluated and authorized or denied by the Special Enforcement Bureau (SEB) team commander.

The UAS operator shall be responsible for, and is the final authority over, the actual operation of the UAS. UAS operators have an absolute authority to reject or ground flights based on personal safety, public safety, or violation of Federal Aviation Administration (FAA) regulations. UAS operators shall be responsible for compliance with SEB unit orders, Department policy, and FAA regulations.

UAS operators shall be cognizant of, and sensitive to, the privacy rights of individuals when operating the UAS. The default mode of the UAS camera shall be non-recording. If circumstances require use of the recording functions of the camera, the operator shall

obtain authorization from the SEB team commander to turn on the record function of the camera. The use of the record function shall be noted on the initial incident report by the handling deputy. The video footage shall be retained for a period of ten years when a case is not filed. If a case is filed, the video footage shall be retained until the case is adjudicated, but no less than two years from date of incident. Video footage may be retained for training purposes if no one outside of LASD personnel are identifiable in the video.

UAS operators are responsible for making a Public Notice to Airmen (NOTAM) and all required FAA notifications prior to operating an UAS.

An SEB team commander shall be responsible for notifying and coordinating with the Aero Bureau watch commander, rank of sergeant or above, prior to any UAS operations.