Field Training Manual

Santa Clara County Sheriff's Office
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San Jose, Ca. 95110

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Office of the Sheriff
County of Santa Clara

Headquarters Patrol Division
55 W. Younger Avenue
San Jose, California
95110

Field Training Manual

Patrol Field Training Program
(P.O.S.T. Approved)

Laurie Smith, Sheriff
County of Santa Clara

Updated: 1/1/2013

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Office of the Sheriff – Santa Clara County
Field Training Program – Field Training Manual

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PREFACE

The following section describes some basic information about the Sheriff's Office and the Field Training Program.

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Foreword

This Field Training Program is designed to assist new deputies in the Field Enforcement Bureau in making the transition from what they learned in the academy, previous assignments, or previous law enforcement experience, to performing general law enforcement uniformed patrol duties competently in the field.

This POST-approved Field Training Program is intended to achieve the following goals:

- to produce a competent patrol deputy capable of working a uniformed, solo patrol assignment in a safe, skillful, productive, and professional manner.
- to provide standardized training to all newly assigned patrol deputies in the practical application of learned information.
- to provide clear standards for rating and evaluation which give all trainees every reasonable opportunity to succeed.
- to enhance the professionalism, job skills, and ethical standards of the law enforcement community.

The purpose of the Field Training Manual is to assist the trainee in having necessary training material presented in a systematic manner. The manual is comprehensive, but by the very nature of police work, cannot cover all material. The program is designed to assist the deputies in making the transition from what they learned in the academy to performing general law enforcement duties competently in the field.

The regular deputy will receive extensive training that will enable him/her to function as a solo beat unit. The reserve deputy will receive a modified version of training that will enable him/her to assist the regular beat deputy on various details, but not to the extent of being able to function as a solo beat unit performing general law enforcement duties.

It is the primary responsibility of the Field Training Officer (FTO) to facilitate this transition process by supervising, training and evaluating trainees in the application of their previously and newly acquired knowledge and skills. Each FTO has completed a P.O.S.T. approved Field Training Officer course and is an experienced patrol deputy who was chosen for this position after a selection process. Each deputy will be assigned to a minimum of three FTOs before satisfactorily completing the program.

The manual is to be used only as a guide. The information contained within this manual was current at the time of printing. Updated S/O General Orders, directives, and policies will take precedence over material presented in this manual. A great deal of the material

that the trainee will need to know is contained within this manual, but it will be necessary to also refer to General Orders, Patrol Procedures, County Law Enforcement Protocols, Penal Code, Vehicle Code, and other reference materials while in the training program.

The FTO will assign the trainee various sections of this manual to learn during each phase of training. The trainee will be expected to know and retain this information. Continual testing and/or evaluations on this material will be completed by the FTO while the trainee is in the program. In addition to the instruction the trainee will be receiving under the immediate direction and supervision of the FTO, it is recommended that the deputy do home studying. The broad background of knowledge needed to become an effective deputy cannot be gained entirely on the job.

This manual is designed to ensure that trainees receive specific training in designated areas at the most efficient and effective time in the program. At the end of each phase there will be an accompanying section that requires both the FTO and the trainee to initial and date acknowledging that the material was demonstrated, taught, or explained by the FTO and the trainee demonstrated competency in that subject material. The trainee should not sign off any section(s) that he/she does not understand. The trainee will be held accountable for all sections signed off. The trainee should notify the FTO and request additional instruction in the area(s) of concern.

Often, acceptable performance only comes after repeated attempts at a particular task and successful performance may occur weeks after the first attempt.

The following symbols will be used to designate the written sources of the subject matter outlined in the sign off portions of this manual as well as areas to refer to for additional information:

- D Demonstrated
- GO General Orders
- HS Health and Safety Code
- LEP Law Enforcement Protocols
- PC Penal Code
- PP Patrol Procedures
- TM Training Manual
- TA Traffic Accident Manual
- TD Transit Patrol Directives
- VC Vehicle Code
- WI Welfare and Institutions Code

The Sheriff's Office is always striving to make the Field Training Program better. The trainee will be given the opportunity to confidentially evaluate each of his/her assigned FTOs and the program as a whole, at the completion of their training.

The Field Training Program staff is always available to assist the trainee with problems or concerns. The trainee should not hesitate to contact any of us for advice or guidance.

A lot of hard work is ahead of you, but the rewards that await you will be worth the effort. I hope that the Field Training Program is a positive and productive experience for you.

Sergeant E. Rivera #1789
Field Training Program Coordinator

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Message from Sheriff Laurie Smith

On behalf of the Sheriff's Office Field Enforcement Bureau I welcome you to the Field Training Program. All staff members of this bureau are committed to assuring that top quality training is provided to you. Your emergence into our Field Training Program will be one of the most important and exciting career opportunities you will encounter. We trust that the training will provide you with the skill set so that you will emerge as a competent and inspired Deputy Sheriff.

Your Field Enforcement Bureau staff is dedicated to providing support, guidance, and direction to you to insure your success. Your experience in the Field Training Program is very important to us and we welcome your input on the effectiveness of your training.

Building partnerships with residents, community based organizations, allied agencies and government/business persons is a top priority for us all. Teaming together in a synergetic fashion we become much more effective.

You are a key element to the future of this department, as your actions today will set the tone, the direction and the focus for tomorrow. I expect you to be a valuable resource for our service to the community and the Sheriff's Office for the remainder of your career.

Best wishes on your training program and welcome to our enforcement team.

Laurie Smith,
Sheriff

Office of the Sheriff
Santa Clara County
Laurie Smith, Sheriff

Mission Statement

The Santa Clara County Sheriff's Office is dedicated to the preservation of the public safety by providing innovative and progressive service in partnership with the community.

Core Values

- Our principal mission is the protection of life and property.
- Our employees are our most valued assets.
- We strive to maintain the highest level of public trust.
- We demand the highest standards of honesty and integrity.
- We value community partnerships.
- We treat each other, and the community, with dignity.
- We recognize diversity as a strength.
- We value personal and professional growth through education and training.
- We recognize the importance of investing in the future of our community's children.
- We recognize the importance of fiscal responsibility through performance-based management.

A History of the Santa Clara County Sheriff's Office

The word "sheriff" can be traced to the early English police system where sheriffs were local officials who performed a number of administrative tasks. "Sheriff" comes from the words "shire" and "reeve". A shire was a political subdivision such as a county, and the reeve was its administrative official. After the Norman Conquest in 1066, when church courts were separated from state courts sheriffs became the chief officials in counties and head of courts. They were judges in both civil and criminal cases. Today's sheriffs are generally comparable to police chiefs and have no judicial powers.

The Santa Clara County Sheriff's Office is one of the oldest law enforcement agencies in the State of California and has the distinction of being the oldest established sheriff's office in the state. There have been twenty-seven persons serving in the capacity of the sheriff since the first was elected in 1850.

In the year 2000, the Santa Clara County Sheriff's Office celebrated its 150th anniversary. With a total county population of approximately 1, 600, 000 people, the Sheriff's Office has a service population of approximately 200,000 people, which includes the contract cities of Saratoga, Cupertino and Los Altos Hills.

Until 1849, when the first California legislature convened, California used the Mexican style of government. Under Mexican law, the Alcalde, a combination of mayor, judge and sheriff, dispensed the law as he saw fit.

Santa Clara County saw a huge influx of people, as did the rest of the state, during the Gold Rush. As in other boomtowns of that era, lawlessness was commonplace in the county. Rarely did a week go by without the local newspapers reporting a murder or a robbery.

In 1849, the first sheriff appeared in San Jose. Robert Cadden Keys became the first person to hold the title of Sheriff when he was appointed by the Common Council. The next and last sheriff, prior to statehood, was J. M. Lowe. Lowe only held the position for a few months, when Santa Clara County held its first official election in April 1850.

On April 8, 1850, John Yontz became the first duly elected Sheriff of Santa Clara County, winning by a mere 116 votes. The county had a population of almost 7,000 people at that time and Sheriff Yontz was the only full time employee. He would deputize men for a few days when he needed a jail guard, bailiff or a posse.

Joseph W. Johnson, once a deputy under Sheriff Yontz, was elected the second sheriff and took office on April 5, 1852. On one occasion, in 1853, Sheriff Johnson and a posse of men sought out two Mexican bandits who were holding out in a home near San Jose. The Sheriff was able to seize on of the banditos without a struggle. As he was leading the extremely large prisoner out the door, the bandit escaped from the Sheriff and started running. Sheriff Johnson's pistol misfired as he tried to shoot the bandit. Another posse

member rode after the escaping criminal and shot the bandit when he refused to surrender.

Sheriff Johnson left office in 1853 and later became an attorney, a County Judge, and the ninth Mayor of San Jose. He held the position of Justice of the Peace until his death in 1880.

William McCutchen took over the office in October 1853. McCutchen, a member of the ill fated Donner Party, left ahead of the main wagon train to secure provisions in California. When he learned the group was trapped in the snowed-in Sierra Mountains, he risked his life to bring in food as well as intending to rescue his wife and daughter, who were with the wagon train. Upon reaching his wife, he learned that his one-year-old daughter had become one of the many casualties.

On a Sunday afternoon in 1854, Sheriff McCutchen and San Jose City Alderman Peter Minor held a horse race through the streets of downtown San Jose, much to the dismay of local citizens and the City Marshal. Sheriff McCutchen's horse beat Minor's horse by a neck, winning the bet of a bottle of whisky. The marshal arrested McCutchen and Minor and the next day both pled guilty and were fined ten dollars.

In 1863 a group of Confederate sympathizers from Santa Clara County robbed two stages in a bold hold-up near Placerville, California. Sheriff John Hick Adams received information that these criminals had been traced to this county and were holed up in a house near Almaden. Sheriff Adams and numerous deputies surrounded the house and ordered the criminals to surrender. Instead of surrendering, the outlaws rushed out of the house in a hail of bullets. All of the bandits were either captured or killed. Sheriff Adams was shot in the chest, but his life was saved because the bullet struck his pocket watch.

Almost ten years later Sheriff Adams went in pursuit of the famed bandito Tiburcio Vasquez. He trailed Vasquez from Tres Pinos, near Hollister, through the Central Valley to Los Angeles. Adams missed capturing Vasquez, but was successful in capturing some of the gang members. The next year, in 1874, Vasquez was captured in Los Angeles and returned to Santa Clara County for trial. On March 18, 1875, in almost a party atmosphere, Vasquez was hung from the gallows behind the county jail.

In the 1880's Sheriff Giles E. McDougall was so repulsed over the duty of carrying out orders of capital punishment that he lobbied endlessly to have the legislation changed to mandate that the State hang inmates instead of counties.

In May 1896, James Dunham brutally killed his wife and five others at the McGlincey Ranch in Campbell. Sheriff James H. Lyndon immediately set out after the killer, who was last seen heading toward Mt. Hamilton. Unfortunately, Dunham was never located.

Reports surfaced for many years of Dunham sightings in the Eastern United States, Mexico, and even as late as the 1930's as a ranch hand in Northern California. Even

today when bones are discovered in the hills, people continue to wonder if they could be the bones of the long lost Dunham. The McGlincey murders stood as the largest mass murder in the county until 1988 when seven people were killed in Sunnyvale.

In 1933 Sheriff William Emig drew unwanted national attention because of a lynching from the County Jail. Brooke Hart, the son of a wealthy and respected downtown department store owner, was kidnapped and murdered. The kidnappers, Thomas Thurmond and John Holmes, were soon captured and held in the Santa Clara County Jail awaiting trial. The body of young Hart was located a few days later in the mud flats of San Francisco Bay by some fisherman.

As word reached the shocked citizens of the county a crowd began to gather outside the County Jail. During the night the crowd became hostile and stormed the jail, forcibly removed Holmes and Thurmond from their jail cells and dragged them across the street to St. James Park, where they were hanged from some large trees.

Thirteen years later, Sheriff Emig was arrested while in office and subsequently convicted of conspiracy for violating the State gambling laws.

From 1850 to 1988, the Sheriff's Office operated the county jail system. In the first year the jail consisted of a single cell in an old adobe. In 1871, the county constructed a three-story brick jail behind what is now called the "old court house." This jail was in use until 1958 when a new jail was constructed at San Pedro and Rosa Streets (now Hedding Street). Also in the 1950's the Jail Farm, which later became known as the Elmwood Correctional Facility, was opened in the city of Milpitas. This facility also included the county's first correctional facility for women.

In the 1970's, the jail system was so overcrowded that numerous prisoners and prison right's groups filed lawsuits against the County and the Sheriff's Office over these conditions. In the early 1980's, the Board of Supervisors approved the remodeling of the current jails, the construction of a new main jail and the additional construction of medium security housing units at the Elmwood facility. Prior to its official opening, the County Board of Supervisors developed the County Department of Corrections to staff the jail system.

Six deputy sheriffs have lost their lives in the line of duty since 1850. Each of these deputies served the citizens of Santa Clara County with distinction. They may no longer be with us, but they are not forgotten:

Deputy Martin Roohan	Died: 10/23/1862
Deputy William Hendricks	Died: 02/15/1866
Deputy George T. Headen	Died: 10/20/1897
Deputy Herbert McAuley	Died: 11/11/1931
Deputy Doug Miller	Died: 06/09/1986
Deputy Paul Robert Bush	Died: 09/12/1990

The Santa Clara County Sheriff's Office has had many different patches and badges since its inception in 1850.

Badges: At the last count, there were over 90 different styles of badges alone (including different ranks). Those with the rank of sergeant and below will wear the silver colored badge and those with the rank of lieutenant and above will wear a gold colored badge. The current badge is a seven-pointed star with the Seal of the State of California in the center.

Patches: Patches are one of the most recognizable attributes of a peace officer's uniform. Santa Clara County has had only two known patches worn by its regular deputy sheriffs. Other patches have been worn by its Reserve organization and specialized units.

The current style patch was introduced in 1950. Besides differences in loom runs, the style has not changes since its introduction. The patch is a shield, with a gold border and blue twill background. The word, "SHERIFF", is embroidered in gold above the Seal of the State of California (EUREKA). "SANTA CLARA COUNTY" is embroidered below the State Seal. This style patch is only worn by two other agencies in California: the San Joaquin County Sheriff and Stanislaus County Sheriff Offices. The only difference is that these agencies' background twill is black, rather than blue. The patch is worn on a khaki (tan) shirt, with forest green slacks, with a ½" wide stripe.

Peace Officer Bill of Rights

If you are a Peace Officer under Sections 830.1(a) and (b) of the Penal Code, you have the following rights:

- You have the right to engage in political activity off duty and out of uniform.
- You have a right to refuse to engage in political activity, if you so choose.
- You have a right not to be subjected to punitive action, or be denied promotion, or be threatened in any such treatment because of the lawful exercise of your rights granted by AB301 or the exercise of any rights under any existing administrative grievance procedure.
- You have a right to have any interrogation conducted at a reasonable hour, with a representative of your own choosing present, preferably at a time when you are on duty, or during your normal waking hours, unless the seriousness of the investigation requires otherwise.
- You have a right to be compensated for time spent in interrogations that are conducted in your off duty hours at the normal rate for your department. You shall not be released from employment for any work missed.
- You have a right to be informed of the name and rank and command of the officer in charge of an interrogation, the interrogation officers, and all persons to be present during the interrogation, in advance of the interrogation.
- You have the right to have all questions directed to you under interrogation through no more than two interrogators at one time.
- You have a right to have the interrogating session limited to a reasonable period, taking into consideration the gravity and complexity of the issue being investigated.
- You have a right, during interrogations, to be allowed to attend to your own personal physical necessities.
- You have a right not to be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogation shall be informed that failure to answer questions directly related to the investigation, or interrogation, may result in punitive action. No promise of reward shall be made as an inducement to answering any question.

- You have a right not to be subjected to visits by the press or news media without your express consent nor shall your home address or photograph be given to the press or news media by the department without your express consent.

- You have a right of access to any tape recordings of any interrogations or to have your own tape recorder present.

- You have a right to a transcribed copy of any notes made by a stenographer, or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports, which are deemed to be confidential, may be entered in your personnel file.

- You have a right to be informed of your constitutional rights if it is deemed that you may be charged with a criminal offense before the interrogation starts.

- You have a right to have a representative present if formal charges have been made or if punitive action may be taken as a result of the interrogation.

- You have a right not to be loaned, or temporarily reassigned, to a location or duty assignment if a sworn member of your department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.

- You have a right that no punitive action or denial of promotion on grounds other than merit shall be undertaken by any public agency without providing you with an opportunity for administrative appeal.

- You have a right not to have any comment, adverse to your interest, entered in your personnel file, or any other file used for any personal purposes by your employer, without you having first read and signed the instrument containing the adverse comment indicating that you are aware of such comment. If you refuse to sign the document it will be so noted and placed in your file.

- You have a right to refuse to inform your employer of information regarding items of property, income, assets, source of income, debts, or personal or domestic expenditures and those of your family except such information as required by State law or which is necessary for the employer to ascertain the desirability of assignment to a special unit in which there is a strong possibility that there is a conflict of interest or where there is the possibility of bribes or other improper inducements being offered.

- You have a right to have your locker free of search except when you are present or by other legal means.

- You have a right to have thirty (30) days with which to file a written response to any adverse comment entered in your personnel file and have it attached to, and accompany, the adverse comment.

- You have a right to refuse to submit to a polygraph examination. NO disciplinary action, records, or testimony may be given to indicate the fact that you refused the polygraph.

Merit System Rules – Disciplinary Action

All county employees should familiarize themselves with the following sections of the Santa Clara County Codes that relate to disciplinary actions.

Section A25 – 300 Authorized:

An appointing authority may suspend, demote or dismiss any employee subject to section 810 of the charter covering appeal rights of employees with permanent status or employees serving on a promotional probationary capacity. Probationary employees on original appointments shall not have appeal rights.

Section A25 – 301 Causes of Suspension, Demotion or Dismissal:

The following list of causes is provided a guide to both supervisors and employees as to what may constitute proper basis for disciplinary action. It is not an all-inclusive list in that an appointing authority may institute disciplinary action for any other activity which he deems just cause for such action.

(a) Causes relating to performance of duties:

(1) Violation of the county charter, merit system rules and regulations, and written and published departmental rules and policies which do not conflict with this article.

(2) Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned task or failure to discharge duties in a prompt, competent and responsible manner.

(3) Physical or mental incapability for performing duties.

(4) Brutality in the performance of duties.

(5) Refusal to accept a reasonable and proper assignment from an authorized supervisor; insubordination.

(6) Intoxication on duty.

(7) Careless, negligent or improper use of county property, equipment or funds, including use for private purposes or involving damage or risk of damage to property.

(8) Acceptance of gifts in exchange for “favors” or “influence” or under circumstances which would tend to compromise the effective discharge of duties.

(9) Failure to maintain satisfactory and harmonious working relationships with the public and other employees.

(10) Absence without leave. See section A25 – 247(d).

(11) Habitual pattern of failure to report for duty at the assigned time and place.

(12) Habitual improper use of sick leave privileges.

(13) Unauthorized release of confidential information as defined by law from official records.

(b) Causes relating to personal conduct detrimental or prejudicial to public service:

(1) Guilty of gross misconduct, or conduct unbecoming a county officer or employee which tends to discredit the county or county service.

(2) Guilty of immoral conduct or a criminal act.

(3) Failure to make reasonable provisions for payment or just debts.

(4) Falsified job information to secure position.

(5) Addiction to use of narcotics or habit-forming drugs.

(c) Engaging in compatible employment. Any employee in the classified service who directly or indirectly engages in incompatible employment or serves a conflicting interest shall be subject to suspension, demotion or dismissal.

Each department shall maintain a list of its job classifications and outside employment, which is considered incompatible with such classifications. A copy of this list shall be maintained by the departmental personnel clerk. The personnel department shall be furnished a copy of this list and any amendments thereto.

Section A25 – 303 <u>Procedure for Dismissal, Demotion or Suspension for Cause</u>

(a) In determining the degree of seriousness of an offense which is a cause of suspension, demotion or dismissal, the appointing authority shall consider:

(1) The nature and extent of the specific act in terms of its effect upon the function of the department.

(2) Damage to public interest or welfare.

(3) Whether a reasonable period has elapsed since a prior offense.

(b) The decision to suspend, demote or dismiss depends on the seriousness of the offense. A suspension of not more that thirty (30) days may be set by the appointing authority.

Procedure for Dismissal, Demotion or Suspension for Cause:

(a) Disciplinary actions may be taken without prior notice where, in the opinion of the appointing authority the action of the employee makes such action necessary.

(b) In cases of unsatisfactory performance relating to the inefficiency, incompetence or negligence in the performance of duties, the appointing authority is encouraged to notify the employee in writing on the performance evaluation form, with a copy to the personnel director, or least thirty (30) days before suspension, demotion or dismissal that such action is being considered. The notice shall contain specific reasons why the employee's performance is unsatisfactory, what he must do to raise his performance to a satisfactory level, and a statement that he will be given a thirty (30) day period to improve his work performance, habits or attitudes.

ORIENTATION PHASE TRAINING MATERIAL

The following section describes many important issues relating to the Sheriff's Office and the Field Training Program.

Introduction and Description of the Field Training Program

Description of the Field Training Program:

The objective of the Field Training Program is to afford the trainee the very best possible training to become a competent solo beat deputy able to perform general uniform patrol duties. Our goal is to provide an environment conducive to learning, one in which the trainee can feel free to have open dialog and fruitful interaction with his/her FTO. This program will require a great deal of work for each trainee to satisfactorily complete the program, but the rewards are well worth it.

The Chain of Command for a trainee in the Field Training Program is as follows:

- Field Training Officer, Field Training Program Coordinator, Headquarters Lieutenant (ADC), Headquarters Captain (Division Commander), Field Enforcement Commander.
- The shift patrol supervisor is available for day to day needs.
- The assigned FTO is a veteran deputy and can answer most of the questions posed and is a starting point for direction and guidance.

The Field Training Program:

The Field Training Program is comprised of training with a Field Training Officer in three or four separate phases of training. The trainee will be required to satisfactorily complete all the assigned phases of training. A minimum of three phases must be completed before a trainee many be signed off of training.

A Daily Performance Appraisal will be completed for each day of training as well as a Weekly Progress Report at the end of each week of training.

Phase I:

At the beginning of Phase I, each new trainee will begin working in the field under the direct supervision of a qualified Field Training Officer (FTO). The FTO will cover pertinent material that will assist the trainee in completing the training program. The topics will range from General Orders, Law Enforcement Protocols, use of force, firearms use and reporting, pursuit guidelines, Report Writing, Arrest/Control Techniques, Tactics, Domestic Violence, etc.

This phase of training will cover the firearms, use of force, pursuit, and various other policies that the trainee must know in order to properly perform his or her job. The FTO will also inspect the trainee for proper grooming, uniform and equipment during this phase.

Training in this phase will also include car stops, routine forms, radio communication, and other training needs that will form the foundation for the trainee to advance to the other phases of training and eventually become a solo beat deputy. During this phase the trainee will be guided through most aspects of police work by the FTO and will be told how to handle details that the FTO feels the trainee needs assistance with. The trainee must pass the Phase I exam during this phase of training.

Phase II:

This phase of training will introduce the trainee to various statutes (Penal Code, Vehicle Code, Health & Safety, Business & Professions, etc.), as well as the discussion on the proper management of many situations that the trainee will be handling as a solo beat deputy. The trainee will be exposed to various in-field situations and will start to take on more of the responsibilities of a solo beat deputy. The trainee must pass the Phase II exam during this phase of training.

Phase III:

This phase of training will require the trainee to assume most responsibilities of a solo beat deputy. The trainee will incorporate those areas that have previously been taught and be able to handle many calls and reports with minimal assistance. Additional statutes will also be taught during this phase. The trainee must pass the Phase III exam to complete this phase of training. A trainee may be signed off training at the completion of Phase III, if their FTO believes the trainee meets the standard of a competent solo beat deputy.

Phase IV:

This phase is an evaluation phase only (with his/her Primary FTO from Phase I, when possible). The trainee is required to perform all of the day-to-day functions of a solo beat deputy. If successful, at the end of this phase, the trainee will be signed off training and will then work as a solo beat deputy.

Phase Tests:

Deputies will be required to pass written exams for the first three phases. These exams will test the trainee's knowledge of material that has been presented during each phase of training. The tests will consist of true-false, multiple choice, fill-in, and essay type questions. Points may be deducted for lack of neatness as well as spelling and grammatical errors. A score of 75 out of 100 must be achieved in order to pass each exam. No reference material other than a dictionary (paper or electronic) will be allowed during the phase exams. If a trainee fails one exam twice or two or more exams once, he/she will be released from the Field Training Program.

Daily Performance Appraisal Numbering System:

The trainee will be evaluated each day in the Field Training Program. The easiest way of determining the number of completed days is through the Daily Performance Appraisal forms that the FTO completes at the conclusion of the each shift (Days in Training).

Each completed Daily Performance Appraisal form will be assigned a number that corresponds to the exact number of the shift that the trainee has completed. A trainee will receive credit for "1" day for each ten hour shift worked. Accordingly, a trainee will receive credit for "1.25" days for each twelve and half hour shift worked. The first day of training will be labeled as "1" or "1.25" and each succeeding day of training will be numbered consecutively. Trainees will only be given credit for the shifts they actually work in the field. Trainees that are off because of sickness or vacation will not receive

credit for those missed days. Trainees that work Operations, administrative duties, monthly training days, or other non-patrol functions will not be given credit for a training day.

It will be the trainee's responsibility to keep track of the number of shifts that have been completed and that the proper number is indicated on each Daily Performance Appraisal form. The trainee is also required to make a copy of each Daily Performance Appraisal form for his or her personal records. The trainee will retain these copies so that they can be readily available for review. This copy is also useful in the event the original is lost or misplaced.

Completion of the Field Training Program:

The FTO will complete a Memorandum to the Division Commander of Headquarters Patrol after the completion of the final evaluation as to whether or not the trainee has successfully met the training standards and is qualified to work as a solo beat deputy.

Standardized Guidelines for Daily Appraisal Form

The Field Training Officer will be using the Standardized Guidelines for the evaluation of the trainee's performance each day. The Standardized Guidelines rate a trainee's performance on a daily basis against that of a competent solo beat deputy. In general, continual unsatisfactory ratings indicate that the trainee is incapable of, or unwilling to, perform some of the necessary performance objectives that are necessary to become a solo beat deputy. Ratings of competent and/or exceptional indicate that the trainee met or exceeded those expectations for that day.

It is the responsibility of the FTO to properly evaluate and document a trainee's satisfactory and unsatisfactory performance. The FTO will document that reasonable attempts to correct the deficient area(s) have been made, including all remediation. The comments that the FTO makes on the Daily Performance Appraisal form will have a dramatic effect on whether the trainee passes or fails the program. The Daily Performance Appraisal form will also show the trainee how he/she is performing and progressing in the program.

The FTO will complete the Daily Performance Appraisal form for each shift and then present it to the trainee for review and discussion. A trainee who concurs with the evaluation will circle "I concur" and then sign the form. A trainee who does not agree with an evaluation should discuss the Daily Performance Appraisal with their FTO and attempt to receive clarification about the evaluation. After discussing the Daily Performance Appraisal, if the trainee still does not agree with the evaluation, the trainee will circle "I do not concur" and then sign the form. The trainee will also complete an Employee's Report directed to the Field Training Program Coordinator explaining the reason(s) for disagreeing with the appraisal. Upon receiving this Employee's Report, the Field Training Program Coordinator will look into this matter and take appropriate action.

To complete the Field Training Program, a trainee must:

- Meet or exceed minimum requirements in all categories of the Daily Performance Appraisal form.
- Satisfactorily complete all academic requirements of the Daily Performance Appraisal form and the Field Training Program.
- Consistently exercise good judgment.
- Demonstrate competence in all details and assignments.

Trainees can refer to the accompanying explanation and description of the Standardized Guidelines for the Daily Performance Appraisal form for further information on this evaluation process.

APPEARANCE:

1. APPEARANCE (*Weight/ Weapon/Uniform/Hygiene/Hair*):

   a. Training Objectives:

      i. To encourage physical fitness for a longer and better quality of life. To possess the physical stamina and fitness to accomplish the tasks necessary in a patrol environment. To present a healthy and positive image.

      ii. To ensure that the trainee's uniform is complete, clean, neat and properly fitted. This includes the duty weapon's cleanliness and leather appearance.

      iii. To ensure that the trainee maintains acceptable physical hygiene habits. To ensure that the trainee meets departmental standards for head and facial hair.

   b. Performance Standards:

      i. 1 – 3 UNSATISFACTORY: Overweight due to poor eating and/or exercise habits. Dirty and/or unauthorized equipment. Dirty, incomplete or unauthorized uniform. Poor personal hygiene habits. Hair is unkempt or style does not meet department standards.

      ii. 4 – 5 COMPETENT: Height to weight ratio is within average ranges. Equipment and uniform is available, complete, clean and department authorized. Personal hygiene is acceptable. Hair is neat and within departmental standards.

      iii. 6 – 7 EXCEPTIONAL: Height to weight ratio is within standards and physical fitness is above average. Equipment is department approved. Equipment is always available and maintained in an exceptionally clean and operating condition. Equipment proficiency is above average. Uniform is clean, department approved and tailored to fit comfortably. Personal hygiene habits are above average in terms of cleanliness and health standards. Head and facial hair is maintained within departmental standards and meticulously groomed.

DEMEANOR:

2. REACTION TO CONSTRUCTIVE FEEDBACK:

    a. Training Objective:

        i. To ensure that the trainee is able to accept constructive criticism without dissent.

    b. Performance Standards:

        i. 1 – 3 UNSATISFACTORY: The trainee finds excuses or argues whenever constructive feedback is offered.

        ii. 4 – 5 COMPETENT: The trainee accepts assistance and constructive criticism from the FTO and others with a positive attitude.

        iii. 6 – 7 EXCEPTIONAL: The trainee solicits and shows appreciation for constructive criticism from the FTO and others.

3. SELF-CONFIDENCE/INITIATIVE:

    a. Training Objectives:

        i. To ensure that the trainee can function independent of direct supervision in routine assignments and emergency conditions.

        ii. To ensure that the trainee is motivated beyond the completion of direct supervision tasks. The trainee demonstrates genuine interest in on-going efforts to keep assigned or on-view details running smoothly.

    b. Performance Standards:

        i. 1 – 3 UNSATISFACTORY: The trainee lacks the self-confidence to accept responsibility or to handle even minor confrontations with suspects or agitated subjects. The trainee seldom volunteers to handle details and must be specially assigned to carry a fair share of the workload. The trainee exhibits nervousness on routine matters to an impeding degree.

        ii. 4 – 5 COMPETENT: The trainee is self-assured and projects an image of self-control without appearing arrogant. The trainee regularly volunteers for details and assignments. The trainee acts immediately within the scope of a specific investigation in order to bring the incident to a successful and quick conclusion. The trainee is alert and reacts to situations that require reaction with minimal supervision.

iii. 6 – 7 EXCEPTIONAL: The trainee exhibits self-reliance, emotional maturity, and strong self-control, but responds positively to inconsequential issues. The trainee is judicious in carrying out assignments, without requiring direction, seeks solutions to problems, makes practical solutions, displays ingenuity in anticipating and meeting unexpected situations, gathers and provides data in advance of need.

4. BEARING/COMMAND PRESENCE:

a. Training Objectives:

i. To ensure that the trainee projects an image of self-reliance, self-control and maturity in judgment to such a degree that by his or her mere presence others are led to trust and follow given directives, information or advice.

ii. To ensure that the trainee presents himself or herself in a manner where a subject in a hostile environment realizes that the trainee represents authority and that resistance to this authority will be quickly and diligently dealt with.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee allows others to control or dictate actions or decisions when it should be the trainee who maintains control and directing the actions of others. The trainee demonstrates contempt or arrogance towards the public and staff. The trainee demonstrates inconsistency in decisions, actions and information given to the public and staff. The trainee is unable to make a decision when faced with routine, urgent or emergency matters.

ii. 4 – 5 COMPETENT: The trainee maintains self control and control of a situation within parameters of his or her responsibility. Consistency of conduct and judgment leads one to trust decisions, information and advice from the trainee.

iii. 6 – 7 EXCEPTIONAL: The trainee demonstrates exceptional skill and strength in the handling of situations where persons are directed to comply with emergency procedures or follow given directives. The trainee's demeanor compels the cooperation of the public and suspects in routine or emergency situations.

5. ATTITUDE TOWARD PATROL DUTIES:

a. Training objective:

i. To ensure that the trainee has a genuinely positive outlook and dedication to a high standard of performance while assigned to patrol duties.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee consistently complains about being assigned to the Field Enforcement Bureau. The trainee limits participation in the training program to less than what is expected. The trainee performs routine or specific assignments displaying sarcasm or ill feelings toward the assignment or the person who made the assignment. The trainee makes it clear by words, actions or omissions that he or she will expend little energy or effort while in patrol and/or while in the Field Training Program.

ii. 4 – 5 COMPETENT: The trainee demonstrates a commitment to doing a good job while assigned to the Field Enforcement Bureau. The trainee participates in daily activities and responsibilities while showing an interest in getting the job done properly and expeditiously. The trainee consistently asks questions about unfamiliar subject matters and is always on time for work and prepared to handle any given detail.

iii. 6 – 7 EXCEPTIONAL: The trainee takes an energetic posture toward being assigned to patrol. The trainee enthusiastically pursues skills in patrol duties by constantly asking pertinent questions or seeking patrol related information from other sources not included in the Field Training Program.

FREQUENT PERFORMANCE TASKS:

6. SELF-INITIATED ACTIVITY:

   a. Training Objective:

      i. To ensure a sufficient level of awareness and interest in patrol functions and all related routine, urgent and emergency operations. To have the trainee become involved and handle all patrol functions eagerly. The trainee eagerly seeks out activity throughout the shift, in addition to assigned tasks and details.

   b. Performance standards:

      i. 1 – 3 UNSATISFACTORY: The trainee takes a non-intervention role in daily patrol activities, does not enforce statutes or other observed violations, and does not volunteer to take a proportional share of the workload.

      ii. 4 – 5 COMPETENT: The trainee takes an active role in unassigned work, takes the initiative to monitor and report activities within the area of responsibility, recognizes, investigates, and enforces statutes and miscellaneous violations. Actively seeks activity related to patrol duties on the assigned beat area.

      iii. 6 – 7 EXCEPTIONAL: The trainee is active in seeking out suspicious activity, regularly volunteers to handle assignments, recognizes hazards and takes necessary steps to eliminate them; enforces statutes and miscellaneous violations without creating hostility in the community. The trainee keeps informed of all activities within the area of responsibility. Actively seeks violations and suspicious activity within the beat area of responsibility.

7. ROUTINE FORMS: ACCURACY/COMPLETENESS:

   a. Training Objective:

      i. To ensure that the trainee is able to complete routine department forms in an accurate, neat and timely manner.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee is unaware that a form must be completed and/or is unable to complete the proper form for a given situation. The forms are incomplete, inaccurate or improperly used.

ii. 4 – 5 COMPETENT: The trainee knows the commonly used forms and understands their use. The trainee completes them with reasonable accuracy and thoroughness.

iii. 6 – 7 EXCEPTIONAL: The trainee consistently makes accurate form selection and rapidly completes detailed forms without any assistance. The forms display a high degree of accuracy.

8. PERFORMANCE: NON-STRESS CONDITIONS:

a. Training Objectives:

i. To satisfactorily complete routine tasks, details, and assignments with minimal supervision.

ii. To satisfactorily complete routine details and assignments in a competent and orderly manner without confusion.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee becomes confused and disoriented when performing routine tasks, details or assignments. The trainee requires constant supervision to complete routine details.

ii. 4 – 5 COMPETENT: The trainee completes routine tasks and assignments with minimal supervision and instruction.

iii. 6 – 7 EXCEPTIONAL: The trainee is able to perform routine details and assignments with minimal supervision and is able to apply common sense solutions or taught skills to solve problems.

9. PROBLEM SOLVING/DECISION MAKING/INVESTIGATIVE ABILITY:

a. Training Objectives:

i. To ensure that the trainee is able to detect and deal properly with situations of a tense nature, while in patrol.

ii. To ensure that the trainee has the ability to make correct decisions and take appropriate steps to resolve conflict, reduce or eliminate threats and to apply appropriate laws and their effect.

iii. To ensure that the trainee has the ability to come to specific conclusions regarding an incident, utilizing proper investigative techniques; both in viewing circumstances and in communicating with citizens regarding the incident.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee does not detect crimes, conflicts, or threats to himself/herself or others. The trainee does not make correct decisions or take appropriate steps to enforce statutes or investigate violations of statutes.

ii. 4 – 5 COMPETENT: The trainee detects criminal activity, conflicts and threats. The trainee makes correct decisions and takes appropriate steps to enforce statutes. The trainee has the ability to investigate and document incidents properly.

iii. 6 – 7 EXCEPTIONAL: The trainee detects criminal activity, conflicts and threats, and acts immediately and/or properly to investigate, document, and take the course of action best suited and fitting the situation with a minimal amount of supervision. The trainee takes an active role in seeking solutions to violations of statutes, conflicts and threats.

10. RADIO: APPROPRIATE USE OF CODES/ARTICULATION:

a. Training Objective:

i. To ensure that the trainee has a working knowledge of the radio codes and is articulate in their use.

b. Performance standards:

i. 1 – 3 UNSATISFACTORY: The trainee does not use appropriate radio codes. The trainee does not enunciate words clearly with syllables distinctly separated; speaks too softly or too loudly, or gets too excited. The trainee makes the radio transmissions too lengthy.

ii. 4 – 5 COMPETENT: The trainee demonstrates workable knowledge of radio codes. The trainee pronounces words clearly with appropriate volume and tone of voice. Transmissions are of appropriate length and the trainee utilizes "preparatory transmissions."

iii. 6 – 7 EXCEPTIONAL: The trainee demonstrates full knowledge of the radio codes. Trainee enunciates words clearly with appropriate volume and tone of voice. Radio transmissions are succinct and professional and restricted to business use only. Few, if any, radio transmissions have to be repeated.

11. <u>RADIO: LISTENS AND COMPREHENDS TRANSMISSIONS:</u>

a. Training Objective:

i. To ensure the trainee has the ability, while involved in activity, to monitor and understand radio communications as they pertain to the beat unit and/or to other beat units.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee consistently misses radio communication related to or directed at the trainee's unit or to adjacent beats and/or does not comprehend radio traffic.

ii. 4 – 5 COMPETENT: The trainee responds immediately and correctly when called on the radio. The trainee monitors the radio when engaged in other activity and is capable of hearing when called and hears calls directed to and coming from adjacent beat units.

iii. 6 – 7 EXCEPTIONAL: The trainee demonstrates attentiveness and professionalism in the use of the radio. The trainee hears all radio transmissions directed to him/her or to or from other beat units.

12. <u>REPORT WRITING: ORGANIZATION/DETAILS:</u>

a. Training Objective:

i. To ensure that the trainee has the ability to organize details and include all pertinent information in any written report.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee lacks the ability to include and organize the necessary details in written reports.

ii. 4 – 5 COMPETENT: The trainee demonstrates the ability to incorporate and organize details in any written report.

iii. 6 – 7 EXCEPTIONAL: The trainee writes reports that are concise, yet complete. Trainee includes all pertinent data in an objective style of writing.

13. <u>REPORT WRITING: SPELLING/GRAMMAR/NEATNESS:</u>

a. Training Objective:

i. To ensure that the trainee has the ability to spell correctly, write legibly, and use proper grammar in all written reports.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee lacks the ability to write legibly, spell correctly or use proper grammar in written reports.

ii. 4 – 5 COMPETENT: The trainee writes legibly, uses acceptable grammar and spelling in all reports.

iii. 6 – 7 EXCEPTIONAL: The trainee writes legibly using correct grammar and spelling in all written reports.

14. <u>REPORT WRITING: APPROPRIATE TIME USED:</u>

a. Training Objective:

i. To ensure that the trainee has the ability to complete all written reports within reasonable time limits.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee requires an excessive amount of time to complete even simple written reports.

ii. 4 – 5 COMPETENT: The trainee completes any written report within a reasonable time span.

iii. 6 – 7 EXCEPTIONAL: The trainee requires a minimal amount of time to complete detailed written reports.

15. INTERVIEW/INTERROGATION ABILITIES:

a. Training Objectives:

i. To ensure that the trainee demonstrates the abilities to verbally communicate with people in a manner that the proper information is received regarding any incident or detail.

ii. To ensure that the trainee demonstrates the ability to interrogate suspects in a manner that satisfactorily completes the portion of the investigation dealing with suspect statements.

iii. To ensure that the trainee, during interviews and interrogations, utilizes proper communication techniques that are appropriate for the specific situation.

b. Performance Objectives:

i. 1 – 3 UNSATISFACTORY: The trainee lacks the ability to speak with people in a manner that solicits the proper information pertinent for the investigation. Trainee does not ask the appropriate questions that the incident dictates.

ii. 4 – 5 COMPETENT: The trainee demonstrates the ability to speak with people in a manner where communication is enhanced and thus obtains proper and pertinent information for the investigation. Trainee utilizes proper interrogation techniques when dealing with suspects.

iii. 6 – 7 EXCEPTIONAL: The trainee demonstrates the ability to communicate with people in a manner where the maximum amount of pertinent information is obtained for the investigation. Trainee conducts interrogations of suspects and asks relevant questions in a manner where maximum positive results are noted.

CRITICAL PERFORMANCE TASKS:

16. ORIENTATION SKILL: USE OF MAP BOOK/RESPONSE:

a. Training Objectives:

i. To ensure that the trainee knows how to and demonstrates the ability to find map locations in the map book. The trainee is able to correlate the present location with the shortest route of travel to the location found in the map book.

ii. To ensure that the trainee demonstrates the ability to give appropriate estimated times of arrival (ETAs) on calls and the proper method of utilizing the map book if the location given on a radio dispatched call is not familiar or unknown to the trainee.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee is unable to locate streets and/or locations in the map book without assistance. The trainee takes too long in finding locations in the map book and then decides on a route of travel that is not the shortest route. The trainee gives ETAs that are either too long or too short. The trainee becomes nervous when trying to find a location in the map book, thus hampering the trainee's abilities to perform.

ii. 4 – 5 COMPETENT: The trainee is able to find locations in the map book in a reasonable length of time; takes the most direct route of travel and gives the appropriate ETA to details.

iii. 6 – 7 EXCEPTIONAL: The trainee is able to find locations in the map book quickly since the trainee knows major thoroughfares without referring to the map. The trainee is calm while looking up map locations, while under pressure and stress, then gives consistently accurate ETAs to assigned details.

17. PERFORMANCE: STRESS CONDITIONS:

a. Training Objective:

i. To ensure that the trainee possesses the necessary degree of maturity to remain calm, act expeditiously and appropriately when under stressful or emergency situations.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee freezes, panics, or acts irrationally under stressful conditions that call for calmness and rational behavior. The trainee demonstrates fear in stressful situations that hampers his/her performance.

ii. 4 – 5 COMPETENT: The trainee's response in stressful situations is calm and deliberate. Trainee is capable of making rational decisions under stressful or emergency situations.

iii. 6 – 7 EXCEPTIONAL: In stressful/emergency situations the trainee remains calm, responds appropriately, and has a calming influence on others.

18. DRIVING SKILLS - NORMAL CONDITIONS:

a. Training Objective:

i. To ensure that the trainee possesses a valid county driver's permit and while on routine patrol, drives in a manner where all traffic laws are obeyed and defensive driving techniques are practiced.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee commits traffic violations while on routine patrol. Trainee does not practice defensive driving techniques. Trainee is inattentive and/or follows other cars too closely.

ii. 4 – 5 COMPETENT: The trainee obeys all traffic laws. Trainee practices defensive driving techniques. The trainee is alert to existing driving and roadway conditions.

iii. 6 – 7 EXCEPTIONAL: The trainee is alert and constantly practices defensive driving techniques. The trainee is highly skilled in anticipating the actions of others, so that there is a proper and ready reaction to avoid a collision. The trainee always obeys all traffic laws.

19. DRIVING SKILL - STRESS CONDITIONS:

a. Training Objectives:

i. To ensure that the trainee has the ability to drive safely under both stress and emergency conditions.

ii. To ensure that the trainee has a complete working knowledge of the following terms as they pertain to and fall within departmental standards: “Code 2,” “Code 3,” and “Pursuit Driving.”

b. Performance Objectives:

i. 1 – 3 UNSATISFACTORY: The trainee drives unsafely in stress conditions. The trainee drives faster than is safe or appropriate. The trainee breaks traffic laws while operating in a “Code 2 response. The trainee does not pay attention to traffic. The trainee fails to constantly anticipate the actions of other drivers in order to react properly or stop suddenly. The trainee drives too slowly. Trainee gets “tunnel vision” while driving under stress and therefore drives in an unsafe manner. The trainee cannot arrive to an assigned detail or call for service.

ii. 4 – 5 COMPETENT: The trainee is completely familiar with departmental policies and standards on “Code 2”, “Code 3”, and “Pursuit Driving.” The trainee drives in a manner with safety continuously in mind. The trainee stays alert with a proper balance in regard to the detail and the driving response. The trainee obeys all traffic rules and laws.

iii. 6 – 7 EXCEPTIONAL: The trainee is completely familiar with departmental policies and standards on “Code 2”, “Code 3”, and “Pursuit Driving.” The trainee’s driving skill indicates total control of the vehicle. The trainee is constantly alert for hazards. The trainee never drives faster than is safe for prevailing conditions. Trainee balances the importance of the driving response and the preparation for the detail. The trainee is prepared while responding to a call for service. Driving skills under stress conditions are exceptional.

20. OFFICER SAFETY:

a. Training Objectives:

i. To ensure that the trainee demonstrates the abilities and common sense to perform law enforcement tasks without injury to self or others. Also to avoid exposing self or others to unnecessary danger or risk.

ii. To ensure that the trainee demonstrates a consciousness of danger, an awareness of surroundings, and officer safety when dealing with people in all aspects of the patrol duties.

iii. To ensure that the trainee has the same concern for all fellow officers that the trainee is expected to maintain for the well being of self.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee fails to follow accepted safety procedures or to exercise officer safety, (e.g., exposes weapon to the suspect). The trainee fails to keep the gun hand free during enforcement situations. The trainee stands in front of violator's car door. The trainee fails to control suspect's movements. The trainee fails to use illumination when necessary or uses lighting improperly. The trainee fails to utilize personal safety equipment. The trainee does not anticipate potentially dangerous situations. The trainee stands too close to passing vehicular traffic. The trainee stands in front of residential door and windows, when knocking. The trainee makes a poor choice of which weapon to use and when to use it. The trainee fails to cover other officers.

ii. 4 – 5 COMPETENT: The trainee exercises common sense or taught safety precautions. The trainee conducts the enforcement situations with caution and awareness of all surroundings and people that the trainee is dealing with. The trainee is prepared to react to the hostile actions of others. The trainee acts as a cover officer with concern and ability for the safety of all beat partners.

iii. 6 – 7 EXCEPTIONAL: The trainee demonstrates the ability to be aware and prepared to handle any threat against self or others. The trainee always places himself/herself into situations in a manner in which the trainee is in control. The trainee is constantly aware of the movements of suspects and controls people. The trainee always has the advantage when controlling and dealing with people.

21. CONTROL OF CONFLICT - VOICE COMMANDS:

a. Training Objective:

i. To ensure that the trainee is capable of using communication skills to diffuse tension, overcome resistance, dissuade aggression, and compel obedience.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee resorts to higher level of force when good communication skills could have avoided a physical confrontation. The trainee freezes, panics, acts irrationally, or loses control when faced with circumstances that call for firmness and resolve.

ii. 4 – 5 COMPETENT: When faced with adversity, the trainee effectively demonstrates natural or taught communication skills in directing others.

iii. 6 – 7 EXCEPTIONAL: When faced with adversity, the trainee demonstrates effective communications skills to avoid a physical confrontation. The trainee uses effective communication skills to compel the cooperation of others. The trainee is able to use these skills to diffuse the tension that brought about the confrontation, aggression, or resistance.

22. CONTROL OF CONFLICT - PHYSICAL SKILL:

a. Training Objectives:

i. To ensure that the trainee possesses the necessary physical skills to overcome physical aggression or resistance.

ii. To ensure that the trainee has the ability to effect an arrest on a resistant suspect, by utilizing only the amount and type of force necessary to effect the arrest or to overcome the resistance.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee lacks the necessary physical skills to overcome physical aggression or resistance. The trainee fails to select the proper amount of force to effect arrest or overcome resistance. The trainee demonstrates fear to a degree that it hampers the effort to effect an arrest or overcome the resistance.

ii. 4 – 5 COMPETENT: The trainee demonstrates the necessary skill to overcome resistance or physical aggression. The trainee demonstrates the knowledge as to what level of force is sufficient to effect arrest or overcome resistance.

iii. 6 – 7 EXCEPTIONAL: The trainee is accomplished in the skill of physical control over violent persons. The trainee uses only that amount of force necessary to control the offender.

23. ABILITY TO COMMUNICATE WITH PEOPLE:

a. Training Objectives:

i. To ensure that the trainee has the basic ability to communicate with people in order to accomplish tasks and details.

ii. To ensure that the trainee knows the sensitivities necessary to open communications with certain people in order to maintain communication.

iii. To ensure that the trainee has the ability to talk with people in a manner that the situation dictates.

iv. To ensure that arrogance is not a trait that the trainee utilizes when communicating and talking with people.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee talks with people in a manner where people tend to lead the discussion and the trainee's presence is inconsequential. Trainee is too timid or too overbearing in communicating. Trainee lacks the speaking skills to be able to communicate with people.

ii. 4 – 5 COMPETENT: The trainee demonstrates the skill in communication where the trainee is able to talk with subjects under various situations and various levels to solicit the proper information. The trainee can give the proper advice or give directions. People have a respect of the trainee and the law enforcement profession based partly on the manner in which the trainee communicates with people.

iii. 6 – 7 EXCEPTIONAL: The trainee demonstrates the skills to communicate with people to such a degree that the trainee is always thought of as a professional. The trainee possesses the proper amount of compassion and authority to accomplish assignments and details.

24. ABILITY TO OBSERVE AND DETECT SUSPICIOUS ACTIVITY:

a. Training Objectives:

i. To ensure that the trainee has the perception, or powers of observation, to detect or uncover violations of statutes, criminal conduct, suspicious activity, or suspicious circumstances.

ii. To ensure that the trainee has the perception, or powers of observation, to detect and act upon items of safety, hazards to people and/or property.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee does not see, detect, or sense any suspicious activity or misses these items on a continuous basis. The trainee does not recognize hazards nor does the trainee know the proper methods of dealing with and/or reporting such discoveries.

ii. 4 – 5 COMPETENT: The trainee demonstrates the ability to observe and detect suspicious and illegal activity. The trainee also is able to detect, act upon, and report hazards to life/or property.

iii. 6 – 7 EXCEPTIONAL: The trainee demonstrates the ability to detect and observe illegal and suspicious activities. The trainee is constantly alert for such potential observations. The trainee is also constantly alert for detecting hazards to people and their property. The trainee always knows the action to take and who to report the observations.

KNOWLEDGE:

25. GENERAL ORDERS/POLICIES AND PROCEDURES:

a. Training Objectives:

i. To ensure that the trainee is operationally familiar with the Office General Orders, Patrol Procedures, or any other established policies and procedures.

ii. To ensure that the trainee establishes the proper desire to stay current on procedural changes, as they should occur.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee is unable or unwilling to become familiar with General Orders, Patrol Procedures, or any other established policies and procedures.

ii. 4 – 5 COMPETENT: The trainee demonstrates a working knowledge of General Orders, Patrol Procedures, or any other established policies and procedures as they pertain to patrol duties within this department.

iii. 6 – 7 EXCEPTIONAL: The trainee demonstrates a thorough knowledge of General Orders, Patrol Procedures, or any other established policies and procedures as established within this department and as they pertain to patrol enforcement and duties.

26. PENAL CODE:

a. Training Objective:

i. To ensure that the trainee has a working knowledge of all the penal code sections as called for in the patrol Field Training Program and that the trainee is able to correlate this knowledge with actual situations and determine what type of crime or authorities the investigation is to be focused on.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee is unfamiliar with pertinent penal code sections as required in the Field Training Program. The trainee cannot recognize sections of the penal code and correlate them to actual situations, while on patrol.

ii. 4 – 5 COMPETENT: The trainee has the full working knowledge of penal code sections that are pertinent to patrol duties and is able to recognize situations in the field and to correlate them to applicable sections in the penal code.

iii. 6 – 7 EXCEPTIONAL: The trainee has a complete working knowledge of all penal code sections that are dealt with in patrol duties and their related functions. The trainee quickly and easily recognizes violations in the field and can determine the applicable penal code section involved. The trainee is continually trying to upgrade personal knowledge of the penal code, using reference material above and beyond that which is called for in the Field Training Manual.

27. VEHICLE CODE:

a. Training Objective:

i. To ensure that the trainee has a working knowledge in the California Vehicle Code (CVC) in regards to the authorities and statutes contained within that are required knowledge of the Department's Field Training Program.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee does not know or have a working knowledge of vehicle code sections for enforcement, nor the authorities. The trainee has trouble locating violations in the CVC book.

ii. 4 – 5 COMPETENT: The trainee has a working knowledge of the enforcement sections and authorities in the CVC book. The trainee knows how to locate them for more detailed reference in a timely manner.

iii. 6 – 7 EXCEPTIONAL: The trainee has a total working knowledge of the enforcement sections and authorities within the CVC book. The trainee is able to locate such sections quickly, if more detailed reference is needed or necessary.

28. MISCELLANEOUS CODES:

a. Training Objective:

i. To ensure that the trainee has a working knowledge of all enforcement and authoritative codes and statutes, as required in the Field Training Program. That the trainee, in addition to having a working knowledge of these miscellaneous codes, is able to locate them in their respective locations for a more detailed reference.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee is not familiar with, nor have a working knowledge of, the codes and statutes as required within the Field Training Program. The trainee is unable or very slow in locating the appropriate codes in their respective codebooks for a more detailed reference.

ii. 4 – 5 COMPETENT: The trainee has a working knowledge of the miscellaneous codes as required within the Field Training Program. The trainee is able to locate these codes in their respective books for a more detailed examination.

iii. 6 – 7 EXCEPTIONAL: The trainee has a total working knowledge of the miscellaneous codes as required by the Field Training Program. The trainee is able to locate such codes quickly, if more detailed reference is needed or necessary.

29. RADIO CODES:

a. Training Objective:

i. To ensure that the trainee has a working knowledge of all the radio codes used by this department.

b. Performance Objectives:

i. 1 – 3 UNSATISFACTORY: The trainee does not know all of or any portion of the radio codes.

ii. 4 – 5 COMPETENT: The trainee has a working knowledge of all of the radio codes required through the Field Training Program.

iii. 6 – 7 EXCEPTIONAL: The trainee has a total working knowledge of all of the radio codes required through the field-training program.

30. REFLECTED IN VERBAL AND PERFORMANCE TESTS:

a. Training Objective:

i. To ensure that the trainee has a working knowledge of all of the appraisal items within the "knowledge" portion of the appraisal form. The trainee is required to successfully respond to verbal tests by the FTO or Field Training Program Coordinator or other superior officer. The trainee will successfully complete performance and practical situations as administered by the FTO, Field Training Program Coordinator, or the patrol sergeant.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee is unable to respond properly or accurately to verbal testing in related subjects to the Field Training Program. The trainee is not able to successfully complete performance and/or practical testing on topics within the scope of the Field Training Program.

ii. 4 – 5 COMPETENT: The trainee is able to answer all questions given on topics related to the Field Training Program. The trainee is able to satisfactorily complete performance tests on topics within the Field Training Program.

iii. 6 – 7 EXCEPTIONAL: The trainee is totally knowledgeable, through verbal testing, on topics as they pertain to the Field Training Program. The trainee is totally knowledgeable, in demonstrated performance and practical testing, on topics pertaining to the Field Training Program.

RELATIONSHIPS:

31. WITH CITIZENS IN GENERAL:

a. Training Objective:

i. To ensure that the trainee possesses, or acquires, the ability to effectively interact with people and the trainee presents a positive image.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee displays abruptness, arrogance, or belligerence when interacting with the public.

ii. 4 – 5 COMPETENT: The trainee demonstrates a courteous, friendly, and responsive attitude when interacting with people and the public in general.

iii. 6 – 7 EXCEPTIONAL: The trainee is always courteous, friendly, cordial, and helpful, even when dealing with irate members of the public.

32. ETHNIC GROUPS (OTHER THAN OWN):

a. Training Objective:

   i. To ensure that the trainee possesses, or acquires, the ability to effectively interact with any person or group of people without prejudice or bias because of race, color, national origin, creed, religion, sex, age, disabled status, political beliefs, organizational affiliations, or sexual orientation.

b. Performance Standards:

   i. 1 – 3 UNSATISFACTORY: The trainee exhibits prejudice or bias towards people based on ethnicity, social status, national origin, gender, age or other factors. The trainee is unable to function objectively due to personal bias.

   ii. 4 – 5 COMPETENT: The trainee shows no prejudice, contempt, or bias toward any person or group of persons. The trainee demonstrates a cooperative spirit in the work place. The trainee accepts directions from all superiors without negative reaction or dissent.

   iii. 6 – 7 EXCEPTIONAL: The trainee presents a positive attitude to all persons, demonstrating an open-minded posture, and remains objective in regards to the formulation of opinions about any person or group of persons.

33. OTHER DEPARTMENT MEMBERS:

a. Trainee Objective:

i. To ensure that the trainee possesses, or acquires, the ability to effectively interact with other officers of the same rank, various superior ranks, and employment capacities.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee demonstrates an inability to work cooperatively and smoothly with fellow officers (including training officers). The trainee demonstrates resentment when given direction from officers of superior rank. The trainee is insubordinate, argumentative, sarcastic, and/or antagonistic towards fellow officers.

ii. 4 – 5 COMPETENT: The trainee shows respect for all co-workers and Sheriff's Office employees. The trainee maintains a professional attitude towards superiors, never arguing.

iii. 6 – 7 EXCEPTIONAL: The trainee presents a positive attitude to all persons, regardless of rank or status. The trainee is cooperative with peers and superiors. The trainee demonstrates support of division and department policies as well as personnel in supervisory or command status.

34. DEALING WITH SUSPECTS:

a. Training Objective:

i. To ensure that the trainee interacts with suspects in a manner that is officer safety conscious but still in a manner not to belittle or antagonize the suspect. The trainee shall conduct his suspect contacts in a professional manner.

b. Performance Standards:

i. 1 – 3 UNSATISFACTORY: The trainee appears afraid or nervous when dealing with suspects in a manner impeding the trainee's performance. The trainee is overbearing or taunts the suspect. The trainee interacts with the suspect in an unprofessional manner.

ii. 4 – 5 COMPETENT: The trainee deals with suspects in a manner based upon a professional and firm approach. The trainee shows no harshness or cruelty towards any suspect.

iii. 6 – 7 EXCEPTIONAL: The trainee is able to deal will all suspects in a firm, professional manner, never with cruelty or inhumanity. The trainee deals with violent or verbally abusive suspects in a safe, professional manner.

Santa Clara County Sheriff s Department
Field Services Division

DAILY PERFORMANCE APPRAISAL

Trainee: # FTO: #

Beat: Phase:

Days in Training: Day: Date:

RATING INSTRUCTIONS: Rate observed performance with reference to scale below. You may comment on any observed performance. Comments are mandatory when NRT, Unsatisfactory, or Exceptional are marked. Use category number to reference your narrative._

RATING:	UNSATISFACTORY	- 1 TO 3	N.O. -	NOT OBSERVED
	COMPETENT	- 4 TO 5	N.R.T. -	NOT RESPONDING TO TRAINING
	EXCEPTIONAL	- 6 TO 7		

Reason for No Evaluation: ***Check if Line Graph Current::***

	RATING	N.O.	NRT.	NAR.	REM	TIME
APPEARANCE:						
1. Appearance(Weight/Weapon/Uniform/Hygiene/Hair	____	☐	☐	☐	☐	____
DEMEANOR:						
2. Reaction to Constructive Feedback.	____	☐	☐	☐	☐	____
3. Self-Confidence/Initiative	____	☐	☐	☐	☐	____
4. Bearing/Command Presence	____	☐	☐	☐	☐	____
5. Attitude Towards Patrol Duties	____	☐	☐	☐	☐	____
FREQUENT PERFORMANCE TASKS:						
6. Self-Initiated Activity	____	☐	☐	☐	☐	____
7. Routine Forms: Accuracy / Completeness	____	☐	☐	☐	☐	____
8. Performance: Non-Stress Conditions	____	☐	☐	☐	☐	____
9. Problem Solving/Decision Making Ability/Investigative Abilities	____	☐	☐	☐	☐	____
10. Radio: Appropriate Use of Codes/Articulation	____	☐	☐	☐	☐	____
11. Radio: Listens and Comprehends Transmissions	____	☐	☐	☐	☐	
12. Report Writing: Organization/Details	____	☐	☐	☐	☐	____
13. Report Writing: Spelling/Grammar/Neatness	____	☐	☐	☐	☐	____
14. Report Writing: Appropriate Time Used	____	☐	☐	☐	☐	____
15. Interview / Interrogation Abilities	____	☐	☐	☐	☐	____
CRITICAL PERFORMANCE TASKS:						
16. Orientation Skill: Use of Map Book / Response Time	____	☐	☐	☐	☐	____
17. Performance: Stress Conditions	____	☐	☐	☐	☐	____
18. Driving Skill: Normal Conditions	____	☐	☐	☐	☐	____
19. Driving Skill: Stress Conditions	____	☐	☐	☐	☐	____
20. Officer Safety	____	☐	☐	☐	☐	____
21. Control of Conflict: Voice Command	____	☐	☐	☐	☐	____
22. Control of Conflict: Physical Skill	____	☐	☐	☐	☐	____
23. Ability to Communicate With People	____	☐	☐	☐	☐	____
24. Ability to Observe and Detect Suspicious Activity	____	☐	☐	☐	☐	____
KNOWLEDGE:						
25. General Orders/Policies and Procedures	____	☐	☐	☐	☐	____
26. Penal Code	____	☐	☐	☐	☐	____
27. Vehicle Code	____	☐	☐	☐	☐	____
28. Misc. Codes	____	☐	☐	☐	☐	____
29. Radio Codes	____	☐	☐	☐	☐	____
30. Reflected in Verbal and Performance Tests	____	☐	☐	☐	☐	____
RELATIONSHIPS:						
31. With Citizens in General	____	☐	☐	☐	☐	____
32. Ethnic Groups (other than own)	____	☐	☐	☐	☐	____
33. Other Departmental Members	____	☐	☐	☐	☐	____
34. Dealing, with Suspects	____	☐	☐	☐	☐	____

NARRATIVE SECTION

THE MOST ACCEPTABLE AREA(S) OF PERFORMANCE TODAY WAS CATEGORY # Explanation:

THE LEAST ACCEPTABLE AREA(S) OF PERFORMANCE TODAY WAS CATEGORY # Explanation:

NOTEWORTHY ACTIONS, OMISSIONS, COMMENTS or CONTINUATION FROM ABOVE:

ACKNOWLEDGMENT

I certify that this report is my professional appraisal of the trainee mentioned in this report and is based upon first hand observation of the trainee's performance. I have discussed this performance appraisal and all topics with the trainee. All areas of deficiency, if any, have been explained completely and brought to the trainees attention.

NAME OF FTO: SIGNATURE OF FTO (Date/Time)

This performance appraisal has been brought to my attention and discussed with me. I concur/I do not concur

NAME OF TRAINEE: SIGNATURE OF TRAINEE (Date/Time)

SIGNATURE OF SHIFT SUPERVISOR (Date/Time) SIGNATURE OF TRAINING SERGEANT (Date/Time)

REV 5/9/97

Santa Clara County Sheriff's Department
Field Services Division

FTO WEEKLY PROGRESS REPORT

Trainee: # FTO: #

Phase: Shift Numbers: Rating period from: to

Summary of weekly performance:

Areas of concern/improvement needed/remediation/suggestions for improvement:

I certify that this report is my professional appraisal of the trainee mentioned in this report and is based upon the trainee's performance during this rating period. I have discussed this report with the trainee.

Signature of FTO Date

This Weekly appraisal has been brought to my attention and discussed with me.
I ☐**concur** / ☐**I do not concur** with this report.

Signature of Trainee Date

Signature of Shift Supervisor (Date) Signature of FTO Sergeant (Date)

Page 1 of 1

Field Training Program Evaluation Form Page

The Santa Clara County Sheriff's Office is always looking for ways to improve the Field Training Program. This evaluation form is to be completed by the trainee at the conclusion of the Field Training Program and submitted to the Field Training Program Coordinator. The trainee is expected to honestly and candidly evaluate each of the assigned FTOs, as well as the program.

Part I of this form asks the trainee to evaluate each of the assigned FTOs in eight categories using a numerical scale (from 1 to 5). It is not expected that all of the FTOs would rate a "5" in all categories. That type of scoring would indicate a less than candid response and the trainee might be contacted and asked to qualify the ratings.

Part II asks for an evaluation of the Field Training Program. Again, the trainee is required to be honest and complete in the responses.

Use the following format to document the evaluation. The responses should be typed, not written or printed.

Your candid evaluations are very important. It is one of the most effective means we have to improve our service to you, the trainee. Some of the more significant improvements to the program came from observations of trainees. The information you provide will be kept confidential unless you document that you authorize the release or use of it.

Part I: Field Training Officers' Evaluations: Complete a separate evaluation for each assigned FTO.

Field Training Officer Name:

Please answer questions 1 – 8 by choosing the number that best expresses you opinion:

(1) Poor (2) Fair (3) Average (4) Good (5) Excellent

1. The FTO presented a positive role model for me.
2. The FTO's ability as a deputy sheriff.
3. The FTO's interest in imparting training material and information to me.
4. The FTO's knowledge of the training material covered.
5. The FTO's skill as an instructor/teacher/trainer.
6. The FTO's ability to communicate with me.
7. The FTO's application of honesty, fairness and objectivity in rating me.
8. I would recommend the FTO to other trainees.

Please add any additional information you may want to provide, including your desire to release this information.

Part II: Field Training Program Evaluation

Please answer questions 1 – 8 by choosing the number that best expresses your opinion.

(1) Poor (2) Fair (3) Average (4) Good (5) Excellent

1. I understood upon entering the Field Training Program that I would be required to devote personal time to studying training material.
2. The Field Training Program Manual was easy to follow and understand.
3. The Field Training Program Manual made the introduction of new material easier to comprehend.
4. The Field Training Program Manual aided me in studying for the phase tests.
5. What rating would you assign to the Field Training Program?
6. List any area(s) of the Program that more time should be spent on.
7. List ways that the Program should be improved for future trainees.
8. Any additional comments.

Sheriff's Office Programs and Requirements

First Aid, CPR, Range, Driver's License Requirements:

CPR should be renewed yearly and First Aid every three years. Deputies are required, under the current Memorandum of Understanding between the Deputy Sheriff's Association and the County of Santa Clara, to complete the CPR and First Aid requirements on their own time.

Deputies are required to qualify with their duty weapon, the 12-gauge shotgun (or AR-15 rifle or both) and the SAGE gun twice per year (once each half). Deputies will attend the range on-duty or will be compensated at the overtime rate if they are required to go during their off duty time.

Trainees are required to have a valid California driver's license and the county driver's permit in his/her possession whenever he/she is operating a county owned vehicle. The county driver's permit can be obtained from personnel and training.

General Orders/Bureau of Enforcement Directives:

The Sheriff's Office General Orders and the Bureau of Enforcement Patrol Procedures are available on all department desktop and laptop computers. There is a great deal of pertinent information in these orders and deputies will be responsible for knowing and understanding the contents of each order. Trainees should begin studying these orders, as there will be verbal and written tests on them throughout the training program. The phase tests will also test trainees' knowledge in these areas.

Field Training Manual:

The Field Training Manual and all associated resources will be issued to all trainees prior to starting in the Field Training Program.

The Field Training Manual will become the trainee's property once they have completed the program. It is encouraged that trainees use this manual for notes and other pertinent information that can later be used as a reference when they become a solo beat unit. At the end of each phase in the Field Training Manual will be a portion where the FTO and the trainee sign off on important information and tasks that should be demonstrated and/or explained to the trainee by the FTO and in which the trainee demonstrates competency. Under no circumstances should a trainee feel obligated to sign off any area of material that was not covered or not understood.

The trainee and the FTO will also be expected to sign off the Phase Completion form at the end of each phase of training. This form will be returned to the Field Training Program Coordinator at the time that particular phase examination is taken.

Department Career Incentive Program (CIP):

Personnel and Training has the necessary information regarding the Career Incentive Program that is available to qualified employees.

Merit Raises:

You can refer to the current Memorandum of Understanding or contact a representative of the DSA for information regarding merit raises.

Sick Leave:

A trainee that will be unable to report for his/her normal shift should notify the S/O operations desk at 408-808-[redacted] as early as possible. It is also recommended, as a courtesy, to contact the FTO to inform him/her of the sick status. Upon returning to work, the trainee will complete a "sick slip" to be turned into the FTP Coordinator. A trainee will only be given credit for shifts that he/she actually works.

Meal Break:

All patrol deputies are entitled to a thirty-minute meal break during their shifts, but must respond to calls for service if dispatched.

Smoking Policy/"No Smoking Areas":

Trainees will familiarize themselves with the General Order that deals with this topic. Remember: There is to be no smoking within patrol vehicles or within county buildings unless in a designated smoking area.

When and Where to Report for Duty:

The Enforcement Bureau is in operation twenty-four hours a day. There are various shifts and assignments that deputies assigned to the Enforcement Bureau may be assigned to work. The Enforcement Bureau consists of the following:

- Headquarters Patrol
- West Valley Patrol
- Transit Patrol
- Parks Patrol

Once a trainee completes the Field Training Program he/she is usually assigned to a vacation relief position at Headquarters Patrol or West Valley Patrol until the next "bump" schedule in January of each year. Vacation relief assignments are subject to change based upon the needs of the department and the Enforcement Bureau.

The address and telephone numbers of the Sheriff's Office and substations are:

Headquarters	55 W. Younger Avenue, San Jose	[redacted] (non-public)
West Valley Sub	1601 S. De Anza Blvd, Cupertino	[redacted] (non-public)
South County Sub	80 Highland Avenue, San Martin	686-3650 (public)
Transit Patrol	3331 N. 1st Street, San Jose	321-7149 (public)

Deputies assigned to Parks and Transit Patrol Divisions will be assigned to work the ten-

plan. Headquarters and West Valley Patrol deputies will either work a ten-plan or twelve-plan shift. Parks and Transit patrol deputies have staggered starting times because of the activity level. Those deputies assigned to West Valley and Headquarters ten-plan schedule will generally work one of the below shifts unless assigned to a special detail:

		Headquarters:	West Valley:
Watch I	(Mids)	2200-0800	2200-0800
Watch II	(Days)	0630-1630	0630-1630
Watch III	(Swings)	1500-0100	1500-0100
Watch IIIB	(Late swings)	N/A	1700-0300

Those deputies assigned to the twelve-plan will generally work one of the below shifts unless assigned to a special detail:

	Headquarters:	West Valley:
A Team (Days)	0530-1800 or 0730-2000	0600-1830 or 0700-1930
C Team (Mids)	1730-0600 or 1930-0800	1800-0630 or 1900-0730

Personal Appearance, Hygiene and Maintaining of Proper Equipment:

Deputies are expected to arrive for work for their assigned shift at the designated time and be properly groomed, dressed and have the necessary equipment to work patrol. Personnel should be neat, clean and well groomed when on duty. The uniform should be clean and neatly pressed with the shoes and leather polished.

Deputies must adhere to the appropriate General Orders that outlines each of these areas. Continual failure to abide by these General Orders may result in departmental disciplinary action.

Deputies will not be allowed to go on beat if they are not wearing body armor and/or are not in the authorized Sheriff's Office uniform, including badge and nametag.

All trainees assigned to the Field Training Program are required to have the following listed equipment (these items can be obtained from Personnel and Training):

- Duty belt, holster, handcuff case, ammo holders and case, key ring, keepers and baton ring
- Pepper spray
- Duty weapon
- Body armor
- Handcuffs
- Flashlight (recommended that you purchase rechargeable flashlight)
- Rain gear
- Baton
- Helmet
- Gas mask

Headquarters Patrol, unless otherwise directed, will provide the new trainees with the following:

- Full sized edition of the California Vehicle Code
- Qwik-Codes for the Penal Code and Vehicle Code
- Citation books (moving and parking)
- Street Locator (map book)
- Shotgun shells
- Gas pump key
- Old style shotgun key

Deputies will also have to obtain a building key card and a locker from Personnel and Training. If assigned to the West Valley Patrol Division deputies will need to obtain the security code for entry into the building. If assigned to the South County sub-station deputies will need to obtain a key from the South County Administrative Sergeant.

The new deputy may also want to consider purchasing a full-sized edition of the California Penal Code. Deputies will find this to be an extremely valuable tool while in the Field Training Program and also after you are on your own.

The laptop computers inside the patrol cars have abridged Penal Codes and Vehicle Codes installed in them.

Some of the other items that will be needed on the first in-field day are:

- Catalog case or other type of case to hold extra forms, reference books, etc.
- Metal clipboard for writing reports in the field
- Citation book to hold blank cite books
- Extra pair of handcuffs and case (optional)
- Buck knife or other multi-tool (optional)

The trainee is expected to obtain the necessary report forms during the in-house orientation, prior to his/her first day in the field. The trainee will also be provided with the basic items for a latent fingerprint kit during the orientation.

Tour of 55 W. Younger Avenue

Your Phase I FTO will take you on a tour of the Sheriff's Office building. The tour will include, but not be limited to, Operations Desk, PCL Unit, Sergeants' Office, Squad room, Report Writing Room, Field Training Coordinator's Office, Patrol Administration, Records Section, Civil Division, Detective Division, Evidence Room, Drying Room, Sheriff's Administrative Offices, and Accounting.

Tour of County Communications

The Phase I FTO will take the trainee to County Communications where he or she will spend a few hours of the shift. During this tour the trainee will be able to see the various functions that the County Communications personnel perform and also be given the opportunity to monitor the radio traffic on various channels.

Law Enforcement Contracts

Contract Cities:

The residents of the cities of Los Altos Hills, Cupertino, and Saratoga have elected to enter into a contractual agreement with the Sheriff's Office for law enforcement services for a set number of years. The cities pay for a level of police service, which may include DUI cars, School Resource Deputies, motorcycles, and radar cars in addition to routine patrol service. The deputies assigned to these cities work out of the Cupertino substation and are responsible for all law enforcement functions within their assigned city limits in addition to the enforcement of city municipal codes. Substations are also maintained in Cupertino and Los Altos Hills and are staffed by Sheriff's Office personnel on a limited basis during normal workdays.

In our capacity as the municipal police agency in these contract cities, we assume a broader scope of responsibilities than is available to the unincorporated areas of the county. Not only do we provide the traffic enforcement to these cities, but we must also enforce the municipal ordinances and address local problems, such as traffic hazards, traffic engineering deficiencies, public nuisances, and the like.

Often a deputy will spot a problem that does not immediately fall within the scope of their normal duties, but it impacts on their job. A deputy may see overgrown shrubs that are obstructing the view of an intersection. The deputy should relay this information to the proper city agency so that the potential for a traffic accident can be averted.

The contract city deputy should also report traffic hazards, public nuisances, aesthetic problems, traffic engineering deficiencies, and other special problems, because they are often the first city officials to observe them.

The Daily Activity Report is critical to the billing for police services to the contracted cities. For this reason each call must be properly documented to reflect the correct city limits where the incident occurred. Essentially, the Daily Activity Report acts as an "invoice" for billing to the contract cities. An incorrect location can result in a disputed charge from the city or a loss of revenue for the Sheriff's Office.

County Parks:

The Santa Clara County Parks Department has contracted with the Sheriff's Office for law enforcement services within certain parks. The deputies assigned to this unit are responsible for enforcing all laws within these designated parks.

Transit Patrol:

The Santa Clara County Valley Transit Authority has contracted with the Sheriff's Office for law enforcement services for the transit district. This includes investigating crimes that have occurred on the buses and light rails that travel throughout the county.

The previous list of contracts are managed by the Field Enforcement Bureau.

Court Services:

The Santa Clara County Superior Courts contracts with the Sheriff’s Office for Court Security services. This includes staffing courtrooms, staffing metal detectors, judicial protection, some investigations within the court system and prisoner movement within the court buildings.

On-Duty Employee Injury – Reporting Procedure

Procedure:

A deputy, who is injured, no matter how slight, will abide by the following procedures:

- Immediately notify his/her patrol supervisor of the nature and the facts surrounding the circumstances of the injury.

- The supervisor will advise the deputy on a course of action (proceed to the hospital, etc.).

- The injured deputy and all deputies that witnessed the injury will complete an Employee's Report directed to their Patrol Division Commander that fully describes the circumstances and nature of the injury.

Orientation Sign-Off

Introduction and Description of the Field Training Program:

a. The trainee will be able to identify the chain of command while in the FTP.
b. The trainee will be able to describe the different phases in the FTP.
c. The trainee will be able to discuss the Daily Performance Appraisal numbering system and form.
d. The trainee will acknowledge the requirement to keep copies of each Daily Performance Appraisals.
e. The trainee will demonstrate proper grooming for himself/herself and the care and appearance of his/her uniform.
f. The trainee will demonstrate the knowledge and ability to care for his/her duty weapon and other equipment.

Reference: G.O.s, #10.01, Uniform Equipment Regulations, #10.03, Grooming and Appearance, and #10.00, Equipment Control and Maintenance TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

Standardized Guidelines:

a. The trainee will demonstrate understanding of the requirements for successfully completing the FTP.
b. The trainee will demonstrate the understanding of the Standardized Guidelines and numbering system.
c. The trainee will demonstrate an understanding of the purpose of and the need to keep copies of the Daily Performance Appraisal form.
d. The trainee will demonstrate an understanding that each day he/she receives a Daily Performance Appraisal evaluation; it will be based on the ‘solo beat deputy’ standard.

Reference: TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

AGENCY-SPECIFIC TRAINING

During the orientation period, the trainee shall be given an opportunity to become familiar with the specific training requirements of the Sheriff's Office:

Firearms/Weapons qualification: The trainee will be currently qualified at the Sheriff's Office range.

Reference: G.O. #12.01, Firearms Issuance and Training

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

Arrest and control techniques: The trainee will demonstrate the basic concepts in proper arrest and control techniques prior to completing the orientation.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee will provide information on the following requirements:

a. Possession of a valid California driver's license.
b. Possession of a valid County driver's license.
c. Current with CPR and First Aid.

Reference: G.O.s #10.01, Uniform and Equipment Regulations, #15.07, CPR and First Aid

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

AGENCY ORIENTATION

The trainee will discuss his/her duties and obligations and demonstrate a working knowledge of the agency's organization, functions, work schedule, chain of command, and rules and regulations.

Reference: G.O.s Article III, Patrol Procedures: #A2-4, Deputy Sheriff, Field Enforcement Bureau, #A2-4.2, Deputy Sheriff, Field Enforcement Bureau Contract Cities, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall review and briefly explain agency directives, rules, and regulations pertaining to:

a. Standard of conduct on and off duty (values, ethics, principles)
b. Rules governing outside employment
c. Regulations on carrying weapons off duty
d. Hours of all shifts and absence reporting requirements
e. News media release laws, rules and regulations

Reference: G.O.s Article 1, Ethics and Values, #10.00, Equipment Control and Maintenance, #11.00 Standards of Conduct, #12.01, Firearms Issuance and Training, #15.02, Outside Employment and College Attendance, #24.00, Media Relations, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall review and explain Sheriff's Office General Orders related to:

a. Use of Force
b. Use and Discharge of Firearms
c. Domestic Violence
d. Emergency Vehicle Operations
e. Sexual Harassment
f. Use of Less-Lethal Weapons
g. Protective Orders
h. Hate Crimes
i. Child Abuse Investigations

Reference: G.O.s #11.02, Harassment and Discrimination, #12.00 Use of Force, #12.01, Firearms Issuance and Training, #12.02, Use of Firearms, #12.03, Procedure When Firearm is Discharged, #12.04, Use of Less Lethal Weapons, #13.01, Emergency Operations of a Vehicle, #13.02, Pursuit Procedures, #17.07, Hate Crimes, #17.09, Domestic Violence, #22.00, County Law Enforcement Protocols, Santa Clara Law Enforcement Protocol, “Child Abuse”

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall be oriented to the work area, including:

a. Introductions to key personnel
b. Equipment and supply locations

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall know the operation of, and agency policy, regarding authorized personal equipment, safety equipment, and agency equipment used by deputies in the field.

Reference: G.O.s #10.00, Equipment Control and Maintenance, #10.01, Uniform Equipment and Regulations

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall review and explain what constitutes unauthorized equipment.

Reference: G.O.s #10.00, Equipment Control and Maintenance, #10.01, Uniform Equipment and Regulations

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall review and explain agency policy on uniforms and equipment damage.

Reference: G.O.s #10.00, Equipment Control and Maintenance, #10.01, Uniform Equipment and Regulations

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall demonstrate the procedures for obtaining and using the following items:

a. Vehicle
b. Hand-held radio
c. Firearms/Weapons
d. Ammunition
e. Special equipment (i.e., helmet, mace, gas mask, etc.)
f. Report forms
g. Flares

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

IMPACT WEAPONS

Generally speaking, all of our trainees have between one and two years experience in our Courts Services Division before attending the FTP. These deputies have been qualified in the use of impact weapons and have had contact with the public while working in that division.

The FTO shall insure that:

a. The trainee shall know when and how to effectively use the police baton/impact weapon in an authorized manner.
b. The trainee shall identify the vital body points and bone edges recognized as baton/impact weapon "target" areas.
c. The trainee shall identify those body points that are potentially lethal when struck by a baton/impact weapon.

Reference: G.O. #12.00, Use of Force, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

COMMUNITY ORIENTATION / GEOGRAPHIC LOCATIONS

During each phase of training, the trainee shall know the following locations within the agency's (beat's) jurisdiction:

a. Hospital(s)
b. Firehouse(s)
c. Bars and "hot" spots
d. Schools
e. Community service organizations
f. Park and recreation areas
g. Hazardous material/priority locations (refineries, WMD potential targets, etc.)

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

During each phase of training, the trainee shall know the names and locations of important types of roadways in the community or assigned area. These shall include:

a. Major arteries
b. "Through streets"
c. Dead-end streets
d. Freeways
e. Fire trails or other special access routes

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

During each phase of training, the trainee shall know the jurisdictional boundaries, beats, districts, or sector assignments utilized by the agency.

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

SUPPORT SERVICES

The trainee shall identify the location and general function of each of the following:

a. City Hall or County Administration Building
b. Municipal, Superior, and Juvenile Courts
c. District Attorney's Office
d. Probation Department
e. Health Department and/or Coroner's Office
f. Emergency Hospital (including emergency entrance, psychiatric facilities and entrance, police parking area, and any other agency-utilized rooms or departments)
g. County/City Jail(s)
h. Juvenile Hall
k. Additional support services (Service Centers, Child Protective Services, etc.)

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the proper utilization of agency special teams/units, including:

a. SERT
b. K-9
c. Search and Rescue
d. VMC Emergency Psychiatric Services, Bomb Squad

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee will complete tours of the following locations:

a. Sheriff's Office Headquarters' building (55 W. Younger)
b. County Communications (two to three hours session)

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee will demonstrate knowledge relating to Law Enforcement Contracts:

a. List the contract cities within the Field Enforcement Bureau.
b. Describe the deputy's responsibilities while working within the contract cities.
c. Describe the importance of correctly using Daily Activity Report.
d. List all other Sheriff's Office Law Enforcement Contracts.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee will be able to discuss competently issues related to On-Duty Employee Injury Reporting:

a. Who must be advised
b. Injured employee will complete an Employee's Report describing:
   1. Circumstance of how the injury occurred
   2. Injuries sustained
   3. Any witnesses
c. Employees that witness the injury must complete an Employee's Report.

Reference: G.O.s #9.00, Employee Taking and Returning from Leave, Disability, or Suspension, #9.01, Leaves of Absence, #9.06, Employee Personal Injury or Death, #9.08, Reporting Employee Injuries

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

PHASE I MATERIAL

The following section contains material related to the first phase of the Field Training Program.

Ethical Conduct

The public expects and requires peace officers to exhibit a level of conduct above that of the "ordinary" citizen. By adhering to this higher standard, deputies exhibit the behaviors they are charged to enforce.

Values:

Values are the fundamental beliefs on which decisions and conduct are based. They may be societal, organizational, professional, or personal.

Societal values are beliefs that are reflected by the norms of the community.

Organizational values are the collective beliefs that characterize an organization.

Professional values are beliefs that are fundamental to and characterize a specific vocational group or discipline.

Personal values are the individual beliefs that a person relies on in making the personal decisions in his or her daily life. Deputies must recognize that they may sometimes be called upon to take actions that are in conflict with their personal values. If this occurs, deputies must be able to keep their own views in perspective and act professionally and neutrally when carrying out their duties. The following instances illustrate potential personal conflict.

- A deputy who does not believe in abortions may be called upon to control a crowd of demonstrators at an abortion clinic.
- Deputies may be called upon to maintain order at a rally championing political issues to which they are personally opposed.

Ethics:

Ethics are the accepted rules of conduct governing an individual or a group. They are based upon values held. Ethics play a dominant role in a deputy's daily conduct and can affect his/her personal choices. One basic ethical concept that is common to almost every major philosophy of life is the Golden Rule. It states, "*Do unto others as you would have others do unto you*."

The Golden Rule establishes an essential aspect of ethics. The key idea is that a good person is concerned with, and responsible for, the well-being of others. As ethical people, deputies should:

- Put themselves in the position of others,
- Recognize how their actions affect others,
- Seek to help when possible,
- Refrain from causing avoidable harm, and
- Intervene to prevent unethical behavior by peers.

Ethical Standards:

Ethical standards are the criteria set for professional conduct. They are the behavior models generally adhered to and accepted, and the principles upon which ethical decisions are made.

Morals:

The term “morals” refers to personal convictions about right and wrong.

Principles:

Principles are ethical standards that people rely on for guidance in decision-making. The principles a deputy relies on to make decisions, on and off duty, may be influenced by:

- Personal convictions,
- Peers (either negatively or positively),
- Department and community expectations, and
- Published and printed material related to professional conduct

Importance of Ethical Conduct:

If law enforcement is to be considered truly professional, ethical conduct must be a way of life for those in the profession. To maintain partnership with the community, law enforcement must maintain high standards of ethical conduct. Officers must set good examples of the behavior they are charged to enforce. The law enforcement community is only as strong as its weakest link. Unethical police conduct affects the image and morale of the entire profession and offends officers throughout the country.

Distinguishing Right From Wrong:

How does a deputy know whether a particular act is right or wrong? All matters of law are documented in print. Department rules and regulations are also set forth in writing. When deputies are confronted by a situation in which guidelines are not provided by the law or department policy, the deputies should be guided by their own moral convictions.

LAW ENFORCEMENT CODE OF ETHICS

Historical Precedence:

Professions have long recognized the importance of having rules of ethical conduct. The *Hippocratic Oath* is perhaps the best known professional code of ethics. It is named for its creator Hippocrates, the Father of Medicine. Although it was written no later than 400 B.C., this oath is still taken by practicing physicians today.

The American Bar Association is another well-known professional organization that subscribes to rules of professional conduct. The rules of conduct for both the American Medical Association and the American Bar Association include means for disciplining unethical members. This is typical of many professional groups.

Law Enforcement Code of Ethics:

The adoption of a uniform code of ethics was one of the most progressive steps achieved by law enforcement. The *Law Enforcement Code of Ethics* was adopted in 1956 by the National Conference of Police Associations, representing some 180,000 police officers, and the International Association of Chiefs of Police. Many individual departments and local police associations have also adopted the code.

The code is a product of a national effort by a number of distinguished law enforcement executives, as well as many rank and file police officers throughout the nation. By adopting the code, the law enforcement profession sets its own standards of conduct. The Peace Officers Standards and Training Commission (POST) requires that the *Law Enforcement Code of Ethics* be administered to every peace officer in the State of California *(POST Administrative Manual, Section 1013).*

Adherence:

Any code is just a set of words until it is translated into action. Officers give the *Law Enforcement Code of Ethics* life and meaning by following it in their everyday conduct.

Along with members of the law enforcement community at all levels, peace officers uphold the values, ethics, and principles of the profession. Officers are sworn to uphold the principles contained in the code. They also adhere to it as a matter of personal integrity. By adhering to the code, officers demonstrate to the community and to their peers that they are honorable and trustworthy.

Key Elements:

POST requires that all peace officers officially subscribe to the *Law Enforcement Code of Ethics* as part of their initiation into the California law enforcement community. Officers

should become thoroughly familiar with the code and understand what they promise to uphold.

By subscribing to the *Law Enforcement Code of Ethics*, officers promise to:

- Serve mankind, protecting lives and property and preventing deception, oppression, and violence,
- Respect the constitutional rights of all men and women,
- Exemplify courageous calm, self-restraint, honesty, and mindfulness of the welfare of others,
- Obey all laws and department regulations,
- Maintain confidentiality of job-related information,
- Enforce the law courteously and appropriately without compromise, favoritism, bias, malice, unnecessary force, or acceptance of gratuities,
- Regard the badge as a symbol of public trust in police service ethics, and
- Dedicate themselves to achieving law enforcement objectives and ideals.

Code of Conduct:

California has supplemented the *Law Enforcement Code of Ethics* with a *Code of Professional Conduct and Responsibilities for Peace Officers (Code of Conduct)*. The *Code of Conduct* is designed to enhance the *Law Enforcement Code of Ethics* by defining specific standards of professional conduct.

The *Code of Conduct*, developed in 1979, is the collective product of the California Peace Officers Association and peace officer representatives throughout the state.

The *Code of Conduct* is comprised of canons and ethical standards.

Canons:

Canons are general statements of the standards of professional conduct expected of peace officers. These standards apply to the peace officer's relations with the public, the criminal justice system, and the law enforcement profession. The canons are the general concepts from which ethical standards and disciplinary rules are derived.

The **ethical standards** in the *Code of Conduct* are statements of the specific objectives for which peace officers should strive. The ethical standards constitute principles on which officers can rely for guidance in specific situations.

Each canon is supported by two or more ethical standards that refer to specific peace officer behavior.

Canons:

The *Code of Conduct* has nine canons, which set forth the responsibilities of peace officers. Descriptions of the nine canons that officers promise to uphold are presented in the following table.

Canon	**Promise**
Canon One	Uphold the Constitution of the United States, state statutes, and local laws.
Canon Two	Perform duties ethically.
Canon Three	Regard discharge of duties as a public trust.
Canon Four	Exemplify high standards of integrity, trust, and morality in public and private life.
Canon Five	Uphold the freedom of others and recognize that it shall not be infringed upon without just and legal cause.
Canon Seven	Cooperate with lawful officials and organizations.
Canon Eight	Refuse to accept, give, or solicit any gratuity.
Canon Nine	Maintain the confidentiality of information.

Disciplinary Rules:

Each law enforcement agency has **disciplinary rules** that specify unacceptable levels of peace officer conduct.

Any deputy who violates a Sheriff's Office rule that applies to *Code of Conduct* canons or standards is guilty of unprofessional conduct and may be subject to disciplinary action. Disciplinary rules apply regardless of a deputy’s rank and/or nature of assignment.

Disciplinary Actions:

Any violation of disciplinary rules requires appropriate adjudication and disciplinary action. **Adjudication** refers to an appropriate hearing and judgment. Disciplinary actions may include:

- Department/agency actions ranging from verbal reprimand to termination,
- Criminal prosecution, and
- Other administrative action sanctioned by law.

ETHICAL OBLIGATIONS OF A PEACE OFFICER

Traits of Exemplary Officers:

California peace officers can be proud of the reputation law enforcement has in the state. This reputation is based on years of honesty and integrity exhibited by officers throughout the state. Each day, peace officers continue to build this reputation with the high standards of behavior they demonstrate in their professional and personal lives.

Traits:

It is each deputy's responsibility to maintain the good reputation of law enforcement by his or her actions both on and off duty. It is crucial for a peace officer to demonstrate the following traits.

An officer should exhibit...	**This trait can be demonstrated by...**
Flexibility	• Adaptability
Honesty	• Truthfulness, • Accuracy, • Sincerity, and • Straightforwardness.
Integrity	• Acting in ways consistent with core beliefs, and • Adhering to law enforcement principles with courage and character, regardless of personal, political, social, • Or economic pressures.
Trustworthiness	• Fulfilling commitments
Fairness	• Impartiality, • Open-mindedness, and equitable treatment of others.
Tolerance of Diversity	• Respect and acceptance of other races, gender, etc.
Empathy and Concern for Others	• Maximizing benefits and minimizing harm, and • Being caring, considerate, kind, compassionate, and • Generous when compatible with official duties.

Traits (Continued):

An officer should exhibit...	**This trait can be demonstrated by...**
Respect for Others	• Treating others with courtesy, and • Honoring others' rights to: o autonomy, o privacy, o dignity, o the information needed to make informed, and decisions.
Responsible Citizenship	• Observing the spirit of the law and affording due process, and • Exercising civic duties.
Pursuit of Excellence	• Carrying out duties to the best of their ability, and • Seeking ways to improve
Personal Accountability	• Accepting and taking responsibility for the consequences of the officer's own actions or inactions.
Anger Management	• Exerting self-control. • Maintaining composure, • Not allowing personal animosity to influence, and • Professional behavior.
Loyalty	• Devotion to: o the Constitution o the government, and o democratic principles.

Traits (Continued):

An officer should exhibit...	**This trait can be demonstrated by...**
Adherence to the principles of public service ethics, including:	
o Public Interest	• Treating the officer's authority and powers as a public trust, and • Never compromising integrity for private interest.
o Objective Decision Making	• Making judgments on merits, and • Making sure decisions are free from improper influences.
o Public Accountability	• Conducting business openly, efficiently, equitably, and honorably.
o Democratic Leadership	• Honoring and respecting the principles and spirit of representative democracy.
o Respectability	• Safeguarding public confidence in law enforcement integrity, and • Setting a good citizenship example.

BENEFITS OF PROFESSIONAL AND ETHICAL BEHAVIOR

Professional conduct and ethical behavior benefit not only officers and their department, but also their community and society as a whole.

The benefits of ethical behavior are apparent to the officer, department, and community.

Person Benefited	**How Benefited**
Deputy	• Personal and professional satisfaction in doing the right thing • Maintaining a sense of self-worth and pride • Gaining respect and confidence of coworkers • Establishing a higher personal and professional reputation in the community

Department	• Deputies' professional and ethical conduct helps their department:
	  o Provide a positive perception of law enforcement, and
	  o Gain the respect, trust and support of the community by promoting professionalism in law enforcement.

Community	• Receiving equitable law enforcement. • A sense of security and trust and a desire to support and work with local law enforcement departments.

When peace officers behave professionally and ethically, they also *avoid* a negative self, department, and community perception.

UNETHICAL/UNPROFESSIONAL BEHAVIOR

Unprofessional conduct or breaches in ethical behavior can occur in any profession. The negative effects of such behavior are particularly detrimental in the profession of law enforcement.

Importance of Conduct:

The effectiveness of law enforcement depends on the public's trust. As a result, peace officers are held to higher standards of behavior. Any indiscretion severely damages the credibility of officers and their agencies and compromises public trust and support.

Types of Unethical/Unprofessional Conduct:

Unethical/unprofessional conduct can involve any of the following.

- Violation of law,
- Violation of a person's civil rights,
- Violation of agency policies and procedures, or
- Breach of ethical behavior or professional responsibility as set forth in the code(s) of the profession.

Examples of Unethical/Unprofessional Conduct:

The *Law Enforcement Code of Ethics* and the *Code of Professional Conduct and Responsibilities for Peace Officers* set forth the governing standards of the profession. Types of unethical and unprofessional conduct may include, but are not limited to, the following.

- Verbal abuse, discourtesy, or inappropriate language,
- Discrimination, racism, or favoritism,
- Unlawful use of force,
- Violation of a person's civil rights, including:
  - false arrest,
  - unlawful detention, and
  - unlawful search and seizure,
- Alcohol and other substance abuse,
- Misusing or compromising confidential information or privileged communications,

- Accepting gifts of any kind from anyone who could benefit by influencing professional decisions or conduct,
- Theft or misappropriation of evidence or other property,
- Obstruction or miscarriage of justice, which may include:
  - falsification or destruction of official documents,
  - perjury,
  - planting false evidence,
  - invoking a *code of silence* to cover up a coworker's wrongdoing, and
  - non-enforcement of specific laws based on personal bias or prejudice,
- Accepting gratuities.

Unethical and unprofessional conduct can include a deputy's off-duty behavior. Inappropriate off-duty behavior may include, but is not limited to, the following:

- Illegal gambling,
- Excessive indebtedness,
- Inappropriate domestic behavior,
- Inappropriate sexual behavior, and
- Misuse of the badge of office.

CONSEQUENCES OF UNETHICAL/UNPROFESSIONAL BEHAVIOR

Any unprofessional conduct by a peace officer can result in a loss of respect for the law enforcement profession and for specific law enforcement agencies. Unprofessional conduct can damage the image of law enforcement in the community and damage the community's cooperation and support.

Miscarriage of Justice:

Peace officers are sworn to uphold the law and protect citizens and property. If a peace officer chooses to engage in illegal action or not to enforce specific laws based on their own personal choice or bias, this can result in a loss of public trust and in public confusion about the meaning of the law. The examples officers set in the community determine the attitude and cooperation they receive in return.

Soliciting or Accepting Gratuities:

If an officer selects or receives gratuities, it promotes a negative public image of the entire law enforcement profession. It also creates a real or perceived obligation for the officer to do something for the gift giver (i.e., the concept of *quid pro quo*, or *this for that*). Rationalizing this unacceptable conduct can lead to accepting larger gifts, committing serious misconduct, or even committing a crime.

Inappropriate Off Duty Behavior:

The *Law Enforcement Code of Ethics* calls for peace officers to keep their "private lives unsullied as an example to all..." Inappropriate off-duty behavior can bring embarrassment to individual officers, their agencies, and the law enforcement profession. Officers should remember that they cannot expect better behavior from others than they demonstrate themselves.

Consequences for Deputy:

Unprofessional conduct directly affects the officer in addition to affecting the image and effectiveness of law enforcement in the community. Consequences to the officer range from mild to severe and may include the following:

- Reprimand,
- Disciplinary action,
- Personal liability,
- Public embarrassment,
- Family humiliation,
- Civil and/or criminal liability (personal and departmental),
- Responsibility for punitive damages, or
- Termination.

On a personal level, a deputy often suffers humiliation and low self-esteem as a result of unprofessional conduct.

Leadership

INTRODUCTION

Good leaders are made, not born. If you have the desire and willpower, you can become an effective leader. Good leaders develop through a never-ending process of self-study, education, training, and experience. This guide will help you through that process.

Leadership is a complex process by which a person influences others to accomplish a mission, task, or objective and directs the organization in a way that makes it more cohesive and coherent. A person carries out this process by applying his/her leadership attributes (belief, values, ethics, character, knowledge, and skills).

Principles of Leadership:

To help you *be*, *know*, and *do*[1] follow these eleven principles of leadership (later sections will expand on gaining an insight into these principles and providing tools to perform them):

Know yourself and seek self-improvement. In order to know yourself, you have to understand your *be*, *know*, and *do*, attributes. Seeking self-improvement means continually strengthening your attributes. This can be accomplished through reading, self-study, classes, etc.

Be technically proficient. As a leader, you must know your job and have a solid familiarity with your employees' jobs.

Seek responsibility and take responsibility for your actions. Search for ways to guide your organization to new heights. And when things go wrong, they will sooner or later, do not blame others. Analyze the situation, take corrective action, and move on to the next challenge.

Make sound and timely decisions. Use good problem solving, decision-making, and planning tools.

Set the example. Be a good role model for you employees. They must not only hear what they are expected to do, but also see.

Know your people and look out for their well-being. Know human nature and the importance of sincerely caring for your subordinates and peers.

Ensure that tasks are understood, supervised, and accomplished. Communication is the key to this responsibility.

Train your people as a team. Although many so called leaders call their organization, department, section, etc. a team; they are not really teams…they are just a group of people doing their jobs.

Use the full capabilities of your organization. By developing a team spirit, you will be

[1] U.S. Army Handbook (1973), Military Leadership

able to employ your organization, department, section, etc. to its fullest capabilities.

Factors of Leadership:

The four major factors of leadership are the:

Follower - Different people require different styles of leadership. For example, a new hire requires more supervision than an experienced employee. A person with a poor attitude requires a different approach than one with a high degree of motivation. The fundamental starting point is having a good understanding of human nature: needs, emotions, and motivation.

Leader - You must have an honest understanding of who you are, what you know, and what you can do. Also, note that it is the followers, not the leader who determines if a leader is successful. If a follower does not trust or lacks confidence in her leader, then he/she will be uninspired. To be successful you have to convince your followers, not yourself or your superiors, that you are worthy of being followed.

Communication - You lead through two-way communication. Much of it is nonverbal. For instance, when you "set the example," that communicates to your peers that you would not ask them to perform anything that you would not be willing to do. What and how you communicate either builds or harms the relationship between you and your employees.

Situation - All situations are different. What you do in one leadership situation will not always work in another situation. You must use your judgment to decide the best course of action and the leadership style needed for each situation.

Attributes

If you are a leader that can be trusted, then the people around you will learn to respect you. To be a good leader, there are things that you must *be, know,* and *do.* These fall under the **Leadership Framework:**

BE a professional. Examples: Be loyal to the organization, perform selfless service, take personal responsibility.

BE a professional who possess good character traits. Examples: Honesty, competence, candor, commitment, integrity, courage, straightforward, imagination.

KNOW the four factors of leadership - follower, leader, communication, situation.

KNOW yourself. Examples: strengths and weakness of your character, knowledge, and skills.

KNOW human nature. Examples: Human needs and emotions, and how people respond to stress.

KNOW your job. Examples: be proficient and be able to train others in their tasks.

KNOW your organization. Examples: where to go for help, its climate and culture, who the unofficial leaders are.

DO provide direction. Examples: goal setting, problem solving, decision making, planning

DO implement. Examples: communicating, coordinating, supervising, evaluating.

DO motivate. Examples: develop moral and esprit in the organization, train, coach, and counsel.

The Process of Great Leadership:

The road to great leadership[2] (common to successful leaders):

Challenge the process - First, find a process that you believe needs to be improved the most.

Inspire a shared vision - Next, share you vision in words that can be understood by your followers.

Enable others to act - Give them the tools and methods to solve the problem.

Model the way - When the process gets tough, get your hands dirty. A boss tells others what to do...a leader shows it can be done.

Encourage the heart - Share the glory with your followers' heart, keep the pains in your heart.

Sheriff's Office Annual Performance Appraisals:

Each employee of the Sheriff's Office is evaluated on the Performance Appraisal Report for a number of areas. Leadership is an area you will be evaluated on. Though there is no specific definition of what leadership is, a “Standard Factors” description is given as guidance.

Standard Factors: The extent to which the employee is able to accept the responsibility of leadership. Has the ability to organize, control and guide the work of others to obtain satisfactory results.

In evaluating an individual’s leadership, five categorical descriptions are given:

Unsatisfactory: Does not demonstrate the ability to obtain the desired results through the work of others. Does not have the respect and confidence of others.

Below Standard: Possesses leadership capabilities. However, frequently fails to gain the support of those who must be controlled and directed.

Meets Standards: Accepts a leadership role in keeping with the position and generally achieves satisfactory results through the efforts of those directed or controlled.

Exceeds Standards: Has the ability to organize, plan, control and guide others very effectively. Consistently gains the confidence and support of those supervised.

Outstanding: Actively seeks the responsibility of leadership. Possesses exceptional leadership ability to plan, control and organize. Regularly relied upon form advice, assistance and direction.

[2] James M. Kouzes & Barry Z. Posner (1987), The Leadership Challenge. San Francisco: Jossey-Bass.

In any given circumstance in patrol, deputies must be able to show leadership in controlling various events. Deputies must lead other deputies in crime investigations, tactical situations, searches, and training. Deputies will need to direct others through leadership to successfully and safely conclude unplanned, fluid and sometimes dangerous situations.

The attributes a deputy must have to be a good leader will also benefit him or her in controlling events that will be encountered in the field environment: to control family disputes, physical fights, large crowd disturbances, parties and community meetings. Leadership is integral to command presence, which each peace officer must have to be effective in this profession.

Notes:
Source for some of the previous material, Big Dog's Leadership Page,
(http://www.nwlink.com/~donclark/leader/leader.html)
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Use of Force

Trainees must know, in detail, the General Order that relates to the use of force policy for the Sheriff's Office. Refer to Sheriff's Office General Order #12.00, Use of Force, for specifics.

Use of Force:

Reasonable Force:

Penal Code Section 835a defines **reasonable force** to effect an arrest as only that force reasonable for restraint of the suspect and to get the suspect to submit to custody.

In 1989, the United States Supreme Court applied an objective standard to a non-deadly force situation and further established how reasonable force must be judged objectively (*Graham V. Connor, 490 U.S. 386 (1989)*). The Court's analysis began by considering the suspect's Fourth Amendment right to remain free from any unreasonable seizure against the government's interest in maintaining order through effective law enforcement.

The Court noted that determining the objective reasonableness for the use of force must be *fact specific* and established the following four components for determining reasonableness.

The reasonableness of a particular use of force must be...

1. Judged from the *perspective of a reasonable officer*.
2. Examined through the eyes of an officer on the scene *at the time the force was applied.*
3. Based on the facts and circumstances confronting the officer *without regard to the officer's underlying intent or motivation.*
4. Based on the knowledge that the officer *acted properly under the established law at the time.*

Peace officers will constantly be faced with decisions as to when to use force and to what degree it should be applied. The totality of the circumstances must be evaluated from *the perspective of the officer at the scene*, rather than from an outsider's benefit of hindsight. Reasonable force must be based on the facts and circumstances known to the peace officer at the time the force was used.

The primary objective for the application of force is to ensure control of a suspect. The Court determined that the officer's subjective feelings toward a suspect should not be considered when establishing whether or not to use force or the amount of force to use for a specific situation.

The Court noted that the following facts should also be considered, but not limited to, when gauging reasonableness.

1. The severity of the crime
2. The nature and extent of the threat posed by the suspect
3. The degree to which the suspect resists arrest or detention
4. Any attempts by the suspect to evade arrest by flight

When the level of force that is applied in a given situation is reasonable, a peace officer is not considered the aggressor. Officers have a legal right to:

1. Use reasonable force to overcome resistance.
2. Stand their ground against any aggressor; they "need not retreat or desist."
3. Use reasonable force for protection; "the right of self-defense is not lost."

Force Options:

Peace officers must recognize that they have a range of force options available to them. However, in all cases the use of force must be reasonable compared to the threat, level of resistance, and other circumstances known to the officer at the time the force was used.

Force options are choices available to a peace officer concerning the methods available as identified in each agency's or department's policy documentation.

The objective for the use of force by peace officers in any situation is to ultimately gain or maintain *control of an individual and therefore the situation.*

Peace officers are required to:

1. Use force only when authorized to do so (e.g., to overcome resistance to a lawful process).
2. Use the type of force which is reasonable under the circumstances.
3. Use only the amount of force reasonable to overcome resistance and to gain or maintain control of a suspect.
4. Use only the amount and type of force which is permitted by individual agency or department policy.

The amount of force applied should not exceed the amount which is reasonable to overcome the suspect's resistance and gain or maintain control of the suspect. Every situation is unique though.

Use of Lethal Force:

Peace officers must have a clear understanding of their authority, responsibility, and liability regarding the use of lethal force under the circumstances authorized by law.

The use of lethal force is the most serious decision a peace officer may ever be called upon to make. Such a decision should be guided by a reverence for human life and used only when other means of control are impractical or have been exhausted.

Lethal Force:

Lethal force means a force likely to cause death or serious bodily injury.

The Court established the following components and prerequisites to an officer using lethal force in the line of duty.

In order for peace officers to employ lethal force, they must...

1 Life-threatening escape - "Where the officer has *probable cause* to believe that the suspect poses a threat of serious physical harm, either to the officer or others..."

2 Life-threatening felony - "...if the suspect threatens the officer with a weapon or there is *probable cause* to believe that he has committed a crime involving the infliction of **serious bodily harm...**"

3 Give warning where feasible - "...the court imposes a constitutional requirement that *some warning* be given prior to the use of lethal force *where feasible*..." "Halt, police! Stop or I'll shoot!"

4 If necessary to prevent escape - "...in order for lethal force to be constitutionally permissible, there must be *probable cause* to believe that the use of lethal force is *reasonably necessary*..."

In order to understand the aspects of the use of lethal force, peace officers need to become familiar with the following terms.

Serious bodily harm or injury means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement *(Penal Code Section 243(f)(5))*.

Reasonable necessity means that delay in apprehension would create substantial and unreasonable risk to officers or others possibly resulting in serious physical injury or death.

Imminent danger means a significant and immediate threat which peace officers reasonably believe will result in death or serious bodily injury to themselves or to other persons. Imminent danger is not limited to "immediate" or "instantaneous." A person may pose an imminent danger even if they are not at the *very moment* pointing a weapon at another person.

According to the law, bare fear alone does not justify the use of lethal force. There must be a *sufficiency of fear* for the use of lethal force to be justified. *(Penal Code Section 198)*

There are three elements needed to establish sufficiency of fear:

1. The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
2. The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer's fear.
3. The decision to use lethal force must be made *to save one's self or another* from great bodily injury or death.

Homicide by a Peace Officer:

Homicide is the killing of a human being by another human being, lawfully or unlawfully. Under certain circumstances that a peace officer must face, homicide by a peace officer may be justifiable and legal.

Justifiable homicide by a public officer occurs when public officers, such as peace officers or people working for them, kill a person in the performance of their duty or in self-defense in arresting or retaking a felon who is armed or poses a significant threat of death or serious injury to the officer or others (*Penal Code Section 196*).

Peace officers must recognize their legal and ethical responsibilities to intervene if the amount of force being used is inappropriate.

The community expects that its peace officers will use only reasonable amounts of force. Likewise, it expects that someone, including other officers, will intervene if reasonable levels of force are exceeded. For the community's protection and the officer's protection and peace of mind, the officer must have a basic knowledge of the laws pertaining to intervention.

Intervention is the act of preventing or stopping the inappropriate or unlawful behavior of another. Appropriate intervention allows peace officers to maintain or restore professional control over a given situation or improve the professional quality of future interactions.

The United States Constitution provides protection for individuals against unlawful actions of peace officers. The United States Code contains criminal sanctions against peace officers who violate the civil rights of the public *(USC Title 18, Sections 241 and 242)*.

> NOTE: The officer who fails to intervene, for whatever reason, is also held accountable under the United States Code.

Although *Penal Code Section 834a* states that the person being arrested must submit to an arrest, if unlawful or unreasonable force is used to effect the arrest, the person being arrested may lawfully resist to overcome that force.

When peace officers intervene appropriately, their professionalism is enhanced, as is their personal and organizational credibility. Intervention may also save officers from:

1. Physical injury resulting from unnecessary escalation,
2. Disciplinary action up to and including termination,
3. Criminal complaints filed against them, and
4. Financial loss resulting from civil suits.

Intervention involves the application of a variety of techniques for restoring or maintaining professional control over a given situation. In some situations it may be desirable or necessary to intervene immediately. In others, it may be desirable to utilize an intervention strategy after the fact.

During a high-stress situation such as making an arrest, peace officers may experience emotional or angry reactions to the suspect. As a result, they may start applying excessive force without realizing what they are doing. At this point it is imperative that the fellow officer step in immediately and diffuse the situation.

There are three common immediate intervention techniques:

1. Verbal
2. Physical/touch
3. Restraint

In situations that have already taken place, it may be necessary to implement a delayed intervention technique. This can be valuable in improving the professional quality of future contacts.

There are three common delayed intervention techniques:

1. Discussion
2. Admonishment
3. Training

Department Firearms Policy

Trainees must know, in detail, the General Order that relates to the firearms use policy for the Sheriff's Office.

Refer to Sheriff’s Office General Orders #12.02, Use of Firearms and #12.03; Procedure When Firearm is Discharged for specifics.

Following is a copy of the Sheriff’s Office Firearms Use Report.

FIREARMS USE REPORT
SANTA CLARA COUNTY-OFFICE OF THE SHERIFF
SAN JOSE, CALIFORNIA 95110

Rank_____ Name_____ Badge#_____ Division_____ Incident #_____

Date of Incident: ____/____/____ Time: _____ Duty Status ___ On ___ Off

Your Weapon: Serial Number: _____ Dept. Issue ___ Personal ___

Pistol: Glock ____ Model 22___ 23___ 27___ Other_____

Rifle: Colt ____ AR-15 ___ SP ___ A2___ A3___ Other _____

Shotgun: Mossberg 590 ____ Other _____

Less Lethal: Sage ____ SL-6 ___ SL-1 ___ Shotgun ___ 37MM ___

Ammunition Used: Brand _____ Caliber _____ Number of Rounds Fired by You: _____

Location of Incident: _____ Type Premises: _____ Backstop:_____

Incident Occurred: Outdoors ____ Indoors ____ Other (describe) _____

Nature of Incident: _____

Why You Used Weapon: Protect Self ___ Citizen ___ Officer ___ Dispatch Animal ___

✷✷✷✷DO NOT FILL OUT SECTION BELOW IF SHOOTING IS AN ANIMAL DISPATCHING✷✷✷✷

Describe Event Precipitating Use of Firearm: _____

Lighting Condition:_____Weather Condition:_____ Number of Opponents:_____ Their Weapons Used:_____

Number of Shots Fired at You:_____ Distance From Suspect When: First Shot Fired:_____ Last Shot Fired:_____

Deputies Position: Standing ___ Crouching ___ Kneeling ___ Sitting ___ Prone ___ Other _____

Was Cover Available? ___Y ___N Was Cover Used? ___Y ___N Describe Cover Available _____

Was Concealment Available? ___Y ___N Was Concealment Used? ___Y ___N Describe Concealment _____

Was Weapon Drawn and Ready Before Needed? ___Y ___N

If Weapon Not Drawn Was Safety Strap Secured? ___Y ___N

Are You: Right Handed ___ Left Handed ___ Ambidextrous ___ Was Gun Worn On Your Right ___ Left ___ side?

Holster Used: Uniform Issued (Level II) ___ Personal Level III ___ Plain Clothes Issued ___ Other _____

Number of Rounds Fired Right Handed ___ Left Handed ___

Did You Reload? ___Y ___N Did You Have Time To Use Your Sights? ___Y ___N

Injuries: Deputy: _____

Suspect: _____

Other: _____

Property Damaged: _____

Employee's Report Attached ___Y ___N Incident Report Number _____ Attached ___Y ___N

Signature of Deputy _____ Immediate Supervisor Signature _____

Date Reported ___/___/___ Time Reported _____

550.10

Firearms Ready Position, Discharge, Storage, etc.

The use of a firearm means the firing of the weapon for the purpose of shooting at a suspect. Warning shots will not be fired. Approved use of the weapon is contingent upon legal and moral considerations, the professional judgment of the deputy, and departmental policy.

The deputy must notify the patrol supervisor as soon as possible whenever he/she discharges a weapon other than an authorized range. The circumstances of the discharge will be documented on the Firearms Use Report and an accompanying Employee's Report.

"Ready" Position of Firearms:

- Pistol: [redacted]
- Shotgun: [redacted]
- AR-15 rifle: [redacted]

The 12 Gauge Shotgun:

- Authorized Shotgun: Only departmental authorized shotguns will be carried by deputies. Under no circumstances will a deputy carry his/her own personal shotgun while on-duty. The range master may issue a department shotgun to individual deputies. That shotgun will be carried and used by the individual deputy that the weapon is assigned to.

- Obtaining Shotgun: Deputies must obtain a shotgun prior to the start of their shift. Shotguns are stored in different locations depending on assignment. For those deputies assigned to Headquarters Patrol, the shotgun is stored [redacted]. Deputies assigned to the West Valley Substation and the South County Substation will obtain the shotgun from [redacted] area.

- Inspection Prior To Going to Beat: Deputies must check the shotgun to ensure that it appears in good operating condition. Any shotgun that appears to be in need of repair will be tagged and not allowed to be placed into service until the weapon is checked and approved for use by the range master.

- Handling, Loading and Securing: The shotgun [redacted] It will be loaded in the approved manner and secured in the patrol vehicle's shotgun rack.

- The shotgun will remain locked in the patrol car rack until such time as the deputy deems it necessary to have immediate access to the weapon. The deputy must

become familiar with the patrol car release mechanisms for the shotgun/AR-15 rifle.

- End of Shift Procedure: The shotgun will be unloaded and checked to ensure that no rounds are left in the weapon at the completion of the shift. Under no circumstances will a loaded shotgun be returned to its storage area.

The AR-15 Rifle:

- Authorized AR-15 Rifle: The Sheriff's Office will issue Enforcement deputies an AR-15 rifle after completion of the department's AR-15 rifle course.

- Obtaining Weapon: The AR-15 rifle will be stored/secured [redacted].

- Inspection Prior To Going to Beat: You must check the AR-15 rifle to ensure that it appears in good operating condition. Any AR-15 rifle that appears to be in need of repair will not be allowed to be placed into service. The range master should be contacted immediately.

- Handling Loading and Securing: The AR-15 rifle [redacted]

- The AR-15 rifle will remain locked in the patrol car rack until such time as the deputy deems it necessary to have immediate access to the weapon. The deputy must become familiar with the patrol car release mechanisms for the AR-15 rifle/shotgun.

- End of Shift Procedure: The AR-15 rifle will be unloaded and checked to ensure that no rounds are left in the weapon at the completion of the shift. Under no circumstances will a loaded AR-15 rifle be returned to its storage area.

Less Lethal Guns:

- Authorized Less Lethal Guns: The Sheriff's Office will issue less lethal guns through each station to those deputies qualified to carry the weapon.

- Obtaining Less Lethal Gun: Deputies can obtain a less lethal gun from its locked storage area at each of the Sheriff's Office facilities.

- Inspection Prior To Going To Beat: You must check the less lethal gun to ensure that it appears in good operating condition. Any less lethal gun that appears to be in need of repair will not be allowed to be placed into service. The range master should be contacted immediately.

- Handling, Loading and Securing: The less lethal gun [redacted]

- End of Shift Procedure: The less lethal gun will be placed back in its locked storage area.

Officer Safety

Officer safety refers to the practical application of tactically sound procedures to perform law enforcement activities in a safe and effective manner.

Officer safety involves:

1. The attitude and physical conditioning of the officer,
2. Initial and ongoing training,
3. Appropriate care and use of equipment, and
4. Utilization of available resources.

Deputies assigned to patrol should be aware of general safety guidelines. By practicing each while performing all patrol activities, deputies can help guard against making fatal errors and putting their own lives, as well as the lives of others, in jeopardy.

Due to its repetitive nature, a patrol assignment carries with it the inherent danger of becoming routine. As a result, patrol deputies can easily become complacent and careless which can lead to potentially fatal errors.

While on patrol, deputies can encounter some of the most dangerous and threatening conditions. More officers are killed or assaulted in the line of duty when on patrol than any other law enforcement assignment. Patrol officers are more likely to encounter the following types of potentially dangerous incidents:

1. Domestic violence and/or disturbance calls
2. Investigating suspicious individuals
3. Arrest situations
4. Ambushes
5. Crimes in progress
6. Vehicle pullover
7. Off duty incidents
8. Pedestrian contacts
9. Building search

Statistical analysis of incidents involving officers killed or assaulted in the line of duty has found that most of the deadly incidents ***could have been prevented.*** Officers should keep in mind and avoid committing any of the following fatal errors while on patrol.

<u>Contact and Cover (Primary and Backup):</u>

The first deputy on the scene must take on the leadership role for the basic assessment of the situation, making contact with the involved parties, and determining if law enforcement action is required. To accomplish these tasks safely, that deputy may need to rely on backup support from one or more additional deputies.

The **contact officer** is the deputy who initiates an action and who therefore becomes responsible for conducting the business of the specific detail being handled.

The **cover officer** is the deputy who takes on the responsibility for surveillance and control of a suspect in order to free the contact officer to perform a more thorough investigation.

"Cover" is also a term that is often associated with combat tactics. Under such conditions, **cover** refers to anything that may *stop or deflect* an opponent's weapon (e.g., brick walls, buildings, portion of the vehicle with the engine block, etc.).

In contrast to cover, **concealment** refers to anything that prevents an opponent from *observing* the officer (e.g., bushes, small trees, tall grass, dark shadows, large crowds, lines of moving vehicles, etc.). Concealment alone does not stop or deflect bullets.

The *contact* officer is responsible for...

1. Initiating action (weather radio dispatched or self-initiated details)
2. Conducting the essential business required such as, but not limited to:
    - alerting the cover officer that a weapon or contraband is located on the suspect,
    - conducting thorough systematic searches,
    - maintaining control of the suspect,
    - recovering evidence,
    - recording necessary suspect or incident information,
    - handling radio communication, and
    - writing traffic or misdemeanor citations.

The *cover* officer is responsible for...

1. Protecting the contact officer from possible interference (e.g. onlookers or associates of the suspect).
2. Maintaining constant observation of the overall situation and being aware of possible dangers and potential interferences.
3. Providing a command presence to discourage hostile acts, assaults, or escape by the suspect.
4. Securing any weapons or contraband; this allows the contact officer to continue searches.
5. Preventing the destruction of evidence.
6. Intervening with appropriate force to protect the contact officer if a suspect reacts violently.

In some instances, once the initial contact has been made, deputies may decide to exchange contact and cover officer duties. Such a switch may take place when:

1. It is tactically advantageous to do so (e.g., when the suspect's position changes), or
2. One deputy has specialized training or expertise in a given area (e.g., as a Drug Recognition Expert (DRE), better rapport with a suspect, more knowledge regarding the area, bilingual, or a specific personal skill). In such exchanges, the deputy assuming the role of cover officer must be in position and fully prepared to respond to any sudden action by the suspect *before the original cover officer relinquishes that duty* to take on the role as contact officer.

It is essential that contact officers who request cover and officers who respond *clearly communicate* with one another. Responding deputies should be briefed regarding the details of the contact as thoroughly as possible.

Body Armor:

Utilize proper safety equipment.

Body armor is the single most effective piece of safety equipment that a peace officer can utilize.

Although body armor greatly enhances deputy's survivability in a lethal confrontation, it should never replace proper tactics when handling high risk incidents.

Officer Survival:

Deputies must be ready and capable, physically and emotionally, to immediately take control of a potentially dangerous situation without hesitation caused by anger, fear, or indecision.

Normal functioning of the human body depends on cooperation between the brain and the rest of the body. By learning to discipline the mind to remain calm, flexible, but alert at all times, peace officers can reduce reaction time.

The use of force in dangerous situations may bring on emotional responses as well as physiological responses that officers must be prepared to recognize and deal with.

Two major emotional factors that officers need to focus on during their training:

1. Fear, an emotional response to a perceived threat, and
2. Anger, a feeling of displeasure from perceived opposition.

It is important to be able to understand the sources of fear and anger, since both can affect deputies' reactions during a dangerous situation.

Deputies must be not only physically prepared but also mentally prepared to use force or have force used against them. Inappropriate responses are often the direct result of uncertainty. Uncertainty is likely to result in indecision and physical behavior that could adversely affect an officer's safety as well as the safety of others. These can include:

1. Hesitation,
2. Verbal abuse,
3. Bluffing, or
4. Unreasonable/unnecessary force.

Fear is a normal emotional response to a perceived threat (real or unreal). Fear is normal and does not become a problem until it interferes with the ability to perform effectively.

When a person experiences fear, the body reacts, often by increasing the adrenaline, heart rate, and breathing. In addition, some common body responses to fear include:

1. Blood clotting enzymes flow into the system to minimize damage from wounds,
2. Vision and hearing become more acute and focused (e.g., tunnel vision and tunnel hearing),
3. Increased muscle tension and perspiration,
4. Raised pain thresholds,
5. Time distortion, and
6. Fine motor skills are impaired.

Reasonable fear may result when a deputy experiences increased tension in response to a potential threat.

Unreasonable fear includes overreactions to true potential threats as well as reactions to unreal threats generated based on prejudice or poor application of past experience.

Unreasonable fear can be responsible for inappropriate responses such as a failure to respond, or responding inappropriately (using excessive force).

It is normal for peace officers to experience fear whenever they encounter a potentially dangerous situation.

Discussing fears with others is the first step in managing fear. In addition, going through the mental rehearsal before an incident takes place (the “what ifs”) as well as after-action assessments (the “what could I have done betters”) will better prepare the deputy in dealing with fear.

Other methods for managing fear include focusing on:

1. What must be done and not solely on the danger itself,
2. Evaluating the situation and determining what must be done to achieve the goal, and
3. The survival phase in order to control the feeling of vulnerability.

Command Presence:

Officer safety and command presence are a constant, never ending mindset. Maintaining this mindset requires constant alertness. By acting properly at the scene of an incident, the deputy will greatly increase their odds of not having an unfortunate set of circumstance develop.

The deputy should continually review the following:

- Not turning his/her back on suspects.
- Do not allow individuals to come into their "safe" area.
- Always leave the gun hand free.
- Handcuff suspects as quickly as possible.
- Control persons' movements during placement of their hands.
- Make proper use of lighting (flashlight, spotlight, headlights, street lights, etc.).
- Keep County Communications advised of their activities.
- Wear body armor.
- Keep equipment clean and in good working condition.
- Debrief and critique incidents and events.

When giving direction or commands which require others to act, the deputies must be clear, direct and use a strong tone of voice that tells others he or she is serious about the situation. The trainee should be respectful and never use profanity.

Mental Conditioning:

There are five stages of mental conditioning and they are color-coded:

- White: relaxed (such as when a deputy is at home, enjoying a hobby or with friends).
- Yellow: general awareness (while on patrol prior to receiving a call or becoming involved in an incident).
- Orange: 75 - 25 / "check six" (when deputies become involved with other persons their focus is 75% on the main subject and 25% on others and the surroundings – Check six items (see below) regarding each individual encounter).
  - Hands
  - Weapons/Bulges
  - Cover/Concealment
  - Associates
  - Escape Routes (deputy's and theirs)
  - Footing/Balance (deputy's)
- Red: predetermined action (based on the deputy's training, experience and mental rehearsal. This is how the deputy will respond to handle the incident or circumstances).
- Black: overwhelmed (if the deputy is not mentally prepared, he/she will either under-react, over-react, or freeze).

Action Plan:

Through training and experience deputies will become familiar with how to handle a wide variety of calls and circumstances, but they cannot be prepared for everything they may encounter. Therefore, deputies must develop an attitude of being flexible and willing to step back and reevaluate each situation before proceeding.

It is common for deputies to feel they shouldn't back down. However, it is safer to wait to have the advantage on the deputy's side as opposed to pushing a bad situation which may get someone hurt.

Constant mental rehearsal (thinking: "what would I do if") is one way to help prepare for difficult situations. It is very important to have alternative plans if the primary plan does not work. In other words, don't rely on just one way to handle given situations. Be prepared to go to a backup plan or even withdraw/retreat.

Firearm Dependability:

Deputies should not depend on their handgun to quickly disable a person who is a threat. Deputies must understand that a person who is shot with a handgun does not always fall down like in the movies.

If a deputy decides to fire his/her handgun in accordance with department policy, he/she must be prepared for the subject to retaliate for a period of several seconds up to a couple of minutes after they are hit. This means the deputy:

- Should be constantly aware of cover or concealment when in condition yellow, orange, and red.
- May have to continue firing.
- May have to withdraw or retreat from the immediate threat.

Departmental Pursuit Guidelines

Trainees must know, in detail, the General Order that relates to the pursuit policy for the Sheriff's Office.

Refer to General Order #13.02 for specifics.

All deputies who operate law enforcement emergency vehicles must recognize that even though the purpose of pursuit driving is the apprehension of a suspect who is using a vehicle to flee, the vehicle pursuit is *never* more important than the safety of deputies and the public.

Few situations in law enforcement operations require a higher degree of experience and sound judgment than high-speed vehicular pursuits. Deputies must effectively perform in an atmosphere where long-range consequences may hinge upon the soundness of split-second decisions.

A vehicle pursuit is an event involving one or more law enforcement officers attempting to detain a suspect who is operating a motor vehicle. The suspect is attempting to avoid arrest by using high speed driving or other evasive tactics such as:

1. Driving off a roadway,
2. Turning suddenly, or
3. Driving in a legal manner but *willfully failing to yield* to the officer's signal to stop.

A vehicle pursuit must be a managed event requiring:

1. Knowledge of and compliance with department policy,
2. Trained personnel operating as a disciplined unit,
3. Supervisory control (if available),
3. Effective coordination and good communication,
4. Sound decision-making by all personnel, and

Pursuit driving can be more dangerous for the law enforcement officer and the general public than emergency response driving.

<u>Initiating a Pursuit:</u>

An agency may specifically prohibit officers from initiating pursuits under certain conditions or from authorizing pursuits for certain categories of offenses or for violations of specific statutes. All deputies must know our agency policies and limitations.

Deputies initiating traffic stops must be aware of the presence and proximity of other motorists on the roadway prior to utilizing emergency lights and siren. When practical, deputies should close the distance between themselves and the violator's vehicles to minimize the likelihood of other vehicles swerving into their path. They also should select an area which provides optimal officer and bystander safety (e.g., a wide roadway, high visibility to other motorists, minimal pedestrian activity, etc.).

Pursuits may be initiated when a law violator clearly exhibits an intention to avoid arrest by using a vehicle to flee. If a suspect is aware of a deputy's signals to stop but ignores them and continues to flee, deputies may initiate a vehicle pursuit of the suspect if:

1. They have reason to believe the suspect presents a clear and immediate threat to the safety of others, *or*
2. The suspect has committed or attempted to commit a violation of the law, *and*
3. The necessity of immediate apprehension outweighs the level of danger created by the pursuit.

Deputies must also make an honest assessment of their own *training and experience*, as well as the *capabilities and limitations of the vehicle* they are driving, before they initiate a pursuit.

If a driver fails to yield, deputies must consider what is known or suspected regarding the suspect's offense. Deputies should apply a *balance test*, weighing the *seriousness of the crime*, with the level of *a threat to the public safety* from a vehicle pursuit.

Driving tactics are those actions which maximize the safe conduct of a pursuit.

Pursuit driving tactics should include the following safe driving factors:

1. Proper following distance
2. Speed awareness
3. Anticipation of hazards
4. Proper road positioning
5. Maintaining mental control and self-discipline

If the circumstances of the pursuit indicate that apprehension of the suspect by pursuing deputies appears unlikely, the primary unit or an appropriate supervisor may direct the air unit (i.e., STAR 1 or Air 2) to continue to track or provide surveillance of the suspect vehicle. The primary purpose of tactics involving air support is to reduce the potential danger to deputies and the public on the highway.

For example, air support may be requested when the suspect's:

1. Vehicle continuously increases distance from the ground units.
2. Vehicle is frequently out of sight of the ground units.
3. Actions indicate the ground units should back off.

The role of air support during vehicular pursuits is to assist and coordinate the involved field units. When called into the pursuit, they are responsible for monitoring and broadcasting pertinent pursuit information.

When the air unit is tracking or conducting surveillance of the suspect vehicle, concerned ground units should restrict their radio traffic to only information necessary to provide assistance.

Points to Ponder

Pursuits are not as exciting as one may think. They are truly dangerous, not only to the deputy, but also to the public. The deputy must weigh his/her decision to continue a pursuit against the possibility of someone getting hurt because of the pursuit.

The deputy must keep a good distance from the pursued vehicle. He/she must stay far enough away that he/she can react to a change of direction, sudden braking or stops, gunfire or accidents. But not so far that he/she will lose sight of the suspect vehicle.

Keep calm, breathe deep and scan the roadway. Don't get tunnel vision. Staying calm will help deputies to react properly during and after the pursuit.

Be aware that as the patrol vehicle speeds along, drivers ahead of the pursuit may not see or hear the lights or sirens. Don't expect other drivers to get out of the way. Some drivers pull to the left or suddenly stop where they are, or just keep going.

Drive safely. If a deputy falls out of a pursuit because of an accident, he/she cannot help any other deputies in the termination of the pursuit. It is better to drive smart and live through a pursuit then to drive recklessly and die trying.

Motorcycles are almost never worth pursuing. They can out-accelerate, out-maneuver patrol vehicles.

No fleeing suspect is worth a deputy's or anyone else's life. There is always tomorrow to catch him.

Emergency Operations of a Vehicle

Trainees must know, in detail, the General Order that relates to the emergency operations of a vehicle.

Refer to General Order 13.01 for details.

Patrol Vehicle Inspections, Refueling, etc.

Patrol Vehicle Inspection Prior to Going to Beat:

The trainee will know, understand and demonstrate the correct procedure for checking the patrol vehicle for contraband, weapons, and safety defects prior to completing Phase I training. The trainee must also be able to properly check out the vehicle for "old" or unreported damage and report such damage via an Employee's Report to the Division Commander. The trainee will learn to check the following areas:

- The push bumpers to ensure they are intact.
- The tires to ensure they are in safe operating condition.
- The exterior of the vehicle for unusual damage or safety defects.
- The routine lighting equipment, such as headlights, tail lights, etc.
- The emergency lighting equipment such as the red lights, spotlight, etc.
- The interior of the vehicle for obvious defects or suspicious objects.
- The areas under the seats, the areas partially obstructed from view as those between the seats and doors, the glove compartment, the area above the sun visors, etc. for contraband.
- The radio equipment to ensure it is operating properly.
- The emergency lighting and siren controls to ensure they are operating properly.
- The brakes, steering, transmission, engine, suspension, etc.
- The trunk to ensure all safety equipment is intact and no contraband is located.

Replacing Emergency Equipment:

When emergency equipment is found to be missing or defective during the initial patrol vehicle inspection, it will be replaced before going to beat.

Reporting Faulty Patrol Vehicle:

When a deputy finds a vehicle is unsafe to drive or is experiencing mechanical problems he/she should park the car and check out another one. That deputy will then fill out an Equipment/Vehicle Repair Request form with the problems explained. Different stations have different methods for taking a patrol car off-line and these will be explained by the FTO.

If a vehicle breaks down in the field or is unsafe to be driven any further, the trainee should request permission from the field supervisor to have the vehicle towed to the County Garage (or appropriate service yard). Complete an Employee's Report indicating the reason for the tow, the tow requisition, and complete the Vehicle Repair Form.

Repairing of Patrol Vehicle in the Field:

When possible, all vehicle repairs should be done at the GSA County Garage. Deputies should use discretion whether or not to change a flat tire themselves. The deputy should consider where they are and how long it will take San Jose Tow to get to them. Can the tow get to the patrol car? Can that unit afford to be out of service for a prolonged length of time?

Refueling of Patrol Vehicle:

Patrol vehicles will be filled up at the end of the shift unless there is ¾ of a tank or more of gasoline left. If it is not possible to refuel at the end of the shift a note will be left with the vehicle's keys indicating a need for fuel. Patrol vehicles should be refueled at one of the authorized county gas pumps:

- Younger/San Pedro
- Doyle/Lawrence Expressway (West Corporation Yard)
- South County Corporation Yard (Murphy @ E. San Martin)

The patrol sergeant can authorize you to use the vehicle's credit card for gasoline purchases at authorized stations.

Patrol Vehicle Equipment, Location and Function:

Trainees will know the location, proper operation, and function of the following:

- Spotlight
- Takedown lights
- Police radio
- Controls for the public address system, siren, emergency lights, and MDT
- Placing/removal of shotgun/AR-15 rifle into/out of rack
- Two 50' length of rope
- Fire extinguisher
- Ax
- Shovel
- First aid kit
- Two emergency blankets
- Spare tire
- Flares
- Beat pack

Patrol Vehicle Involved in Traffic Accident:

Deputies involved in an on-duty traffic accident will adhere to the following:

- Accidents in unincorporated/city police jurisdiction: The police having jurisdiction will respond for the report. In unincorporated areas this will be the California Highway Patrol. West Valley will respond a traffic deputy as well for a County Vehicle Accident Report.

- Accidents in a contract city: The Sheriff's Office will handle the traffic investigation in these matters.

- General accident reporting procedures: Employees involved in an on-duty traffic accident will:

  - Attempt to render first aid to any injured parties
  - Request additional emergency personnel
  - Preserve the accident scene by use of flares, traffic control
  - Immediately notify the patrol supervisor
  - Request the police agency having traffic jurisdiction respond for a report.
  - Locate witnesses.

- The following reporting procedures must be adhered to:

  - The driver of the patrol vehicle and any other departmental personnel that witnessed the accident must complete an Employee's Report as soon as practical and turn it in to the patrol supervisor.

  - The driver of the patrol vehicle must also complete the County Accident Report form as soon as practical in this matter and turn it in to the patrol supervisor.

Deputies need to understand the components of defensive driving, factors that impact the safe driving of a vehicle, the importance of good training, and the types of collisions involving law enforcement vehicles.

Safe driving habits can reduce risk and stress during vehicle operations. Good driving habits provide a foundation for sensible decision-making when a driver is faced with a suddenly changing traffic situation.

Defensive driving is more than just looking out for other drivers. It involves operating a vehicle in such a manner as to be able to avoid involvement in a collision, no matter what the conditions.

A defensive driver is one who:

1. Drives in a manner to avoid collisions,
2. Avoids mistakes made by other drivers, and
3. Drives carefully under all conditions.

The three primary components of defensive driving include the:

1. *driver*,
2. *vehicle*, and
3. *driving conditions*.

Deputies must continually strive to improve their basic driving knowledge and skills. Experience alone does not make a better driver. Over time, officers may develop poor driving habits.

Safety belts (lap belt and shoulder belt) have been proven to be the single most effective way of protecting the occupants of a vehicle from serious injury or death in a vehicle collision.

Under normal conditions, law enforcement vehicle drivers should develop a pre-driving routine that includes fastening their safety belts.

For proper use, deputies should:

1. Put the belts on prior to moving the vehicle.
2. Get into the habit of fastening the belts without looking by:
   - using two hands to fasten the belts, and
   - not looking down.
3. Wear the lap belt across the hips, pelvic area below the gun belt, and not across the stomach.
4. Adjust the belts snugly across the body.
5. Ensure that the belts are locked securely and not twisted.

For officer safety, safety belts could be disengaged and retracted *just prior to stopping the vehicle* at a location which may involve law enforcement activity for tactical purposes.

Air bags are designed to supplement and *not to replace safety belts*. They act as pillows in front-end collisions and protect occupants by absorbing a significantly greater amount of the crash force than the occupant could withstand.

Air bags inflate in a fraction of a second and begin to deflate as soon as they are fully deployed.

Deputies should be aware of the following information regarding the air bags in their vehicles.

1. The powder in which the air bags are packed will fill the vehicle with a fine dust when bags are deployed. This material will dissipate quickly and is not harmful; although it should be washed off as soon as reasonably possible.
2. Air bags are designed to deploy at 12-14 MPH on a fixed object.
3. A 35 degree or less frontal impact is necessary to cause air bag deployment (for front seat air bags).
4. The driver's hands may be forced off the steering wheel upon bag deployment, causing momentary loss of steering control and injury.

<u>Vehicle Maintenance:</u>

Ensuring proper mechanical maintenance of the vehicles to which they are assigned is a primary responsibility of all law enforcement drivers. The deputy who drives the unit is in the best position to provide information that can assist the mechanics in properly maintaining the vehicle. Failing to report or ignoring unusual engine noises, vibrations, or other possible problems leads to increased vehicle maintenance costs and *jeopardizes the safety of deputies using the car*.

Support personnel have a responsibility to maintain law enforcement vehicles. Without critical awareness and notifications from drivers, the efforts of maintenance personnel will not be enough. If a mechanical malfunction or worn component (i.e., brakes, tires, fan belts) is detected, it must be fixed.

A vehicle should be expected to meet the demand placed on it during the course of each shift. Unfortunately, abuse of patrol vehicles by deputies causes undue wear and

subsequent breakdown of many vehicles. The following table identifies some of the behaviors and driving actions of officers that can lead to mechanical failure.

Proper inspection of the assigned vehicles is extremely important. It is the *responsibility of each deputy* to conduct a vehicle inspection at the beginning and conclusion of each shift. A properly inspected vehicle will ensure a greater degree of confidence and reliability with respect to vehicle condition and performance. Taking the time to properly inspect the vehicle could *ultimately save the deputy's life!*

A deputy should be able to complete the inspection in a few minutes if the same procedure is followed each time. Also, developing a sequence for conducting the inspection eliminates the need to retrace the inspection path and ensures that all items are inspected.

Principles of Defensive Driving:

Officers must recognize and understand basic defensive driving principles and techniques in order to develop safe driving habits to reduce the number of law enforcement vehicle collisions.

Defensive drivers can use a number of techniques to avoid *potential* hazards under all driving conditions.

A **space cushion** is the clear area and maneuvering room surrounding a vehicle while it is in motion. It includes the area to the front, rear, and sides of the vehicle. To maintain a space cushion is to have an *escape route* to take evasive action if the car in front suddenly stops, slows, or skids. When driving in traffic, it may be difficult for a driver to maintain an adequate space cushion completely surrounding the vehicle (front, rear, and both sides.) If a driver cannot maintain a space cushion in one direction, the driver should be aware of it and leave an escape route in as many other directions as possible.

Following distance is the distance maintained between a vehicle and the vehicle immediately in front of it. The old rule of thumb of one car length for every 10 mph as a safe following distance does not take into account driver perception, decision, and reaction times.

A safe minimum following distance is at least ***three seconds of time between vehicles****.* The three-second gap will provide time to react if the car ahead suddenly brakes. When traveling at higher speeds or under adverse conditions, a longer time span will provide a safer space cushion.

Peripheral vision is the lateral degree of perception present when the eyes focus straight ahead. An average driver with good peripheral vision can see about *180 degrees* laterally when a *vehicle is stationary*. The reduction of peripheral vision is known as **tunnel vision.** Tunnel vision may be caused by increased vehicle speed and/or driver stress.

Responding to an emergency places extreme demands on deputies' abilities to perceive and react. They must gather and process sensory information and make decisions quickly. To increase their chances of getting to the emergency safely, they should develop a systematic method of driving and practice until this method becomes second nature.

A driver's reaction to a hazard or danger can be separated into two distinct phases:

- driver perception time and
- driver **decision/reaction** time.

To react to a hazard, drivers *must first perceive it* before they can make a decision and react to it. The average driver's **perception time** is ***3/4 of a second (.75 seconds).***

The average driver will take another ***3/4 of a second (.75 seconds)*** between the perception of a stimulus (a hazard) and making a decision and initiating a reaction (braking, steering, etc.). **A vehicle will travel 1.1 feet for every MPH of speed.**

Most drivers do not look far enough ahead when operating a law enforcement vehicle. By maintaining a high **visual horizon**, searching ahead and focusing eyes down the road instead of just beyond the vehicle's hood, drivers have a better opportunity to recognize potentially hazardous conditions.

Intersections pose the greatest potential for law enforcement collisions. Law enforcement drivers must establish and maintain the habit of visually clearing intersections of cross traffic before entering them.

Stopping:

Deputies must consider the location, manner, and position in which a law enforcement vehicle is stopped in order to avoid collisions. *The most dangerous place to stop a vehicle is in a traffic lane. Such stops should be avoided whenever possible.* Guidelines for stopping a law enforcement vehicle are noted below.

- Whenever possible, choose a spot *off the roadway*.
- Although the shoulder of the roadway is preferred, be aware that hazards still exist there.
- Try to find a wide spot that will get the vehicle as far off the roadway as possible.
- Select a location that allows maximum visibility of the law enforcement vehicle in both directions.

Backing:

Many law enforcement-related collisions occur while the deputy is driving in reverse. Law enforcement drivers should *avoid backing on roadways, unless there are no other alternatives*.

When backing a patrol vehicle, deputies should:

- Position themselves for backing so that they are able to look over their right shoulder and out the rear window.
- Turn around and look and not rely solely on the vehicle's mirrors
- Check the position of the front of the vehicle frequently.
- Continue looking backwards until the vehicle comes to a complete stop.

Changing Lanes:

Two factors contribute to many lane change collisions. They are:

- Failure to signal, and
- Failure to check blind spots.

Blind spot: A **blind spot** is an area which cannot be seen by using a vehicle's mirrors and can vary greatly with vehicle design. The safer way to be sure the area to the rear is clear when changing lanes is to *turn the head and look over the shoulder.*

The law enforcement driver must be proficient in the operation of the vehicle and knowledgeable about the dynamic forces at work. Proper application of steering control, throttle control, speed judgment, and brakes enhances the driving expertise of the individual officer and will reduce the number of traffic collisions involving law enforcement personnel.

A **vehicle dynamic** is any force or condition that affects the path of a vehicle in motion. While it is difficult to reduce the amount of force acting on a vehicle, the vehicle operator can control and minimize the effects that the forces have on the vehicle.

Means of control:

The dynamic forces that affect a vehicle in motion can be controlled to a certain extent and minimized through proper roadway positioning and smooth operation of the vehicle's controls.

There are three basic means of controlling a vehicle in motion. They are:

- Steering,
- Throttle, and
- Braking.

Application of any or all of these control functions will have an effect on the distribution of a vehicle's weight.

Proper steering technique is critical regardless of the type of law enforcement driving or vehicle speed. Smoothness and coordination of steering will aid in obtaining maximum control of the vehicle at all times.

Two-handed shuffle steering:

There are a number of advantages of using a two-hand **shuffle steering** technique over other methods of steering.

The two-handed shuffle technique:

- Maximizes steering accuracy.
- Allows for safer and more effective recovery from steering input.
- Provides maximum vehicle control by minimizing weight transfer.
- Prevents the radio cord from wrapping around steering wheel.
- Minimizes air bag deployment injury.

Smoothness and *accuracy* of steering are essential for maintaining vehicle control. Deputies must also consider the following principles when employing any steering maneuver.

- Minimal steering input, as necessary, is best for control of the forces at work on a turning vehicle.
- Any time the steering wheel is turned while the vehicle is in a turning motion, lateral weight transfer exerts pressure in the opposite direction from that in which the vehicle is turning.
- As the steering wheel is turned, centrifugal force pushes on the vehicle's center of gravity. If the centrifugal force is greater than the coefficient of friction, it can cause loss of traction which may result in loss of control.

Centrifugal force is the force on a body in a curved motion that is directed away from the axis of rotation. A force which acts or impels an object away from the center of rotation. While turning, the centrifugal force acting upon the vehicle tends to make it travel in a straight line.

The vehicle's **throttle** (gas pedal) regulates the speed of the vehicle. Officers must develop the ability to estimate a safe vehicular speed for any given situation.

The operation of a vehicle's throttle has a definite and immediate effect on vehicle weight transfer. A number of factors can affect a vehicle's response to acceleration and deceleration.

Deputies must recognize that emergency response (Code-3) driving demands a high level of concentration and instant reactions on the part of the driver. This type of driving requires ongoing training and planning to ensure the safety of the officers and the public.

Even though all deputies should strive to drive defensively and avoid collisions, the chances they will be involved in a law enforcement collision during their career are high. Because of this, deputies must protect themselves and our agency by understanding the statutes and case law that define the proper operation of law enforcement vehicles.

An authorized emergency vehicle includes any vehicle owned and operated by a governmental entity (i.e., county, state) and used by employees in the performance of law enforcement duties or other emergency services *(Vehicle Code Section 165*).

There are three basic types of law enforcement driving. They are:

- non-emergency,
- emergency response, and
- pursuit driving.

All collisions, no matter what type of law enforcement driving is taking place at the time, create a loss for *all* parties involved. Whether a deputy causes the collision or fails to avoid one, the effects can be felt not only by the deputies and anyone else involved in the collision, but also by family members, communities, and law enforcement agencies.

Vehicle Code Section 21055 provides that, as drivers of authorized vehicles, officers do not have to abide by certain traffic laws when they are driving under *authorized emergency conditions*.

Peace officers must always use good judgment when operating their vehicles in non-emergency situations, on emergency calls, or while in pursuit *(Vehicle Code Section 22350).* Deputies must never drive a law enforcement vehicle at a greater speed than is *reasonable or prudent* with regard to:

- Speeds which endanger the safety of themselves or others,
- Weather conditions,
- Visibility,
- Traffic conditions, or
- Road conditions.

Deputies have failed to exercise *due care* if:

- They violate a statute, ordinance, or regulation of their agency,
- The violation proximately caused death or injury to a person or property,
- The death or injury resulted from an occurrence which the statute, ordinance, or regulation was designed to prevent.

Deputies are *expressly prohibited (Vehicle Code Section 21057)* from operating with lights and siren and violating the rules of the road when serving as an escort for another vehicle *unless* the officers are:

- Serving as an escort for preserving life, or
- Escorting supply movements in cases of emergency or war.

Deputies must recognize that their profession requires them not only to serve the public by enforcing the laws, but also to ensure the safety of the public while operating a law enforcement vehicle.

With few exceptions, deputies will receive emergency calls from dispatch via radio communications. Deputies have the right to believe that the information they receive from dispatch is true and to act accordingly.

If a deputy receives information from a source other than dispatch, he or she should have sufficient information to justify a Code-3 response.

Driving Tactics:

Unlike pursuit driving situations, law enforcement vehicle officers have control over a large number of factors affecting safety in emergency response driving.

Deputies can:

- Select the route,
- Control the speed, and
- Adjust the speed according to weather conditions and other factors.

Route considerations:

Deputies should know the area they are patrolling. When responding to an emergency call, officers should be prepared to use the most desirable, safest route of travel.

Deputies should consider the:

- Quickest, most direct route.
- Intersections that have acceptable line-of-sight and right-of-way.
- Interference to the vehicle's warning devices.
- Number of curve(s) in the road.
- Amount of steering and speed adjustment required.
- Availability of escape routes.
- Alternative routes if something unexpected hinders the original route selection.

The most important factor in any emergency response driving situation is the individual driver's calm demeanor and common sense in applying proper driving techniques and tactics.

Intersections:

Many serious law enforcement collisions occur at intersections.

Other drivers:

Vehicle Code Section 21806 requires traffic to immediately *pull to the right* edge of the roadway and stop in response to an emergency vehicle lights and siren. When responding to an emergency response call, deputies should give all traffic a chance to respond to the emergency equipment and yield the right-of-way to the emergency vehicle.

If traffic does not yield, maintain a safe following distance until the motorist can see or hear the emergency equipment and yield the right-of-way.

Because other drivers are required to pull to the right edge of the roadway when yielding to emergency vehicles, passing traffic on the right when the emergency lights and siren are operating is extremely dangerous. Such a maneuver should be done with extreme caution and then *only when no other alterative is available.*

EQUIPMENT/VEHICLE REPAIR REQUEST

Sheriff's Department

Division _____

Vehicle # _____ Mileage _____ Date _____ Time _____

Vehicle Location _____ Space# _____ Officer _____

☐	ENGINE	Vehicle Repairs Needed: _____
☐	TRANSMISSION	_____
☐	BRAKES	_____
☐	LIGHTS	_____
☐	TIRES	_____
☐	COOLING	_____
☐	BODY	Vehicle Radio/Repairs Needed: Be Specific _____
☐	WRECK-ACCIDENT	_____
☐	EMERGENCY EQUIP	_____
☐	RADIO	_____
☐	AIR CONDITIONING	_____
☐	OTHER	_____

White: To Co. Garage—To be retained by Garage
Yellow: To Co. Garage—To be returned to Originating Division, after repairs
Pink: Retained by Reporting Officer

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Use of Police Radio

Trainees must learn the proper radio terminology that is used to communicate while working as a beat unit. The use of the proper radio codes and phonetic alphabet is a necessity. Trainees must gain this knowledge in order to properly use the car or hand pack radios. Failure to properly use or identify a radio code can be a serious officer safety issue.

Below are the radio codes that trainees should know:

Code 1		At Your Convenience
Code 2		Urgent-No Lights and Siren
Code 3		Emergency-Use Red Lights and Siren
Code 4		No Further Assistance Needed
Code 5		Stakeout
Code 6A&D		Armed and Dangerous
Code 6H		Hazard Potential
Code 6F		Felony Want
Code 6M		Misdemeanor Want
Code 7		Mealtime
Code 10		Bomb Threat
Code 20		Officer Needs Assistance-Emergency
Code 22		Restricted Radio Traffic (Code 2/3)
Code 30		Officer needs assistance-Major Emergency
Code 33		Restricted Radio Traffic- Do Not Transmit
Code 1000		Aircraft Crash
AID		Public Safety Assist
904		Fire (Specify Type)
952		Report on Conditions
955		Detail Under Control
956		Detail Unfinished, But Available
148	(PC)	Resisting, Obstructing Arrest
187	(PC)	Murder
207	(PC)	Kidnapping
211	(PC)	Robbery
220	(PC)	Assault w/Intent to Commit Felony Sex Crimes
240	(PC)	Assault
241	(PC)	Assault on an Officer
242	(PC)	Battery
243	(PC)	Battery on a Peace Officer
245	(PC)	Assault w/Deadly Weapon (ADW)
246	(PC)	Shooting Occupied Vehicle or Inhabitable Dwelling
261	(PC)	Rape
273D	(PC)	Child Abuse
273.5	(PC)	Spouse Abuse/Domestic Violence
288	(PC)	Felony sex offense
314	(PC)	Indecent exposure
368	(PC)	Elderly Abuse (Physical & Financial)
415	(PC)	Disturbance

415A		Disturbance, Fight
415F		Disturbance, Family
415G		Disturbance, Gang
415J		Disturbance, Juvenile
415M		Disturbance, Music
415N		Disturbance, Neighbor
415W		Disturbance, Weapons
417	(PC)	Brandishing a Weapon
422	(PC)	Criminal Threats
451	(PC)	Arson
459	(PC)	Burglary
470	(PC)	Forgery
476A	(PC)	Bad Checks
484	(PC)	Theft
487	(PC)	Grand Theft
488	(PC)	Petty Theft
496	(PC)	Receiving/Possession of Stolen Property
530.5	(PC)	Identity Theft
537	(PC)	Defrauding an Innkeeper
594	(PC)	Malicious Mischief
601	(WI)	Uncontrollable Juvenile
602	(PC)	Trespassing
647A	(PC)	Soliciting for Lewd Conduct
647B	(PC)	Soliciting for Prostitution
647F	(PC)	Drunk in Public
653M	(PC)	Obscene or Harassing Phone Calls
4000A	(CVC)	Expired Registration
4532	(PC)	Escape
5150	(WI)	Mentally Disturbed Person
10851	(CVC)	Stolen vehicle
10851R		Recovered stolen Vehicle
10852	(CVC)	Tampering with a Vehicle
11300	(H&S)	Narcotics
12020	(PC)	Illegal Weapons
12025	(PC)	Carrying Concealed Weapon (CCW)
14601	(CVC)	Driving with Suspended Driver’s License
20001	(CVC)	Felony Hit & Run
20002	(CVC)	Misdemeanor Hit & Run
22350	(CVC)	Speeding
22500	(CVC)	Parking Violations
22507	(CVC)	Handicapped Parking Violation
23103	(CVC)	Reckless Driving
23109	(CVC)	Speed Contest
23152	(CVC)	Misdemeanor DUI of Alcohol or Drugs
23153	(CVC)	Felony DUI of Alcohol or Drugs
25662	(B&P)	Minor in Possession of Alcohol in Public

10-1	Receiving poorly
10-2	Receiving OK
10-3	Change Channels (Specify)
10-4	Message Received and Understood

10-5	Relay to:
10-6	Busy, Stand by
10-7	Out of service (Location and Nature)
10-7B	Out of service, Personal
10-7C	Out of service, Court
10-7 OD	Off Duty
10-7R	Out of Service, Monitoring Radio
10-7T	Out of service, Training
10-8	In Service
10-9	Repeat
10-10	Out of service at home
10-12	Visitors or Officials Present
10-13	Weather Conditions
10-14	Escort
10-15	Prisoner in Custody (How Many)
10-16	Pick-Up
10-19	Return/En route to Station
10-20	Location
10-21	Phone Your Office or Phone:
10-21B	Phone Home
10-21R	Phone Radio
10-22	Cancel
10-23	Standby
10-27	Request Driver’s License Info
10-28	Registration
10-29	Check Wanted Vehicle or Property
10-29A	Check Wanted Subject (computer Only)
10-29C	Check Wanted Subject (Wants & Records, Complete)
10-32	Drowning
10-33	Alarm (Silent, Audible)
10-34	Open Door
10-35	Open Window
10-36	Confidential Information
10-39	Status of
10-40	Is _____available For A Phone Call
10-44	Maternity
10-45	Injured Person
10-46	Sick Person
10-49	Proceed/Proceeding To
10-50	Take A Report
10-51	Intoxicated Person
10-52	Resuscitator
10-53	Person Down
10-54	Possible Dead Body
10-55	Coroner’s Case
10-56	Suicide
10-56A	Attempted Suicide
10-57	Firearms Discharged
10-58	Garbage Complaint
10-59	Malicious Mischief (594 PC)
10-62	Meet the Citizen

10-65	Missing Person
10-65MD	Missing Person, Mentally Disabled
10-66	Suspicious Person
10-66P	Suspicious Package
10-67	Person Calling For Help
10-69	Wire Down
10-70	Prowler
10-71	Person Shot
10-72	Person stabbed
10-73	How Do You Receive?
10-80	Explosion
10-86	Any Traffic?
10-87	Meet The Officer
10-91	Stray Animal
10-91A	Vicious Animal
10-91B	Noisy Animal
10-91C	Injured Animal
10-91D	Dead Animal
10-91E	Animal Bite
10-91F	Sick Animal
10-91H	Stray Horse
10-95	Pedestrian Stop (Location, Send Fill After Specified Time)
10-96	Pedestrian Stop – Send Fill (Location)
10-97	Arrived At Assignment
10-98	Completed Last Assignment
11-24	Abandoned Vehicle
11-25	Traffic Hazard
11-26	Abandoned or Found Bicycle
11-54	Suspicious Vehicle
11-79	Vehicle Accident, Ambulance Dispatched
11-80	Vehicle Accident, Major Injury (Ambulance Needed)
11-81	Vehicle Accident, Minor Injury
11-82	Vehicle Accident, Property Damage
11-83	Vehicle Accident, Unknown Injury – Advise
11-84	Traffic Control
11-85	Tow Truck Needed
11-95	Vehicle Stop (Location & License – Send Fill After Specified Time)
11-96	Vehicle Stop-Send Fill (Location & License)

The use of the letter “X” after giving a code refers to a female. An example is a 10-51X. This refers to an intoxicated female.

Deputies will also provide County Communications with beginning and ending mileage when transporting males or females for any reason.

Signal 13:

Signal 13 is a radio code that equates to: “The emergency button on your radio was activated, what is your status?” When the emergency button on a deputy’s packset or vehicle radio is activated, it will:

- Activate the radio's microphone and allow hands free transmissions for [redacted] seconds.

- Send an audible alert tone to all of the law position consoles at County Communications.

- Display the activated radio's serial number on all of the law position Computer Aided Dispatch (CAD) status screens.

Dispatchers will check who the radio is assigned to and will attempt to contact that deputy by stating their unit number and "Signal 13." Responses from deputies could be "81H1, Code 4, Accidental," or "61S5, Code 3 fill, man with a gun at [location]," silence, etc.

If the deputy does not respond, and nothing is heard during the ■-second microphone activation, the dispatcher will:

- Initiate a Code 33 with marker tone on the radio channel.
- Attempt to raise the deputy again, state "Signal 13," and give the last known location.
- Dispatch Code 3 fill units to the last known location.
- Have responding units switch to a designated TAC channel (so the dispatcher can monitor the frequency that the Signal 13 was activated on for any transmissions).
- Advise the patrol supervisor.
- Advise adjacent agencies, if appropriate.

Phonetic Alphabet:

Due to interference caused by various types of man-made and natural noise or to clarify the spelling of a name, it is necessary at times to use a name for the letter of the alphabet in order to complete a radio transmission. The phonetic alphabet recommended by the Associated Police Communications Officers has been adopted for standardized purposes.

Phonetic Alphabet

A	Adam	N	Nora
B	Bravo	O	Ocean
C	Charles	P	Paul
D	David	Q	Queen
E	Edward	R	Robert
F	Frank	S	Sam
G	George	T	Tom
H	Henry	U	Union
I	Ida	V	Victor
J	John	W	William
K	King	X	X-ray
L	Lincoln	Y	Yellow/Young
M	Mary	Z	Zebra

Sheriff's Office Patrol Radio Frequencies:

Trainees must know the proper function and location of the following channels on the police radio (patrol vehicle and pack set):

CONTROL 1:

The main Sheriff's Office patrol frequency for Patrol east, Central, South County, Transit and AMTRAK. Between 0130 and 0700 hours the West Valley Patrol units are also on this frequency also.

CONTROL 2:

The Sheriff's Office patrol frequency for the West Valley Patrol units and West Valley College Police between 0700 and 0130 hours.

CONTROL 3:

Presently car to car. Future use will be as the main Sheriff's office patrol frequency for South County.

TAC 4:

County wide tactical or car-to-car frequency.

TAC5:

West Valley patrol tactical or car-to-car frequency.

TAC 6:

South County patrol tactical or car-to-car frequency.

Frequency 7:

Department of Correction transportation frequency.

Frequency 12:

Primary frequency for Sheriff's Office Parks patrol units.

LMA 150:

Law Mutual Aid – Used by several different law enforcement agencies for inter-agency coordination.

LMA 480:

Law Mutual Aid – Used by several different law enforcement agencies for inter-agency coordination.

LAW NET:

Multiple county mutual aid network.

Log-On Procedures with County Communications:

Refer to General Order #20.00 for specifics.

Radio Communications:

In an effort to standardize the FTP in the area of radio communications, we are developing SOPs in most areas that relate to use of the police radio.

In all On-View type of radio transmissions, location is given first and additional information secondly.

Generally speaking, County Communications and all units on the frequency should always end their transmissions with their call signs, e.g., Control 1, 71E4, 81C6, etc. This informs all units on the frequency that the dispatcher or unit has completed his/her transmission. Naturally, there are times when it is not necessary and it may be redundant, e.g., Control One, 61G1, 10-8. In a short transmission, it is not necessary, but not wrong if it is done.

Definitions: For the purpose of this document, the following two definitions will be used.

Radio: Represents the County Communications channel (frequency) you are using.
Unit: Represents the unit's call-sign.

Logging On:

In most situations, the units will already be logged on with County Communications prior to going 10-8. In the event they are not, the deputies have to be prepared to give the appropriate information in the appropriate order.

Single Person Unit:

Unit: Radio, Unit, Log-on
Radio: Unit, Radio, Go ahead (or Log-on)
Unit: Radio, Unit, Badge Number, Vehicle Number, Packset Number (Push-to-Talk ID), Unit, 10-8.
Radio: Unit, Last Name, 10-8

Two-Person Unit:

Unit: Radio, Unit, Log-on
Radio: Unit, Radio, Go ahead (or Log-on)
Unit: Radio, Unit, Senior Badge, Junior Badge, Vehicle Number, Senior Packset Number (Push-to-Talk), Junior Packset Number (Push-to-Talk), Unit, 10-8.
Radio: Unit, Last Name and Last Name, 10-8.

Logging Off:

At the end of the shift it is necessary to inform County Communications that they can take the unit out of the computer. It is a simple process:

Unit: Radio, Unit, 10-7 OD
Radio: Unit, 10-7 OD

Car Stops:

11-95:

Beginning of car stop transmissions:

Unit: Radio, Unit, 11-95, location

This would be considered the preparatory transmission. It allows County Communications to type in the necessary information in order to accept the car stop plate and location.

Radio: Unit, 11-95, location

County Communications types in “CS” (for Car Stop), location.

Unit: Radio, Unit, 11-95 on California plate 1AAA123, Digit-Alpha-Alpha-Alpha-Digit-Digit-Digit and/or miscellaneous information about the car stop.

Radio: Unit, 11-95, location.

Ending of car stop transmissions.

Additional Information on car stops:

License Plates:

After the location you should give the license plate to County Communications twice: Once in clear text and the other with the phonetic alphabet. It is a matter of style, which to give first.

California Plates:

It is optional if you say “California” with California plates. County Communications will assume it is a California plate unless you say otherwise. It is not wrong, though, to say “California” as it would be good practice for a trainee to get into the habit of saying from which state the plate is issued.

Out of State Plates:

After the location, say which state the plates are from immediately before providing the alphanumerics. Then provide a brief description of the vehicle, e.g., “mid-sized passenger car, brown in color.”

Paper Plates:

Give your location to County Communications, then advise paper plate. Give the paper plate description, e.g., “Courtesy Chevrolet.” At the end of the transmission, it would be appropriate to give a brief description of the vehicle as there is no hard plate.

Personalized Plates:

Provide the plate twice, as before, but preface the information with “Personalized Plate, Phonetically,” and then give the information.

Location:

“Location” includes, at times, a direction of travel, but minimally a geographic description in relation to a cross street.

Divided Highway/Roadway:

It is necessary to provide a direction of travel on highways and roadways which are divided. This is an officer safety issue and should not be omitted.

It is also important to give a cross street relative to your location (N/of, E/of, etc.) in order to facilitate units’ responses. The responding units then know how to approach the location based on cross streets and/or on-ramps and off-ramps.

Non-Divided Highway/Roadway:

It is not necessary to provide a direction of travel, not inappropriate for trainees, as it would be good practice.

Examples:

Example 1:

Unit: Control 2, 71C9, 11-95, S/B De Anza, N/of Stevens Creek.
Radio: 71C9, 11-95
Unit: Control 2, 71C9, 11-95 on a personalized plate, phonetically, Sam, William, Edward, Edward, Tom, S-W-E-E-T.
Radio: 71C9, 11-95, S/B De Anza, N/of Stevens Creek.

Example 2:

Unit: Control 1, 61B1, 11-95, W/B W. San Carlos, E/of Bascom on a Louisiana plate.
Radio: 61B1, 11-95
Unit: Control 1, 61B1, 11-95 on a Louisiana plate of S-A-T-2-5-5, Sam, Adam, Tom, 2,5,5. (Need to provide vehicle description for an out of state plate – officer safety issues.)
Radio: 61B1, 11-95, W/B W. San Carlos, E/of Bascom.

Example 3:

Unit: Control 2, 71S1, 11-95, N/B Saratoga Sunnyvale, N/of Seagull.
Radio: 71S1, 11-95
Unit: Control 2, 71S1, 11-95 on California plate 2WWL450, 2-William-William-Lincoln-450.

Example 4:

Unit: Control 2, 61L1, 11-95 N/B 280, S/of Page Mill Road.
Radio: 61L1, 11-95
Unit: Control 2, 61L1, 11-95 on a paper plate, compact pick-up, brown in color, with “Bradley Auto Sales” paper plates.
Radio: 61L1, 11-95, N/B 280, S/of Page Mill Road.

Miscellaneous Information:

Style:

It is possible to give County Communications a warning on what type of information will be forthcoming in the car stop, in the initial transmission.

Examples:

Unit: Control 2, 81C4, 11-95 on a Texas plate.

Unit: Control 1, 71B6, 11-95 on a personalized plate.

You have not provided too much information in the preparatory transmission, but have given the dispatcher a heads up on the miscellaneous portion of the car stop. The rest of the transmissions are the same as previously described.

Miscellaneous Location Information:

Example 1:

Unit: Control One, 81E4, 11-95 S/B S. White Road, N/of Alum Rock, in the James Lick parking lot.
Radio: 81E4, 11-95
Unit: Control One, 81E4, 11-95 on California plate, 4NNN567, 4 Nora-Nora-Nora-5-6-7.
Radio: 81E4, 11-95, S/B S. White Road, N/of Alum Rock, in the James Lick parking lot.

<u>11-96:</u>

Essentially, 11-96 vehicle stops are the same as 11-95 stops. You will want to give additional information relating to the stop, including, but not limited to: reason for the stop, unusual activity in the vehicle, description of vehicle, description of occupants, guidance for the additional unit(s).

<u>Pedestrian Stops:</u>

As stated earlier, all on-view stops start with location and then additional information. In the case of a pedestrian stop, after giving the location, you should give a description of the person(s) being stopped.

<u>10-95:</u>

Examples:

Example 1:

Unit: Control 1, 71B4, 10-95 at The Alameda, E/of Race.
Radio: 71B4, 10-95

Unit: Control 1, 71B4, 10-95 at The Alameda, E/of Race, on two HMJs, one with a black baseball cap, white shirt and black pants, the other with a red shirt and blue shorts.

Radio: 71B4, 10-95, The Alameda, E/of Race.

Example 2:

Unit: Control 2, 61C1, 10-95 at Jollyman Lane/Stelling

Radio: 61C1, 10-95

Unit: Control 2, 10-95 at Jollyman Lane/Stelling at Jollyman Park, on three White male juveniles. All three wearing dark clothing.

Radio: 61C1, 10-95 at Jollyman Park.

Example 3:

Unit: Control 1, 71E7, 10-95 on a bicyclist, Monterey Road at Southside Drive.

Radio: 71E7, 10-95

Unit: Control 1, 71E7, 10-95 at Monterey Road, at Southside Drive, in the Rotten Robbie's gas station on a White male adult, white T-shirt and dirty blue jeans.

Radio: 71E7, 10-95 at Monterey and Southside.

<u>10-96:</u>

10-96s are similar to 11-96s. You can provide the same type of information to dispatch as in an 11-96 situation.

<u>10-97 On Details:</u>

It is not appropriate to go 10-97 for yourself and another. You should just put yourself 10-97 and let other units do the same.

When you do go 10-97, it is appropriate to give the street name, e.g., Control 1, 81E4, 10-97 on Eastside Drive. This information assists the dispatchers in keeping track of units, especially during busy periods.

Clearing Details:

Clearance Codes:

R	=	Report, indicate type of report
A	=	Accident
S	=	Supplemental Report
W	=	Field Warrant Citation
T	=	Traffic Citation
F	=	Field Interview Card
N	=	No Report
X	=	Extra/Fill Unit/Assist

A deputy should only clear your unit, not multiple units when clearing details. The dispatcher has to enter each and ever unit and the individual disposition codes. If one unit clears him or herself and then says, “All other units, X-Ray,” the dispatcher has to enter numerous units and their dispositions while other units (not involved in the detail) may try to contact County Communications for their own traffic. This leaves the dispatcher trying to finish clearing the units and also take incoming traffic.

10-98:

When you clear a detail, it is appropriate to give your clearance code and then the location of the detail you are clearing, e.g., Control 2, 71C4, 10-98 R-Robert, 242 PC, from Bubb. Again, this allows for the dispatchers to keep better track of individual units, especially when it is busy.

On-View Details:

It is appropriate to always preface you transmission to County Communications with “On-View.” This allows the dispatcher to enter the “OV” code into the computer prior to responding to the calling unit.

Citizen Flag Downs:
Citizen Aid:

These two on-view details are very similar.

As with all on-view details, location is the first part of the transmission after County Communications responds to the unit. Some dispatchers assume there is a vehicle involved and will pull up the 11-95 mask in the computer. Regardless, give the location first, as it is the proper procedure. One way to avoid the confusion is to preface your transmission with, “Control 1, 61E4, Citizen Aid, break for location. This forewarns the dispatcher that you will be giving the location first and then any additional information, including associated license plates.

11-54:

Again, this is an on-view detail, therefore the location is given first. Some dispatchers will pull up the 11-95 mask, but if you forewarn them as in the previous situation, it will help.

At the end of the transmission, you should give the license plate and the description of the vehicle.

Example:

Unit: Control 1, 61E7, On-view 11-54, Pedro View at Mt. Hamilton, break for plate.
Radio: 61E7, 11-54
Unit: Control 1, 61E7, 11-54 on Pedro View at Mt. Hamilton, Associated plate of 1AAA123, dark colored full-sized car.
Radio: 61E7, 11-54, Pedro View at Mt. Hamilton

Although the information requested is different, running individuals for wants or D.L. information is essentially the same process.

Unit: Control 1, 71B6, Code 4, clearance for a 10-27 on one.
Or:
Unit: Control 1, 71B6, Code 4, clearance for a 10-29 A-Adam on one.
Radio: All units, hold your traffic, 71B6 go ahead (with your 10-27 or 10-29 A-Adam).

At this point, the deputy must provide the following information, in the following order:

1. Three letter abbreviation for the race (ethnic background), sex, adult or juvenile status. (There are some dispatchers who will tell you they do not need the three letter abbreviation. But there are some who do want it, therefore, providing it will cover all dispatchers. And it is useful for possible warrant identification.)
2. Last name, first name, middle initial.
3. Date of birth
4. Any additional information, such as a California D.L. or I.D. card.

Unit: Control 1, 71B6, 10-27 (or 10-29 A-Adam) on a WMA, Last of …, First of …, Middle initial…, DOB xx/xx/xx. (It is a matter of style if you want to give the DOB once or twice).
Radio: Copy 71B6, Control 1.

Miscellaneous Issues:

Common Names:

If you are running someone with a common name, it is perfectly acceptable to say it is a common name, and not spell it, e.g., “Last of White, common, first of Douglas, common.”

Remember, there are names that sound alike, but are spelled differently. Give the appropriate information with these situations, e.g., John, Jon, Stephen, Steven, etc.

Uncommon Names:

If the name is uncommon, you need to spell it. It is up to you if you want to spell it with clear text or use the phonetic alphabet. The more unusual the name, the more likely you will want to use the phonetic alphabet. Prior to spelling the name with the phonetic alphabet, let County Communications know you will be doing so. This prepares them and they do not start spelling the name based on the alpha you are spelling with. As an example, “Last name, David-Adam-King-Ocean…” In this case, if you do not let the dispatcher know you will be using the phonetic alphabet, they could be half way through the *last name* “David” before they realize you are using the phonetic alphabet.

In any event, prior to spelling it, if possible, try to pronounce the name. It will help County Communications with the spelling and typing.

Miscellaneous Information:

Generally speaking, it is appropriate to give a Code 4 prior to running some one, but not necessary. There can be many circumstances in which you may want to run someone while you are waiting for a fill unit. Just be sure you are clear with County Communications that you are not Code 4, but still want to run your subject(s).

Two Person Cars Identification:

Because there are two deputies in the training car, there must be a way to differentiate them. This is done simply by adding a suffix to the call sign. For the senior deputy in the car, the suffix A-Adam is added. For the junior deputy, it is B-Bravo.

Example 1:

Unit: Control 1, 71B1 A-Adam
Radio: 71B1 A-Adam
Unit: Control 1, 71B1 A-Adam, can you have 71B1 B-Bravo bring our car around to the front of the building.
Radio: 71B1 B-Bravo
Unit: Copy, 71B1 B-Bravo

Example 2:

Unit: Control 2, 71S5
Radio: 71S5
Unit: Control 2, 71S5, can you have 71S1 A-Adam 10-3 to frequency 5?
Radio: 71S1 A-Adam, Control 2
Unit: Switching, 71S1 A-Adam

Introduction to CLETS:

Deputies must be knowledgeable of the laws regarding access and use of law enforcement information systems in order to ensure the privacy of individuals and maintain the integrity and security of the information.

Access to accurate, timely, and complete information is essential to enhance officer safety and allow peace officers to carry out their day-to-day activities and duties.

The **California Law Enforcement Telecommunications System (CLETS)** is a high speed message computer network of local, state, and federal databases and systems. It provides all law enforcement user agencies with the capability of obtaining information directly from state and federal computerized information files. Records accessed through CLETS are generally thought to be the most widely used records within the criminal justice system.

CLETS is maintained by the California Department of Justice and provides law enforcement agencies with the capability of obtaining information directly from numerous federal and state computerized information files.

All users of the CLETS network must abide by all regulations pertaining to the data obtained from the databases.

Information systems and databases available to authorized law enforcement agencies through the CLETS network are noted in the following table.

Area	System/Database
State	Criminal Justice Information System (CJIS) Department of Motor Vehicles (DMV)
National	National Crime Information Center (NCIC) National Law Enforcement Telecommunications System (NLETS)
Other	Oregon Law Enforcement Data System (LEDS) Canadian Police Information Center (CPIC)

Circumstances where an inquiry into the CLETS may be necessary can include, but are not limited to:

- Locating information on lost, stolen, or recovered property including vehicles.
- Conducting a preliminary or ongoing criminal investigation.
- Identifying prior criminal history records.
- Verifying the validity of a restraining order.
- Verifying the validity of a driver's license, vehicle registration, vessel registration, or occupational license.
- Determining if a person is wanted for outstanding warrants.
- Determining the status of a person on parole or probation.
- Reporting or locating a missing person.

An **All Points Bulletin (APB)** is an administrative message that is distributed or received via CLETS to law enforcement agencies in the state. Any CLETS terminal with administrative message capabilities may send or receive APBs. APBs can also be sent via group addresses to only those with the specified group (e.g., within a geographical area).

APBs may include, but are not limited to:

- Major identifiable property items,
- Crimes against persons (e.g., murder, rape, etc.) when the suspect's mode of operation or vehicle can be described sufficiently,
- Missing persons or "be on the look out" warnings involving life or death situations, emergencies, or suspected foul play,
- Acts of nature affecting public safety or law enforcement capabilities, or
- Death or funeral notices of personnel on active status killed in the line of duty.

<u>Access to Information:</u>

Compliance with the privacy and security provisions of state law and the Department of Justice regulations based on state law are essential to maintaining the integrity and security of the information available to peace officers.

Mobile Digital Terminals (MDTs), cellular telephones, or radio transmissions should not be used routinely for the transmission of criminal history information. These transmissions by unsecured wireless devices can be intercepted by unauthorized people.

However, details of criminal history information may be transmitted in such a manner if a deputy determines:

- There is *reasonable cause* to believe the safety of the officer and/or the public is at *significant risk*, ***and***
- There is an *immediate need* for summary criminal history information, ***and***
- Information from other databases (e.g., Wanted Persons, Stolen Vehicles) would *not be adequate*.

All members of the criminal justice system have a responsibility to the citizens of California, the law enforcement community, and each individual's own agency to protect the confidentiality of the information accessible through the CLETS network.

Unauthorized access or misuse of CLETS information can lead to:

- Disciplinary action,
- Termination,
- Criminal action, and/or
- Civil action.

When obtaining information, deputies should recognize that CLETS is a "pointer system"; that is, the system provides information but does not guarantee that the information is current or absolutely correct.

Information obtained from CLETS can be used by deputies to establish or reinforce the *reasonable suspicion* necessary to *lawfully detain a suspect*. Because the information may be unreliable or unsubstantiated, however, it is *not sufficient* ***alone*** for establishing the probable cause necessary for law enforcement actions such as conducting a search, seizing property, or placing an individual under arrest.

Information obtained from the CLETS is sufficient for establishing probable cause once its validity and reliability have been confirmed.

Confirmation means checking with the originating agency to determine if the person or the property in question is the same as person or property originally posted by that agency. Confirmation also establishes if the person or property is still wanted and is probably the same as the person or property being inquired about.

Department of Justice regulations require that deputies:

- Make an effort to verify the information and match (e.g., details such as accuracy of a license plate run, date of birth, consistency of the physical description, etc.),
- Ensure that confirmation occurred with the originating agency to verify that the person or property is still wanted, and
- Obtain confirmation before an arrest or the confiscation of the property in response to the computer match.

The use of unreliable or unsubstantiated information by a deputy when establishing probable cause could lead to unlawful searches or seizures as well as incidents of false arrest.

A deputy may be held negligent for not accurately confirming information obtained from CLETS before taking such law enforcement actions.

Unauthorized Access or Use of Information:

The security of all lawfully created computer systems must be safeguarded in order to protect the privacy of individuals as well as the well-being of financial institutions, business concerns, governmental agencies, and others who lawfully utilize the information provided.

If law enforcement personnel access or use information obtained through a computer information system outside that person's normal scope of duties, that person is in violation of *Penal Code Section 502* and has committed a felony.

Criminal Justice Information System:

Peace officers must be aware of the requirements for access and entry into the appropriate Department of Justice information systems and databases available on the CLETS network in order to use that information to carry out their duties and to ensure their own safety as well as the safety of others.

The **Criminal Justice Information System (CJIS)** network is a computerized system containing records that are of interest to the criminal justice community. CJIS is maintained by the California Department of Justice in Sacramento. It is available to local, state, and federal criminal justice agencies through the CLETS network.

There are a number of databases available within CJIS.

	System Name	Acronym/ Abbreviation
Persons	Wanted Persons System	WPS
	Criminal History System	CHS
	CA Restraining & Protective Order System	CARPOS
	Missing/Unidentified Persons System	MUPS
	Supervised Release File	SRF
	Violent Crime Information Network/Sex and Arson Registration	VCIN/SAR
	Mental Health Firearm Prohibition System	MHFPS
Property	Stolen Vehicle System	SVS
	Automated Boat System	ABS
	Automated Property System	APS
	Automated Firearms System	AFS

A computer match alone from CJIS regarding a person or property is not sufficient for probable cause for arrest or confiscation of property. All automated file responses that match the person or property of an inquiry <u>must be confirmed</u> with the record's originating agency prior to an arrest or seizure.

<u>Criminal History System (CHS):</u>

The **Criminal History System (CHS)** contains criminal history information that is available to criminal justice agencies on a "*right-to-know*" and a "*need-to-know*" basis for the performance of their official duties.

When making an inquiry into the CHS, the requesting party must provide the following information before access to the system will be allowed:

- Requesting person's name,
- Requesting person's unit or division, and
- Official purpose for the information requested.

Wanted Persons System (WPS):

The **Wanted Persons System (WPS)** is a file of records pertaining to wanted fugitives and arrest warrants. WPS records retained in the system longer than 72 hours must be based on an arrest warrant. These warrants are maintained by state, local, and federal criminal justice agencies in California. A match made on a WPS record *does not*, by itself, *provide sufficient grounds to arrest a person.* Confirmation of the information is necessary. Agencies must respond to a confirmation request within 10 minutes on a 24-hour basis.

Inquiries into the WPS may be made by using a subject's name and physical descriptors or by using numeric identifiers. More hits (positive responses) may be obtained by a name search than by searches based on numeric identifiers.

Positive matches may include caution codes which have been entered to indicate special handling of the subject.

Caution codes may include, but are not limited to:

- "Armed and dangerous,"
- "Mentally disturbed,"
- "Suicidal tendencies," or
- "Escape risk."

California Restraining and Protective Order System (CARPOS):

The **California Restraining and Protective Order System (CARPOS)** is a system that identifies restraining protective orders entered into CLETS by law enforcement agencies. Law enforcement agencies can access this system for the purpose of obtaining the terms and conditions of a specific restraining order on an individual.

The CARPOS maintains information regarding the restraining orders that must be enforced throughout the state. These include:

- Certain family law domestic violence case orders,
- Criminal restraining orders,
- Civil orders,
- Juvenile orders, and
- Out-of-state domestic violence orders that have been registered with the clerk in California.

Missing/Unidentified Persons System (MUPS):

The **Missing/Unidentified Persons System (MUPS)** is a file of records which catalogs reports of missing or unidentified persons according to a variety of physical (e.g., date of birth, height, weight, hair color, eye color, etc.) and dental characteristics. It is continuously available to law enforcement agencies to assist in locating and recovering missing and unidentified persons.

Penal Code Sections 14205 and 14206 require that local law enforcement agencies accept any report regarding a missing person (including reports that are called into the agency) without delay.

The following table identifies categories used for organizing missing persons information within the Missing/Unidentified Persons System.

Category	Description
Runaway	Children who have left home without permission of a parent or guardian
Lost	Persons who are lost or have wandered away
Catastrophe	Persons missing after a catastrophe (e.g., flood, earthquake, etc.)
Stranger Abduction	Persons taken by a stranger or non-family member
Parental/Family Abduction	Children taken by a parent or family member
Suspicious Circumstances	Persons missing under circumstances indicating possible foul play
Unknown Circumstances	Circumstances surrounding the disappearance are unknown
Missing Adult	Adults who have left of their own free will
Dependent Adult	Adults with physical or mental limitations who are missing

Stolen Vehicle System (SVS):

The **Stolen Vehicle System (SVS)** is a database containing records related to vehicles, license plates, and vehicle parts that are under investigation.

The following table identifies the type of information that is stored in the Stolen Vehicle System.

Information regarding...	**that have been...**
Vehicles	Stolen, lost, pawned, repossessed, impounded (law enforcement hold), or recovered.
License plates	Stolen, or lost.

The information accessible from the Stolen Vehicle System pertains to a number of different types of vehicles.

Automobiles
Motorcycles
Motor Scooters
Mopeds
Personal trucks
Farm equipment
Golf carts
Commercial Trucks
Aircraft (except model aircraft)
Trailers
Mobile homes
Motor homes
Construction equipment
Go-carts
Snowmobiles
Amphibious vehicles
All terrain vehicles
Motorized wheelchairs

Information regarding any serialized component part of a vehicle may also be included in the Stolen Vehicle System.

Automated Property System (APS):

The **Automated Property System (APS)** is a file system containing serialized property records involving property and jewelry.

The following table identifies the type of information that is stored in the Automated Property System.

Information regarding...	**that has been…**
serialized property	stolen, lost, found, held for evidence, under observation, pawned, or bought.
Non-serialized jewelry or property	pawned, or bought.

Automated Firearms System (AFS):

The **Automated Firearms System (AFS)** is a file of serialized firearm records. There are two types of firearm records included: law enforcement status records and historical records.

Historical records are files pertaining to firearms that are associated with a person.

The following table identifies the information that is required to gain access to both the law enforcement records and the historical records of the Automated Firearms System.

Inquiries Into...	***Minimum* Information Required**
Law Enforcement Status Records	Serial Number (**SER**) only or Serial Number (**SER**) Make (**MAK**) or Caliber (**CAL**)
Historical Records	Name (**NAM**) Date of birth (**DOB**) or Age (**AGE**) or Serial Number (**SER**) only or Serial Number (**SER**) Make (**MAK**) or Caliber (**CAL**)

Report Writing

A deputy's ability to clearly document the facts and activities of an investigation not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case.

As much as 40% of a deputy's work involves writing. Good investigative skills can be diminished if officers do not have the requisite skills to present their observations, findings, and actions clearly and concisely in writing.

An **investigative report** is a:

- Written document
- Prepared by a peace officer
- That records in detail
- That officer's observations and actions
- As they relate to a specific event or incident.

Each investigative report is a legal document that becomes a permanent written record of that event or incident.

A suspect's freedom, rights or privileges cannot be taken away or denied unless there is sufficient cause to justify such action. In order to ensure *due process*, deputies, prosecutors, judges, etc., must have sufficient information and evidence to initiate or continue the judicial process and successfully prosecute or exonerate a suspect.

The judicial process cannot function without the investigative reports written by the deputies who have the direct knowledge of an event or incident. A deputy's report must present each event or incident in a complete and clear manner. Any investigation, arrest, prosecution, or other action taken must be initiated, supported, or justified by the information included in the report written by that officer.

Because a deputy's reports are so important to the judicial process, each one must be able to stand up to critical review and legal scrutiny.

Use of Investigative Reports:

Although it is the deputy in the field who gathers the initial information regarding a crime, that deputy may not be the person who must use that information to make decisions regarding further actions. Those decisions are usually made by other people who were removed from the actual event. They must rely on the information in the investigating deputy's report to make those decisions.

Deputies who generate investigative reports must take into account the needs of each potential user of that report. The report must provide not only a clear word-picture of the event or incident but also the critical information necessary for those users to do their jobs.

Characteristics of an Effective Investigative Report:

Deputies are faced with a variety of events and incidents. The specific contents of the deputy's reports must reflect that specific event or incident. Although the details may vary, there are six characteristics that all effective investigative reports have in common.

No matter what type of investigative report is being written (i.e., arrest report, incident report, etc.) that report must be:

- **F**actual,
- **A**ccurate,
- **C**lear,
- **C**oncise,
- **C**omplete, and
- **T**imely.

Peace officers can use the acronym **FACCCT** to help them remember these characteristics.

The critical nature of decisions that will be made based on a deputy's investigative report requires that each report be factual. Users of the report must have an exact and literal representation of the event or incident. The factual report provides an *objective* accounting of the relevant facts related to the event or incident under investigation. Any subjective conclusions made by the reporting officer must be based on *objective facts*. These facts must also be articulated and documented within the body of the report.

The decisions made as well as actions taken by the users of the report must be supported by accurate information. There must be *no inconsistencies or discrepancies* between what took place and what is documented in the officer's report.

If the user of the report must stop and verify the accuracy of information, valuable time may be lost. If any specific information is found to be inaccurate, the credibility and reliability of the report itself may be jeopardized.

Accuracy is achieved by carefully, precisely, impartially, and honestly recording all relevant information.

An investigative report must speak for the investigating deputy at a time when that deputy is not present. There should be no doubt or confusion on the part of the user as to what the investigating deputy is reporting. If that information is not clear and understandable, it is of little use.

Clarity is achieved by the use of appropriate language and logical order. The following table identifies a number of factors that can affect the clarity of an investigative report.

Reports should be brief and yet contain all relevant information the users will need to do their jobs. Wordiness can make a report less readable and therefore less effective.

Accuracy, completeness, or clarity should never be sacrificed for the sake of brevity.

A deputy's report must contain all the relevant information and facts the user of that report will need. If the user must contact the writer to gather additional information, the report is not complete and therefore ineffective.

Field Notes:

Deputies must recognize that the information gathered during their initial investigation in the field will become the foundation for their investigative reports. If a deputy's note taking skills are inadequate, that deputy's report will likely be inadequate as well.

The deputies who investigate a crime or incident are responsible for providing the information other participants in the criminal justice system need to effectively do their jobs. This responsibility demands that deputies rely on accurate sources of information when writing their reports.

Field notes are abbreviated notations written by a deputy in the field while investigating a specific incident or crime. A deputy's field notes are the *primary source* document that the deputy will use when writing the investigative report. For that reason, if the deputy's field notes are incomplete, difficult to read, or poorly organized, they will be of little use to that deputy.

Field notes are recorded while information is fresh in the investigating officer's mind. They should be taken:

- At the scene of an event or incident,
- When interviewing persons, (e.g., victims, witness, suspects, etc.)
- Whenever an officer wishes to record specific facts for inclusion in the report, and
- Any time the deputy wishes to remember specific details at a later time.

Every event or incident is different; therefore, the facts and information the deputy must gather will differ. A deputy's field notes should contain the facts and information that will aid that officer in answering the questions *what, when, where, who, how,* and *why*.

The type of crime or incident will also indicate what specific information is required for the deputy's notes.

For example, specific information for a burglary may include, but not be limited to:

- Point of entry,
- Point of exit,
- Losses,
- Types of property taken,
- Description of suspect's vehicle, or
- Nature and location of evidence taken.

Opinions, Facts and Conclusions:

An effective investigative report must be *factual*. It must present an *objective* accounting of the relevant facts related to the event or incident under investigation. This requires that

the deputy be able to distinguish between an opinion, a fact, and a conclusion when taking notes in the field.

The basis for determining relevant information requires deputies to make the fine distinctions between an **opinion**, a **fact**, and a **conclusion**.

It is possible for information to be factual and yet still not be relevant to the incident or event being investigated.

Fundamental Content Elements of Investigative Reports:

Deputies must recognize that in order for their investigative reports to be of use to the other participants in the judicial process, the reports must be well organized and developed and include the facts needed to establish that a crime has been committed and that all actions taken by officers have been appropriate.

Investigative Report Formats:

An investigating deputy communicates with the other participants in the judicial process through that deputy's written investigative report. The adequacy of that communication is dependent on the deputy's ability to logically organize events and clearly state the relevant facts related to the incident.

There are two basic format styles used to organize information within the body of an investigative report. The difference between the two format styles is not the information they require (both formats provide the reader with the same information), but rather with *how that information is presented*.

The two primary formats used are the:

- Narrative format, and
- Category format.

With a **narrative format**, information is organized as a running description of the event. Paragraphs are not titled and no headings are used. With the narrative format, all the events are presented in the order they took place or in the order the deputy carried out the investigation.

When a **category format** is used, information is separated and organized under specific category headings. Each category heading is followed by a *brief* narrative or bulleted listing of the information that corresponds to that topic.

Specified headings used within the body of the investigative report can vary depending on the requirements of each department or agency.

The following list includes some examples of possible category headings.

- Origin of Activity
- Deputy Observations
- Deputy Actions

- Statements
- Suspect Identification/Description/Disposition
- Disposition of Victim
- Evidence
- Property

In some cases, pertinent information may also be noted by using a standardized cover form that is attached to the deputy's written report. Such forms often contain the information needed for state and federal reporting regulations.

Examples of information that may be included using a standard form include, but are not limited to:

- Crime identification,
- Dates and times,
- Locations,
- Victim/witness identification information,
- Reporting officer identification, or
- Case number/incident number.

Proofreading:

Proofreading may seem time-consuming to both experienced and inexperienced writers. In the case of investigative reports where accuracy, clarity, and completeness are essential, proofreading is critical.

A report's effectiveness and a deputy's credibility can be damaged by a report with too many mechanical errors. When proofreading the reports they have written, deputies should look for:

- Inappropriate use of the parts of speech (e.g., use of nouns, pronouns verbs, etc.),
- Language that may be vague or confusing,
- Incorrect or inappropriate use of words,
- Spelling errors,
- Inappropriate punctuation, and
- Incorrect use of law enforcement abbreviations.

Slowly reading a completed report aloud is one of the *most effective* methods for proofreading the content and mechanics of any document. When sentences are heard, it may be easier for the writer to identify obstacles such as:

- Mechanical errors,
- Gaps in logical flow,
- Skewed time sequences,
- Incorrect verb tenses,
- Cumbersome phrasing, etc.

INTRODUCTION TO THE VARIOUS REPORT FORMS

The FTO will explain to trainees each form that is currently being used by the patrol deputy. An excellent assignment is for the FTO to have a trainee complete the more common report forms and the FTO will then review these forms for accuracy and completeness.

Bicycle Report (Form #340-16A):

Generally, bicycle theft reports will be taken by the Operations Desk deputy regardless of the value of the bicycle, so long as no other items are reported as being stolen, no other crimes have occurred and the event did not occur in a contract city. A patrol deputy will respond if the theft involves a burglary or grand theft where other items are also stolen and an investigation is required. A Bicycle Report is an attachment to the Incident Report.

Deputies will complete the Bicycle Report form and indicate the appropriate type of incident. Bicycles that have known serial numbers will be entered into the computer system whenever a report is taken for any reason.

For application and uses of the bicycle report form refer to Patrol Procedure #B-15.

Incident Report:

General Information: The Incident Report form is the basic form for recording criminal reports for the Sheriff's Office. It is the first page of every original report taken by Sheriff's Office personnel. The Incident Report is designed so that reported crimes made only for insurance purposes can be documented on one page. The form also allows for easy capture of information for use by detectives, crime analysis and the records division.

Use of the Incident Report:

- To record criminal offenses.
- To record coroner's cases, suicide, or attempted suicide.
- To report incidents of personal injury or damage involving City or County property, excluding traffic collisions (i.e., injuries in City/County parks, on City/County sidewalks, etc.).
- To report all on-view arrests.
- To document all 72-hour holds (5150 W/I).
- To report juvenile arrests (JCR is attachment).
- When deemed appropriate by the current circumstances or a supervisor.

For information regarding application, use and completion of the Incident Report form refer to the Sheriff's Office Report Writing Guide.

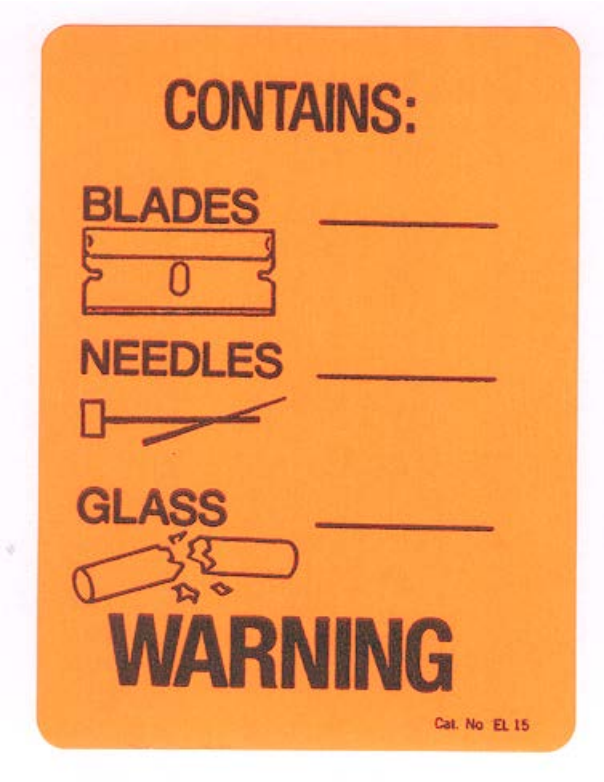
Separation of Incident Reports for a Single Event:

Refer to Patrol Procedure #B4.

Sharps Labels (Shamrock Specialty Warning Labels):

These are used to protect personnel who may come in contact with dangerous evidence items such as knives, broken glass, scissors, etc.

- Place this label on all containers and packages that have blades, needles, or glass inside of them.
- Put a check mark next to each applicable item (blades, needles, or glass inside).
- Place a label on the outside of large paper bags that are used to transport several packaged items of evidence in order to warn the evidence technicians that one or more bags within the large one will require special handling.



Evidence Sticker:

The Santa Clara County Sheriff evidence sticker is available for the labeling of evidence. A sticker will be properly completed and attached to the packaging of the item that is submitted to the Property Room. Complete a sticker using the computer before submitting the evidence.

02-020-0002E Supp: ◯

Date: 03/18/03 2122 **ID:** 1398

BAR CODE

ITEM #	CODE	SOURCE	QTY	PROPERTY TYPE
1	E	S01	1	Miscellaneous

BRAND / MAKE	MODEL	SERIAL NUMBER
	None	

LOCATION COLLECTED	VALUE	LOC CODE	PROCESS EVIDENCE
Suspect's Right Front Pocket	$10.00		☐

DESC

Brass Knuckles

Report Writing General Information:

The writing of a good report increases a deputy's chances of getting proper charges filed against a suspect and the subsequent conviction. The reports that are written will be viewed by countless people and will reflect on a deputy's ability. No matter how good the investigation, the written report is what will often determine the outcome of a case.

The Sheriff's Office began requiring all Sheriff's Office personnel to use the countywide standardized report forms and format that is in use by most of the other police agencies in this county. The FTO will show trainee deputies the proper way to complete these forms.

The FTO also has the ability to suggest changes or modification for those trainees that are experiencing problems in the area of report writing. However, trainees must remember that the FTO does not have the expertise or the time to teach proper spelling and grammar. Trainees are expected to have the ability to spell and use proper grammar before they enter the Field Training Program.

The FTO will assume that trainees have this ability and will be primarily working on the proper format and content of the reports. Trainees that do not have the ability to use proper spelling and grammar are at a tremendous disadvantage and will probably have extreme difficulty passing the Field Training program.

Trainees may want to consider the purchasing of a pocketsize dictionary and/or spell-checking device to assist in writing reports. Trainees will be provided with a departmental laptop computer that will be used to complete the Daily Activity Report, Incident Report, DUI form, and any other forms that the Sheriff's Office deems necessary.

Pre-Hospital Communicable Disease Exposure Reporting Form (ERF-1):

Any Deputy Sheriff/Emergency First Responder who feels that he/she may have been exposed to a patient (in or out of custody) with a potentially life threatening communicable disease should notify the Sheriff's Office Designated Officer (DO). This person will be the H.I.P. Coordinator in Personnel and Training.

The deputy/emergency responder will submit information concerning the exposure to the Designated Officer. Examples of significant exposure would be exposure to: blood, body fluids, needle sticks, aerosolized particles from someone in proximity actively coughing or sneezing, or while performing mouth to mouth resuscitation. The information to be provided will include:

- Incident date/time/location
- Incident Report number (IR#), if applicable
- Patient’s name/DOB/Age/Sex/Address
- Hospital (transported to)
- Ambulance name and Unit number
- Booking and Arrest Report number (if patient is in custody)

The Designated Officer will complete the Exposure Reporting Form (ERF-1 attached) for determination if the exposure was significant for:

- Infectious pulmonary tuberculosis
- Blood borne diseases, including hepatitis B and HIV
- Uncommon or rare diseases, such as diphtheria, meningococcal disease, plague, hemorrhagic fevers, and rabies.

The completed form will be sent to the receiving hospital to which the patient was transported. The hospital staff will notify the designated officer and Public Health Control and prevention as to the pending tests or new information about the patient’s communicable disease status.

This procedure is to comply with Federal Public Law 101-381 (Ryan White Care Act) and California Health & Safety Code 1707.188 (Royce SB 1518) and is in addition to the Sheriff's Office Communicable Disease Protocol which incorporated California Penal Code 7510 and Health and Safety Code 199.97, as well as written consent.

Always use universal precautions as well as personal protective equipment in these situations, and should an exposure occur, seek medical attention immediately.

Emergency Response Cost Recovery Program:

This form is to be completed by the beat deputy forwarded to the Records Section. The purpose of this form is to provide reimbursement to the Sheriff's Office for the time and resources expended when handling certain types of details.

Pursuit Report:

Vehicle Pursuit Defined: An event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid arrest by using high speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the officer’s signal to stop.

The primary beat deputy that is involved in a pursuit as defined above will complete the CHP Form 187A. The deputy will fill out each section of the form, including Section II, and forward it to his/her immediate supervisor. This form is eventually sent to the State for statistical purposes and is not a part of the original report nor is it used for court purposes.

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

PURSUIT REPORT

CHP 187A (New 1-03) OPI 051

NUMBER - Other Agency Use Only

ALL CALIFORNIA LAW ENFORCEMENT AGENCIES:

Vehicle Code Section 14602.1 requires that "every state and local law enforcement agency, including, but not limited to, city police departments and county sheriffs' offices, shall report to the Department of California Highway Patrol, on an approved form, all vehicle pursuit data." This form has been developed to record this information.

Vehicle Pursuit Defined: An event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid arrest by using high speed driving or other evasive tactics, such as driving off a highway turning suddenly, or driving in a legal manner but willfully failing to yield to the officer's signal to stop.

SECTION I - ALL AGENCIES COMPLETE

1. AGENCY NCIC
2. AGENCY NAME
3. DATE OF PURSUIT
4. TIME OF PURSUIT *(E.g., 24 Hrs. - 14:30)*
5. PURSUED VEHICLE LICENSE NUMBER
6. STATE
7. IF NO PLATE OR "COLD PLATED" USE VIN
8. TOTAL TIME OF PURSUIT *(Minutes)*
9. TOTAL PURSUIT DISTANCE *(Miles)*
10. COUNTY WHERE PURSUIT STARTED
11. I.D. NUMBERS OF OFFICERS INVOLVED ***(Do not list names)***

12. DID YOUR AGENCY INITIATE THE PURSUIT? ☐ NO ☐ YES
13. DID YOUR AGENCY TURN PURSUIT OVER? IF YES, INDICATE AGENCY ☐ NO ☐ YES _____
14. DID YOUR AGENCY TERMINATE PURSUIT? NO YES ***(IF YES, go to Section II below)***

SECTION II - COMPLETE ONLY IF YOU TERMINATED THE PURSUIT

15. AGE OF PERSON PURSUED
16. GENDER OF PERSON PURSUED MALE ☐ FEMALE
17. DRIVING UNDER THE INFLUENCE? NO ☐ YES IF YES, CHECK ☐ ALCOHOL ☐ DRUGS ☐ COMBO

18. RACE OF PERSON PURSUED

☐ White	☐ Japanese	☐ Laotian	☐ Guamanian	☐ American Indian
☐ Black	☐ Chinese	☐ Other Asian	☐ Hawaiian	☐ Other Not Listed
☐ Hispanic	☐ Cambodian	☐ Filipino	☐ Pacific Islander	
☐ Vietnamese	☐ Korean	☐ Samoan	☐ Asian Indian	

19. WERE THERE ANY INJURIES INCURRED AS A RESULT OF A COLLISION? ☐ NO ☐ YES
If yes, indicate the number of each type of injury:

	Police Officer(s)	Suspect(s)	Other(s)
Fatal Injury		_____	
Severe Injury		_____	
Other Visible Injury		_____	
Complaint of Pain		_____	

20. WERE ANY INJURIES INCURRED AFTER THE VEHICLE PURSUIT? ☐ NO YES
If yes, indicate the number of each type of injury:

	Police Officer(s)	Suspect(s)	Self-Inflicted	Other(s)
Fatal Injury	_____			
Severe Injury	_____			
Other Visible Injury	_____			
Complaint of Pain	_____			

21. IF THE SUSPECT ☐ WAS WAS NOT APPREHENDED, WHICH ONE OF THE FOLLOWING MOST NEARLY DESCRIBES THE EVENT TERMINATING YOUR AGENCY'S INVOLVEMENT IN THE PURSUIT?

Pursued driver voluntarily stopped	☐ Pursuit aborted by law enforement agency	Pursuit continued by another agency
☐ Forcible stop	☐ Pursued vehicle and pursing vehicle collided	☐ Pursued vehicle escaped pursing
☐ Pursued vehicle became disabled	☐ Pursued vehicle involved in collision	☐ Driver abandoned vehicle and fled on foot
Pursuing vehicle became disabled	☐ Pursuing vehicle became involved in collision	Other: _____

22. ORIGINAL VIOLATION OBSERVED BY AGENCY INITIATING THE PURSUIT ***(Leave this section blank if your agency did not initiate pursuit)***

Section & Code: a. ☐ Felony b. ☐ Misdemeanor c. ☐ Infraction d. ☐ BOL/Warrant/Wanted e. ☐ Other: _____

22. MOST SERIOUS VIOLATION SUSPECT(S) CHARGED WITH UPON TERMINATION OF THE PURSUIT ***(Do NOT use 2800.2, or 2800.3 CVC)***

Section & Code: a. ☐ Felony b. ☐ Misdemeanor c. ☐ Infraction d. ☐ BOL/Warrant/Wanted e. Other: _____

SUPERVISOR'S SIGNATURE *(Optional)*

COMMANDER'S SIGNATURE *(Optional)*

Destroy Previous Editions Of CHP 187

c187a203.frp

Private Person's Arrest

It is not uncommon for beat deputies to respond to an incident that will involve a private person's arrest ("citizen's arrest" - 837 PC). Deputies must ensure that the private person making the arrest has met the requirements in 837 PC before accepting the arrest. If the requirements of 837 PC are not met, deputies do not have to accept the arrest of the subject (142(c) PC). Deputies are not civilly liable under state law if they do not accept this arrest. Deputies must conduct a thorough investigation to determine whether or not 837 PC has been satisfied. If it has been satisfied, they must accept the arrest per 142(a) PC.

Deputies must complete an Incident Report on all private person's arrests. If the subject is released, then the District Attorney's Office will review the report to see if any further action is warranted. The report should include the full identity of the private person making the arrest and the fact that this person is the one that placed the person under arrest.

Depending on the charges and other circumstances, the deputy can do the following:

* Obtain all the necessary information for the report then release the violator per 849 (b) PC and refer the matter to the District Attorney's Office for review.
* Issue the violator a misdemeanor citation. (Refer to 853.6 PC.)
* Book the violator into jail.

See Patrol Procedure #B10, Private Person's Arrest, for further information.

General Points of Law

- Definition of a crime (15 PC)

- Classification system of crimes (16, 17, 18, and 19 PC)

- Definition of *corpus delicti*: Substantial fact establishing that a crime has been committed.

- Types of criminal intent:
  - Specific intent
  - Transferred intent
  - General intent
  - Criminal negligence

- Definition of *entrapment* – Something so appealing that the normally prudent person would be lured into the act or action.

- Definition of "which persons" are capable of committing crime (26 PC).

- Definition of the following:
  - *Case law*: Laws that are enacted by judicial review.
  - *Statutory law*: Laws enacted by legislative body.

Laws of Arrest

The following penal code sections should be referred to for information on this section:

- Peace officer and authority (830.1 PC)
- Arrest (834 PC)
- How an arrest may be made (835, 835a, and 843 PC)
- Circumstances when arrest may be made (836 PC)
- Posse comitatus (150 PC)
- Time of day an arrest can be made (840 PC)
- What a peace officer must inform a person of that he/she arrests (841 PC)
- When the peace officer may search a person and when the officer may take a weapon from the person (833 and 846 PC).

Juvenile Matters

Juvenile Contacts – General Provisions:

A juvenile is a person under 18 years of age. Deputies are encouraged to dispose of juvenile matters in the field.

Juvenile Contact Report (J.C.R.):

When issuing a juvenile misdemeanor citation (other than CVC 12500(a) or 14601), the Juvenile Contact Report Citation Form (J.C.R.) will be used. A juvenile can be released after signing a J.C.R. citation for a misdemeanor or a felony. In both cases, an Incident Report is required and the J.C.R. is an attachment. If the juvenile is to be booked, the narrative portion of the J.C.R. shall be filled out to the satisfaction of Juvenile Hall staff.

Miranda Rights (625 W&I):

A juvenile will be advised of his/her Miranda Rights whenever there is a custody situation. The issue of whether or not the deputy wishes to question the juvenile has no bearing on this requirement.

Notification of Parents/Telephone Calls (627 W&I):

Per Section 627(a) W&I, when an officer takes a minor before a probation officer at a juvenile hall, he/she shall take immediate steps to notify the minor's parent, guardian, or a responsible relative that such minor is in custody and the place where he/she is being held.

Per 627(b) W&I, immediately after being taken to a place of confinement and no later than one hour after he/she has been taken into custody, the minor shall be advised and has the right to make at least two telephone calls form the place he/she is being held.

Dependent Juvenile (Child) (300 W&I):

Deputies may, without a warrant, take custody of any dependent juvenile when one or more of the following elements are present:

- When deputies have reasonable cause to believe that the juvenile has no parent or guardian willing, capable, or actually exercising care or control.

- When the juvenile is destitute and not provided with the necessities of life or suitable home.

- When the juvenile is a danger to the public and such danger is the result of a mental or physical disorder.

* When the juvenile is being neglected, deprived or physically abused by a person having custody of such juvenile.

A deputy taking custody of such a juvenile will report the circumstances in detail on a J.C.R. and complete an Incident Report.

Deputies will follow the Santa Clara County Sheriff's Office **"Joint Law Enforcement and Social Worker Child Abuse and Neglect Response"** Protocol.

Status Offender (601 W&I):

Deputies may, without a warrant, take custody of any juvenile when the juvenile continuously disobeys the reasonable and proper orders or directions of a parent, guardian or custodian, or is beyond the control of such persons.

The deputy assigned to the incident will determine that the elements of 601 W&I are clearly present and that the juvenile is not a law violator (602 W&I) nor a dependent minor (300 W&I). These facts will be recorded on a J.C.R. by the assigned deputy.

Deputies should inform the reporting party that the juvenile laws do not provide for placement of status offenders into secure detention facilities, and deputies will then attempt to resolve the issue through the use of public or private counseling services (Bill Wilson House, Eastfield Ming Quong, etc.).

Law Violators (602 W&I):

When the juvenile is a suspect in a criminal offense, the deputy assigned will process the incident in accordance with one of the following appropriate procedures:

- Book the juvenile into Juvenile Hall
- Cite and release the juvenile

Juveniles Arrested for Certain Offenses:

Persons under 18 years of age who are arrested for drunkenness, glue sniffing, or narcotics, and who display the symptoms of intoxication to a degree where injury might result, must be taken to Santa Clara County Valley Medical Center emergency room for an examination prior to booking into Juvenile Hall.

Private Person's Arrests Involving Misdemeanor Violations:

When deputies find it necessary to accept a private persons arrest the following will apply:

Deputies should have the victim or other person who observed the misdemeanor violation perform a citizen's arrest of the juvenile suspect. The juvenile suspect will then be taken into custody and processed in the prescribed manner. Discretion should be used in permitting juveniles to arrest other juveniles.

NOTE:
Juveniles are an exception to the misdemeanor committed in your presence rule and can be arrested without a private person's arrest as long as probable cause exists (625 W&I).

- Issuance of a citation: When a private person's arrest for a misdemeanor violation is made, or the deputy reasonably believes there is a misdemeanor violation, a citation may be issued in lieu of booking into Juvenile Hall. The J.C.R. form will be used for this purpose.

- Arrest for felony: When the circumstances and facts cause a deputy to reasonably believe a felony has been committed, that deputy will make an arrest as authorized by 625(b) of the Welfare and Institutions Code.

Photographs and Fingerprints:

A juvenile that has been arrested must be printed and photographed prior to booking into Juvenile Hall. Without this identification process completed, the Sheriff's Office cannot capture this data as Juvenile Hall will not fingerprint or photograph for us. Discretion should be used to transport a juvenile to the records section to print and photograph prior to citing a juvenile.

DOJ will enter all fingerprints submitted to them, including juveniles, which gives a starting point on a majority of crimes in the investigative process.

The Sheriff's Office Records Division has the ability to handle this procedure 24 hours a day, seven days a week.

In all cases when an arrest of a juvenile has been made, deputies continue to have the discretion outlined in Section 626, which allows deputies to counsel and release, cite and release, or take the juvenile to Juvenile Hall.

Remember: A warrant for cases involving a juvenile suspect should not be requested unless the suspect cannot be located. It is preferred that the juvenile suspect be cited for the violations. Juvenile Probation will then automatically review the matter.

Emancipation of Minors:

In most instances, a person becomes an adult in the State of California when he/she reaches the age of 18 years. However, it is possible for a minor to have most of the rights of an adult prior to the age of 18 years and this is called "emancipation."

The “Emancipation of Minors Act” starts at section 60 of the Civil Code. This section statutorily defines emancipation of minors and expressly enumerates the rights, liabilities, and privileges of emancipation.

Per section 62 of the Civil Code, the minor (any person under the age of 18 years) must meet one or more of the following criteria to be considered emancipated:

- Enters into a valid marriage which requires a parental approval or a superior court order, even if the marriage ends in dissolution;
- Is on active military duty;
- Receives a “Declaration of Emancipation” from the superior court. To receive this declaration the minor must be at least 14 years of age, willingly living separated and apart from his or her parents or guardian, and managing his or her own lawful financial affairs, (Section 64 CC).

Section 63 of the Civil Code lists the rights, privileges, and liabilities that a minor receives after being emancipated. An emancipated minor is considered as being over the age of majority (18 years) for, among others, the purpose of:

- Consenting to medical, dental or psychiatric care without parental consent, knowledge or liability;
- Entering into binding contracts;
- Suing and being sued;
- Terminating his/her rights to support by his parents;
- Terminating his parents’ right to control him/her of their earnings;
- Establishing a residence;
- Buying, selling, encumbering, exchanging, etc. real property;
- Applying Sections 300 and 601 of the Welfare and Institution Code.

Lockouts of Vehicles:

Deputies are discouraged from using a “Slim Jim” or other device to aid citizens in entering their locked vehicle. The deputy, not the Sheriff’s Office, could be liable for any damage done to the vehicle. Also, many cars now have electric locking devices or other theft deterrents that may be damaged by attempting to use a “Slim Jim” or other device to gain entry. Citizens should be told to contact a qualified locksmith or a tow company for help.

Jump Starting Vehicles:

Deputies are discouraged from jump-starting citizen‘s vehicles. Damage can be caused to both vehicles should the jumper cables be applied improperly. Patrol vehicles equipped with in-car video recording systems are never to be used to jumpstart other vehicles. Citizens should be told to contact a tow company for help or the deputy can do so through County Communications.

Escorting of Private Vehicles:

Deputies should not normally escort a private vehicle to a hospital. He/she should call for an ambulance and render necessary first aid at the scene until its arrival. Should there be no other acceptable alternative, the deputy should request approval from the field supervisor to place the person into the patrol vehicle for transport to the hospital. The driver of the other vehicle should be told to not follow the patrol unit, but drive cautiously to the hospital and obey all traffic laws.

Only under an extreme life-threatening situation should a deputy act as an escort for another vehicle in going to the hospital. The field supervisor must approve of such a request and the deputy will assume all responsibilities for the conduct of the escort. The deputy must be able to fully articulate the reason that they took this course of action should an unfortunate situation arise as a result of such an escort.

Police Patrol Techniques

To safely and effectively fulfill their duties of public protection and service, peace officers must be able to develop appropriate law enforcement patrol strategies under a wide variety of circumstances and conditions.

Law enforcement patrol is one of the most frequent assignments a uniformed peace officer will be called upon to perform. A patrol assignment may involve the use of automobiles, motorcycles, bicycles, or other law enforcement vehicles. It can also include foot patrol in a designated area as well.

Effective law enforcement patrol is made up of two fundamental elements: protection and service.

To provide protection and service, deputies must develop a "beat knowledge" of the area they have been assigned to patrol. Such knowledge includes not just knowing the basic layout and makeup of the area, but also recognizing locations within the area that may require the officers' specific attention.

Strategy	Primary Objective	Example
Preventative patrol	• To be highly visible in order to discourage occurrences of unlawful or problem activity	*Conducting visible patrols through a parking structure where there have been a large number of auto thefts with the intention of dissuading potential thieves from stealing cars*
Directed enforcement patrol	• To apprehend violators or concentrate patrol activities on particular circumstances or problem areas	*Hiding from view and maintaining surveillance of a parking structure where there have been a large number of auto thefts with the intention of arresting a car thief in the act of stealing a car*

Deputies must function as trained observers. Deputies on patrol are expected to:

- Practice disciplined *observation*, and
- Apply their training and experience to accurately *perceive* what is occurring or is about to occur.

To a deputy, observation means the ability to gather information by noting facts or occurrences with a heightened sense of awareness. While on patrol, officers must use not only their eyes, but all of their senses including hearing, smell, etc. to obtain information from the outside world.

Observation can be enhanced by:

- Training *(knowing what to look for),*
- Experience *(knowing where and when to look for it),* and
- A variety of special tools (e.g., binoculars, night vision scopes, etc.).

<u>Preventative Patrol:</u>

Use of a preventative patrol strategy is specific to providing protection from criminal activity. It has been consistently demonstrated that where there is a visible law enforcement presence, there is a reduction in criminal activity.

To be effective as a deterrent to crime, a law enforcement presence should be highly visible within the community, especially in areas that are high risk crime targets. Preventative patrol actions include:

- Maintaining a law enforcement presence and visibility within the community,
- Conducting frequent security checks of high-risk targets and businesses, and
- Conducting checks of persons who may be involved in suspicious activities.

Three fundamental objectives of conducting security checks of businesses, residences, and other structures within a deputy's area of assignment are:

- Help the deputy remain knowledgeable about the specific structure or area (e.g., layout, normal activity in and around the area, normal conditions of the structure, etc.)
- Discover any suspicious activity or evidence of criminal activity (e.g., burglary)
- Enhance community relations by maintaining high visibility

When conducting security checks, patrolling deputies should:

- Cover as much of their assigned areas as possible, including secondary thoroughfares (e.g., alleys, walkways, parking areas, etc.), as well as primary streets,
- Pay extra attention to areas that have a high crime risk,
- Constantly vary their patrol patterns and routines to prevent predictability,
- Employ appropriate investigative tactics and equipment (e.g., use of spotlights, flashlights, alley lights, etc.), and
- Implement additional patrol methods whenever possible (e.g., foot patrol, bicycle patrol, etc.).

Directed Enforcement Patrol:

Realistically, patrol deputies cannot completely cover all parts of their assigned areas. Use of a directed enforcement patrol strategy can target areas where problems are likely to occur by concentrating patrol activities on particular circumstances.

A thorough knowledge of one's own area of assignment and available resources is necessary to be able to respond where problems are more likely to occur.

Patrol Methods:

Law enforcement agencies may use many methods for patrolling specific areas of assignment. Whether the method involves a vehicle or some other mode of transportation, a deputy can employ the method in a way that is highly visible (preventative patrol) or in a more covert manner (directed enforcement), depending on the circumstances.

A patrol assignment generally occurs within a specific geographical area. The size of a deputy's assigned area of patrol is determined by a number of different factors.

Below are listed different types of patrol methods:

Vehicle:

- Most common and generally the most economic type of patrol
- Provides the greatest mobility and flexibility of operation
- Deputy may wish to combine with foot patrol in certain areas as calls for service permit.

Advantages of Vehicle Patrol:

- Provides wider coverage of an area
- Offers greater law enforcement visibility
- Permits considerably more calls for service to be handled
- Generally provides enhanced communication (e.g., better radio range, computer availability, etc.)
- Reduces response time
- Enables ability to carry additional equipment (e.g., evidence collection materials, shotgun, etc.)
- Allows officers to deal with mobile offenders
- Provides a method for transporting suspects, evidence, etc.

Pedestrian Contacts:

In the course of conducting patrols, deputies often initiate various contacts with pedestrians observed within their area of assignment. When making such contacts, deputies must be aware of not only their own safety but also the rights of the individuals.

To protect an individual's constitutional rights, patrol deputies must have a clear understanding regarding pedestrian contacts that are considered a lawful consensual encounter from one that would constitute a lawful detention.

The following table presents a comparison of both types of pedestrian contacts.

	Consensual Encounter	**Detention**
Description	• Contact between a private individual and a peace officer where the individual is not obligated to stay, cooperate or answer questions.	• An assertion of authority that would cause reasonable individuals to believe that they are obligated to stay, cooperate, or answer questions.
Individuals in effect are told...	• "You are free to leave or not cooperate at any time."	• "You must cooperate and are not free to leave the scene until told you can do so."
Justification Required	• None.	• Officer must have reasonable suspicion; that is, a factual basis for suspecting the individuals are connected with criminal activity.

Without proper knowledge and understanding of the appropriate actions leading to and during a pedestrian contact, patrol deputies may lead to:

- An improper or unlawful detention or arrest,
- Unsuccessful court prosecutions, or
- Possible injury to the officers or pedestrians.

Plainclothes/Undercover Officers:

While on patrol (or when off duty) deputies may encounter peace officers who are functioning as plainclothes/undercover officers. If such an encounter takes place, patrol deputies should take all necessary measures *not to draw attention to the plainclothes/undercover officer*.

Do not show any recognition towards the plainclothes/undercover officer, unless that officer initiates the contact. To do so might inadvertently compromise an undercover operation or investigation.

If the plainclothes/undercover officer does not acknowledge the patrol deputy, the patrol deputy should treat the plainclothes/undercover officer as any other private person with whom the patrol deputy is not acquainted.

If a patrol deputy initiates an enforcement contact and then realizes a plainclothes/undercover officer is part of the group being contacted, the patrol deputy should treat the plainclothes/undercover officer the same as all other individuals in the group (e.g., maintain cover and control positions, conduct a patdown search, etc.).

Foot Pursuits:

Foot pursuits are one of the most dangerous and unpredictable situations for patrol deputies. All foot pursuits must be considered high risk and never be taken lightly.

Foot pursuits can be difficult to control or coordinate. There are a number of inherent dangers regarding foot pursuits of which patrol deputies must be aware.

During a foot pursuit:

- The fleeing suspect controls the route, not the pursuing officer(s).
- Deputies may lose track of their own locations as well as that of the suspect.
- A deputy may be separated from his or her partners.
- Radio transmissions often become very difficult to understand.
- Deputies can drop and/or lose equipment (e.g., radios, batons, keys, etc.).
- Deputies may be led into high risk areas and become vulnerable to ambush situation involving additional suspects.

Deputies must consider not only their own safety but the safety of fellow deputies and the public before initiating a foot pursuit.

Patrol Activity – General/Traffic Control:

Patrol Knowledge - General:

Deputies need to know the following information in order to effectively work his/her beat:

- Locating odd/even street numbers:
  - The **odd** numbers are usually on the north or west side of a street, (**N**orth **O**dd **W**est: NOW).
  - The **even** numbers are usually on the south or east side of a street, (**S**outh **E**ven **E**ast: SEE).

- The whereabouts of north, south, east, and west directions

- Bank/savings and loans locations

- Shopping center locations

- Hospitals

- Schools

- Unusual businesses (gun shops, gold/jewelry exchanges)

- Problem areas

- How to report needed street repairs or traffic hazards - notify County Communications of problems and state whether the proper agency will need to respond immediately or code one.

- Location of the other police agencies in the county

Fixed Point Traffic Control:

A patrol deputy will periodically need to assume a fixed-point traffic control position.

- The primary function of traffic control is to eliminate congestion, facilitate the movement of traffic, and enforce traffic laws.

- Fixed-point control may be at intersections, pedestrian crossings, accidents, fires, roadblocks, construction sites, major crime scenes, public events, etc.

- The allocation of time for the flow of traffic in any one direction is determined by the volume of traffic and how it may be coordinated with adjacent intersections (e.g., longer time when traffic is heavy, shorter time when traffic is light).

- When there is a predominant turning movement, a 3-phase control is recommended to take care of each flow of traffic individually. There should be separate time intervals allowed for the north-south flow, the east-west flow, and

the turning flow while both of the others are stopped.

- Anticipate congestion on roads leaving the intersection due to cars turning into parking lots or buses loading or unloading. Never allow traffic to back up across an intersection.

- Where traffic is being handled by group control or two or more deputies, one of these deputies shall give the master signal by which others will be guided.

- Deputies must position themselves so that they can see and be seen by all approaching lines of traffic and pedestrians without interfering with the movement of traffic or their own safety. Keep eye contact with the drivers of vehicles.

- Manual directions to motorists and pedestrians should be given clearly and distinctly. They must be directed towards the person for whom they are intended and must be obeyed just like a traffic signal. A deputy's erect, alert bearing will be transmitted to both motorist and pedestrian. Ample warning must be allowed to afford an opportunity to comply depending on the speed and weight of approaching vehicles as well as on the condition of the pavement. At nighttime, manual directions will be given with the flashlight in a manner more slowly than in the daytime, remembering that the flashlight head cannot be seen at an angle.

- Stand straight with weight distributed evenly on each foot. Emphasis should be placed on use of the hands, as the public more readily understands slow, understandable, motions of the hands. Sharp, crisp, slow hand signals in conjunction with whistle signals will result in less confusion and more traffic moved in an orderly, safe manner. The following hand signals are to be used:

    - <u>TO STOP TRAFFIC:</u> Use one, long whistle blow and raise a hand so that the palm is toward the driver. Hold this until driver stops. This same technique is used to stop traffic from two directions by holding both hands up simultaneously toward the directions to be stopped. Don't lower either arm until cars coming from both directions are halted.

    - <u>TO START TRAFFIC:</u> Use two short, sharp whistle blows and point with an arm and finger toward the car that needs to start. Hold it until obtaining their attention. Then with the palm up, swing that hand up and over to your chin, bending the arm only at the elbow. Use this same signal to give the go-ahead to slow and timid drivers.

    - <u>TO SIGNAL FOR TURNS:</u> Use two short, sharp whistle blows and point toward the driver with an arm, giving him/her time to see the gesture and then point the arm and forefinger in the direction the driver is to go. While one arm is pointing the direction of the turn, use the other arm in the "start traffic" motion to wave the driver into the turn. If it is necessary to hold another direction stopped, while attempting to signal a turning vehicle raise and lower the pointing forearm repeatedly while continuing to point in the direction of the turn.

- While working a fixed traffic post, preference should be given to properly controlling traffic. Enforcement action may be taken in case of violations involving failure or refusal to follow the controlling deputy's directions. However, this should only be done when it can be accomplished without jeopardizing the efficiency of the traffic control. Yelling at motorists should be avoided, as there is always the possibility they did not understand the controlling deputy's directions.

- Information seekers should be discouraged from stopping in traffic and should only be talked to if the controlling deputy can leave his/her post to meet them away from the traffic flow.

- The following are instructions for special case traffic control:

  - EMERGENCY VEHICLES: Provide for the safe movement of emergency vehicles through intersections or controls points. Make certain that an exit is open in the direction the emergency vehicle will travel. Be alert for emergency vehicles approaching the intersections at right angles to each other because their sirens make it difficult for one to hear the other. If they are in danger of colliding, hold one back until it can safely proceed. After the emergency vehicle has passed the intersection, be certain to hold all movements until you know that no other emergency cars are following.

  - ACCIDENT SCENE: At the scene of a traffic collision the primary function of the deputy assigned to traffic control is to clear the immediate area of vehicular and pedestrian traffic. Also, consideration should be given to the preservation of evidence while diverting the flow of traffic.

  - DISASTER PERIOD: Keep the sightseeing public away from the area, as they deter the efforts of a successful operation, create traffic hazards, place other persons as well as themselves in areas of danger, etc. Section 409.5 PC empowers peace officers to close areas during emergency (flood, storm, fire, earthquake, explosion, accident or other disaster). Anyone entering into or remaining in such an area is guilty of a misdemeanor, with the exception of authorized representatives of any news service, newspaper, radio or television station.

  - INTERSECTION CONTROL: Where there are no signals or the signals are out of order, first observe the intersection and if possible, determine the natural traffic pattern. Regulate the change of traffic flow as needed. Traffic flow should be coordinated with adjacent intersections to keep it from backing up and blocking the intersection under point control.

- Guard against needless regulation at any location that, if left alone, would adjust itself. However, take charge when congestion appears, and remain on the job until danger of a traffic jam is past. Be alert for pedestrian traffic as they are in need of control along with the vehicles. Never try to stop traffic that is approaching too closely at a reasonable speed as it may cause rear end collision.

Deputies must recognize the inherent risks involved when conducting a vehicle pullover in order to take the appropriate precautions necessary to ensure their own safety as well as the safety of others.

Conducting vehicle pullovers is one of the most frequent duties that a patrol deputy will perform. Peace officers conduct vehicle pullovers for a wide variety of reasons ranging from issuing a citation for an equipment violation to apprehending an armed and dangerous felon.

Conducting a vehicle pullover can be one of the most dangerous duties a patrol deputy can perform. Violent acts that have taken place during a vehicle pullover are among the leading causes of officer injuries and death.

Low Risk:

There is no such thing as a vehicle pullover that can be considered "low risk." This term is inappropriate because it suggests that no or very little hazard exists when in fact the degree of danger is *uncertain.*

As a general rule, **risk assessment** refers to the level of anticipated risk involved with any vehicle pullover based on the officer's perception of danger due to a suspect's conduct, or advance knowledge. This knowledge may come from sources such as, but not limited to:

- That deputy's personal observations,
- Information from dispatch,
- Information obtained by running the vehicle's license plate,
- Number of occupants in the vehicle,
- Availability of assistance/back up units, or
- Other means the deputy may reasonably rely upon, e.g., crime broadcasts, criminal information bulletins, hot sheets, attempts to locate (ATLs), personal crime notes.

Vehicle pullovers can also be generally divided into three basic categories based on the degree of risk anticipated.

- Traffic enforcement pullovers
- Investigative pullovers
- High-risk pullovers

Officer Safety During Vehicle Stops:

Conducting vehicle pullovers can be one of the most dangerous duties a peace officer performs. Violence related to vehicle pullovers is among the leading causes of peace officer injuries and deaths.

Officer safety refers to the practical application of tactically sound procedures in conducting all categories of vehicle pullovers. Specifically, officer safety involves:

- Developing a plan of action prior to initiating the pullover,
- Requesting and using backup assistance when necessary,
- Appropriately using communication/notification resources, and
- Applying safe and sound tactics when:
  -initiating the pullover,
  -approaching the vehicle, and
  -making contact with the vehicle occupants.

Because of the frequency of vehicle pullovers, deputies can come to regard such tasks as "routine." Such complacency compromises officer safety by causing deputies to ignore danger signs during vehicle pullovers.

Deputies should handle all vehicle pullovers with caution and always keep in mind that ***no*** *vehicle pullover is "routine*."

Statistical analysis has shown that vehicle pullovers are the second most dangerous law enforcement activity a patrol deputy can encounter. (*California Law Enforcement Officers Killed and Assaulted in the Line of Duty*, 1996.)

Safety hazards that may be inherent with vehicle pullovers include, but are not limited to:

- Unpredictable aggressive actions by the violator/suspect or bystanders,
- Unknown identity of the violator/suspect, (e.g., dangerous felon wanted for a crime not associated with the traffic stop)
- Dangerous environmental conditions, (e.g., fog, ice, bright sunshine, etc.)
- Varying road conditions, (e.g., multiple lane traffic, narrow or no shoulders, etc.) or
- The existence of other vehicular traffic on the same roadway.

Patrol deputies who fail to recognize the inherent dangers of conducting a vehicle pullover may ignore danger signs and fail to take appropriate precautions.

Basic Tactical Considerations:

Deputies must understand the techniques for tactically sound vehicle pullovers in order to conduct pullovers in an efficient and safe manner.

In many instances where patrol deputies were assaulted during vehicle pullovers, the deputies had failed to plan ahead and develop an action plan to help ensure officer safety and a successful outcome to the enforcement action.

The actions a deputy may take during a vehicle pullover may be dependent on the:

- Type of offense involved,
- Level of perceived threat,
- Environmental conditions, (e.g., weather, lighting, road surface, etc.) and/or
- Type of vehicle being pulled over.

Once the deputy has a lawful justification for initiating a vehicle pullover, that deputy should anticipate possible locations for the actual pullover to take place. The initiating patrol deputy, *not* the driver of the target vehicle, should select the pullover site. If a suitable site is not immediately available, the deputy may choose to defer initiating the stop until the deputy is able to identify an appropriate location.

Patrol deputies need to also select a location that presents the safest tactical advantages to the deputies. Tactical issues that should be considered by the patrol deputy include but are not limited to:

- Possible escape routes for the occupants of the target vehicle.
- Possible tactical retreat routes for the deputies.
- Availability of **cover** and **concealment**.
- Avoidance of potentially hostile environments. (e.g., angry crowd, unruly groups, etc.)
- Avoidance of other interference potential. (e.g., pedestrian traffic, difficulty maintaining patrol vehicle security)

Planning and Initiating a Vehicle Stop:

Prior to initiating the actual pullover, patrol deputies should notify dispatch of their intended actions.

Patrol deputies should provide information such as:

- The anticipated location of the pullover and direction of travel.
- A license number and vehicle description of the target vehicle.
- The legal justification or nature of pullover. (e.g., stopping a suspected DUI or stopping a stolen vehicle)
- Any other information pertinent to the pullover. (e.g., information on weapons, number of occupants, etc.)

Deputies should make sure all communications are completed before initiating the vehicle pullover.

It is important to maintain a proper distance between the patrol vehicle and the target vehicle at the time the pullover is initiated.

Distance between vehicles

IF the patrol vehicle is...	**THEN...**	**The patrol vehicle should be:**
too far from the target vehicle,	the driver of the target vehicle may be able to flee.	Close enough so the officer can maintain visual contact with occupant(s) and/or their activities.
too close to the target vehicle,	there may be a greater potential for a rear-end collision if the driver of the target vehicle should make a sudden stop.	Positioned far enough behind the target vehicle so the patrol officer can read the license plate of the target vehicle.

Once a suitable location has been identified and the patrol unit is in the proper position, the patrol deputy can activate the warning lights on the patrol vehicle in an attempt to get the attention of the driver of the target vehicle.

If the driver fails to respond to the warning lights, it may be necessary for the patrol deputy to utilize one or more of the following additional methods.

- Honk the horn.
- Alternate high and low beams (day or night).
- Pan the spotlight, but avoid keeping it in one position which might blind the driver of the target vehicle.
- Use appropriate hand gestures, such as waving the person to the side of the road.
- Use the patrol vehicle's public address system to direct the driver to pull over.
- Give a short blast of the siren.

Occasionally, a patrol deputy may encounter a driver who will not yield to any of the techniques previously noted. While this may be a deliberate failure to yield, deputies should also consider the possibility that the driver has the radio or CD player turned at full volume or is talking on a cell phone.

Another possibility is that the driver has a physical impairment such as a hearing deficit. For example, a deputy may encounter a deaf or hearing impaired driver during a traffic stop. That driver may not hear the deputy or even be aware of the deputy's presence.

If a driver of the target vehicle is aware of a deputy's signals to stop but ignores them and continues to flee, patrol deputies may initiate a vehicle pursuit of the suspect if:

- They have reason to believe the suspect presents a clear and immediate threat to the safety of others, ***or***
- The suspect has committed or attempted to commit a violation of the law, ***and***
- The necessity of immediate apprehension outweighs the level of danger created by the pursuit.

Deputies must also make an honest assessment of their own *training and experience*, as well as the *capabilities and limitations of the vehicle* they are driving before they initiate a pursuit.

<u>Approaching the Target Vehicle:</u>

Officer safety depends on a thorough understanding of the tactical and safety considerations involved in approaching the target vehicle.

Patrol deputies must constantly assess and reassess the level of risk throughout the vehicle pullover process. Letting one's guard down or becoming complacent at any time could give the suspect(s) an opportunity to assault the deputy conducting the stop.

While the driver of the target vehicle is yielding to the patrol deputy's signal to pull over, the patrol deputy should:

- Determine the number of occupants in the vehicle,
- Carefully observe the occupant(s) actions such as:
    - Reaching under the seat, into any compartment (e.g., glove compartment), or
    - Leaning over the front seat into the back, and

- Consider requesting additional assistance/backup officers if the patrol officer perceives a high level of potential risk.

It is the patrol deputy's responsibility to direct the target vehicle to a safe location for stopping. If the driver of the target vehicle stops in an unsafe location, the patrol deputy should instruct the person to move the vehicle to a different, and safer location. If the driver of the target vehicle appears to be impaired (e.g., intoxicated), the target vehicle should *not* be moved. The patrol vehicle should be positioned so as to afford protection to the target vehicle. The deputy should approach the target vehicle, activate the lights and call for assistance for traffic control.

Patrol deputies must select a safe and tactical position for the placement of the patrol unit. The actual distance from the patrol unit to the target vehicle will depend on a variety of factors, including but not limited to:

- The type of pullover,
- The type of vehicle being stopped,
- Available space, and
- Environment/topography.

Placing the patrol vehicle in an **offset position** means the deputy will:

- Stop behind and slightly to the right or left of the target vehicle,
- With the center of the patrol vehicle in line with the right or left bumper of the target vehicle (whichever is the most appropriate).

Placing the patrol vehicle in an offset position generally provides additional protection for the patrol officer while approaching the target vehicle on foot.

Patrol deputies should exit their patrol units as safely and ***quickly*** as possible to minimize the danger of the deputy being exposed while still seated in the vehicle. In order to accomplish this, deputies should:

- Have all radio transmissions complete prior to activating emergency lights,
- Undo and clear the seat belt prior to coming to a complete stop,
- Place the patrol vehicle transmission in park,
- Set the parking brake,
- Switch on the portable radio, (If the radio is not available, the officer should activate the outside speaker and position the microphone for ready access.)
- Check approaching traffic and open the door only if the path is clear,
- Consider lowering the driver and passenger front door windows,
- Unlock the doors,
- Quickly exit the vehicle, and
- After exiting, momentarily pause to observe the target vehicle.

Once the deputy has exited the patrol unit and determined that a safe approach can be made, the patrol deputy should:

- Stay close to the patrol vehicle to minimize any hazard from passing traffic.
- Continuously observe the occupants of the target vehicle,
- Maintain an awareness of the surrounding and other hazards,
- Keep gun hand free during the approach, and
- Use a flashlight sparingly to avoid the potential of vehicle occupants being able to track the officer's movement.

Factors such as location, topography and the degree of perceived risk may all impact the approach method a patrol deputy uses.

In some situations, it may be to the deputy's advantage to allow the driver or occupants to exit the vehicle. When electing to use this strategy, the deputy should remain at the patrol unit in a position of safety. Remaining seated in the patrol vehicle could place the patrol deputy in a tactical disadvantage.

The patrol deputy's observation of the target vehicle begins at the inception of the vehicle pullover and continues until the pullover is completed. But when the patrol deputy approaches a target vehicle on foot, that deputy has the advantage of time and location to visually check the interior of the target vehicle more carefully. Such plain view checks may provide the deputy with probable cause for further investigation and more complete lawful searches of the vehicle's interior.

Indicators of possible criminal activity include, but are not limited to:

- An empty holster,
- Ammunition,
- Firearm magazines,
- Actual firearms or other weapons, or
- Instrumentalities or evidence directly associated with a crime. (e.g., ski mask, drug paraphernalia, etc.)

For most people, their only contact with law enforcement will occur during a vehicle pullover. For this reason, patrol deputies should strive to be courteous and professional during a vehicle pullover, while at the same time never letting their guard down.

When deputies make contact with the driver of the target vehicle during a vehicle pullover, they should position themselves for the greatest safety and tactical advantage.

The attitude of the patrol deputy can affect the reaction of the driver and the outcome of the vehicle pullover. Deputies should make the approach in a businesslike manner while also employing effective verbal communication techniques. Flexibility and courtesy are important in making contact with the vehicle occupants.

It is generally desirable for patrol deputies to have the driver and occupants of the target vehicle remain in the vehicle throughout the duration of the pullover. But in certain situations, officers may need to direct the driver/occupants to get out of the vehicle. Examples of such situations include, but are not limited to:

- When the safety of the driver/occupants or the officer are at risk from passing traffic,
- Verifying identification,
- Conducting a sobriety check of a driver who may be DUI,
- Continuing an investigation,
- Searching the vehicle, or
- When an arrest is imminent.

A driver's license is one of the most common forms of identification. It is important that deputies take appropriate actions to check both the *validity* and *authenticity* of the license and to establish the identity of the individual.

Conducting a proper check of each driver's license can also:

- Confirm that the driver is authorized to operate a specific type of motor vehicle,
- Enforce the provisions of the Vehicle Code which require possession of a valid driver license,
- Verify that the driver is complying with any restriction on the driver license,
- Confirm the driver's identity so that the driver can be cited and released, and
- Verify that the address is correct.

Patrol deputies should move to a safe and tactically appropriate location when conducting the business of the vehicle pullover. (e.g., running a license check, writing a citation, etc.)

Depending on the specific situation, deputies should select a location which:

- Provides cover and/or concealment,
- Permits them to maintain visual contact with the target vehicle, and
- Permits them to observe the occupants of the target vehicle.

Vehicle Stops - Conventional

A deputy can protect himself/herself by being constantly conscious of their personal safety during traffic enforcement stops and when apprehending known or suspected criminals.

The examples given in this guide are not intended to be all-inclusive, but are provided to assist deputies in recognizing situations which require caution and to suggest methods of control, which will minimize the potential hazard.

A deputy who recognizes personal danger and has an opportunity to call for assistance, yet rushes into action without obtaining help is not being heroic, such unwise action could result in the loss of life. Where opportunity permits, a deputy who realizes he/she is in a potentially dangerous situation should notify County Communications and request a back up unit (Code 2 or Code 3).

Rarely should circumstances force a deputy into a potentially dangerous stop without assistance. Even then you should consider moving to a point of surveillance and awaiting assistance. Superiority of numbers, not the bravery of a single deputy, is the best deterrent against being assaulted.

One Person Vehicle Stop:

Below is an acceptable way make a vehicle stop as a one person beat unit:

1. Pick the location for the stop prior to activating emergency equipment.
2. Notify County Communications prior to making the stop.
3. Prior to exiting the patrol vehicle, observe occupant(s) for suspicious movement.
4. Exit patrol vehicle when no other traffic is approaching/passing from the rear.
5. Keep alert for movement of occupants while approaching vehicle; check [redacted].
6. All transactions should be conducted [redacted] An acceptable variation would be to [redacted], sometimes affording a better view of the interior. This variation also affords the officer [redacted].
7. When returning to patrol vehicle, go to [redacted] to issue the citation, conduct radio traffic, etc. [redacted].
8. Continually observe occupants movements in vehicle.
9. Remain [redacted] at all times.
10. If a citation is to be issued, it should be done [redacted].
11. The re-approach for citation signature or additional information should be done in a like manner of the initial approach. Be aware of any changes to or within the vehicle, or its occupants.
12. When returning to the patrol car, stay alert until leaving, or the violator leaves. Keep the driver's door ajar until ready to clear. Do not go 10-8 until the stop is cleared.
13. Do not:
    a. Concentrate too much on an unoccupied rear seat.
    b. Sit in the patrol vehicle to write a citation or conduct business.
    c. Permit the violator to sit in the patrol vehicle while a citation is being written.

d. Stand or permit the violator to stand between vehicles.
e. Remove more persons from a vehicle than you can control.
f. Allow occupants to wander. Keep them under control and together.
g. Hesitate to request a fill or “roll by”.

Two Person Vehicle Stops:

Below is an acceptable way to make a vehicle stop as a two person beat unit:

1. Use the same criteria and safety concerns as the one-person vehicle stop when initiating the stop. The passenger deputy may handle the radio traffic.
2. Both deputies exit the patrol vehicle as soon as possible and [redacted] observe the activity of the occupant(s).
3. The [redacted] deputy should begin the approach; the [redacted] approach. [redacted].
4. After the [redacted] makes contact, the [redacted] must keep occupant(s) hands in sight at all times.
5. As the [redacted] returns to the patrol vehicle, the [redacted] should keep the occupant(s) under observation, being aware of any unusual activity and keep their partner appraised.
6. The [redacted] must also remain aware of the immediate surroundings, vehicles stopping in the immediate area, or suspicious persons that show an interest in what you are doing.
7. If a citation is to be issued, the same procedures should be followed as for a single deputy stop.
8. To re-approach the violator vehicle, the contact deputy should first make the cover deputy aware that he or she is going to do so.
9. When the violator is to be released, the [redacted], backing slowly, keeping the occupant(s) in view.
10. If possible, allow the violator to drive away first, keeping the occupant(s) under observation until they have pulled well away. Both deputies should remain ready to exit the vehicle if any of the occupants exit their vehicle or the situation dictates.

Vehicle Stops – High Risk

Deputies must be able to recognize situations involving high levels of perceived risk in order to apply appropriate tactical actions to protect their own safety during a vehicle pullover.

High risk pullovers are conducted in any situation where patrol deputies perceive a greater level of risk. Such perceptions may be based on the deputy's observations, information received through communications with dispatch, other deputies, or other reliable means.

High risk pullovers are generally made when patrol deputies have:

- Reason to believe that one or more of the occupants of the target vehicle may:
  -be armed,
  -represent a serious threat to the officer, or
  -has committed a felony.
- An expectation that the pullover could result in an arrest.

Because of the elevated level of potential danger along with the unpredictable responses of vehicle occupants associated with high risk vehicle pullovers, patrol deputies can encounter a multitude of different personal emotions or reactions. It is normal for patrol deputies to experience excitement, fear, anger, confusion, impatience, and even complacency.

In order to prepare for such responses and prevent them from compromising officer safety, deputies can:

- Discuss hypothetical situations with their partners ahead of time,
- Have a plan of action prior to initiating the vehicle pullover,
- Obtain appropriate ongoing training in advance to maintain skill levels,
- Work as a team,
- Maintain communication with dispatch and other involved deputies,
- Move slowly and methodically,
- Rely on known tactics and procedures while also remaining flexible enough to adapt or improvise if necessary, and
- Exercise emotional restraint and self-control.

It is the general responsibility of any **cover officers** called to assist the primary deputy at the scene of a high risk vehicle pullover to:

- Protect the primary deputy who is conducting the business of the pullover,
- Place their own patrol vehicles in a proper position to avoid silhouetting other deputies with the vehicle's headlights or other lighting equipment,
- Take and maintain proper positions of cover and concealment,
- Maintain their firearms at the ready, and
- Maintain visual contact with the vehicle occupant(s) at all times.

In order to ensure officer safety and help ensure an appropriate outcome, the primary deputies and cover officers must effectively communicate with one another. Appropriate communication involves:

- Advising the primary deputy of any critical occurrences or safety issues, (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, etc.)
- Avoid inappropriate interruptions, and
- Avoid giving directions which conflict with those given by the primary deputy. (Only one person, usually the primary deputy, gives the commands, unless a specific situation calls for another officer to issue a command.)

<u>Tactical Considerations for High Risk Vehicle Stops:</u>

No arrest is so important that the patrol deputies involved should expose themselves to needless danger. In order to meet the safety challenges inherent to the situation, patrol deputies must employ tactically sound procedures when effecting any high risk vehicle pullover.

It is vital that the primary deputy initiating any high risk vehicle pullover maintain communication with dispatch and any assisting or backup deputies involved in the situation.

Such communication should include the:

- Primary deputy's location and direction of travel,
- Safest approach to the scene
- Possible traffic diversions or road closures,
- License number and a description of the target vehicle,
- Number and description of the target vehicle's occupant(s),
- Existence of any known or suspected weapons within the vehicle, and
- Any additional information regarding the offence(s) or the suspect(s).

The following information is set forth to assist deputies in safely controlling vehicle stops known to contain dangerous subjects, and controlling situations that escalate after a vehicle has been stopped for a routine traffic violation.

<u>Definition of a High Risk Car Stop:</u>

The stopping of a vehicle when deputies have advance knowledge, or reasonable cause to believe that the vehicle contains a felony suspect, a suspect with weapons or a subject who poses a threat. The stop may be based upon the deputy's personal observation, knowledge of an outstanding felony want, information received by police radio, or other reasonably reliable means. Use of this procedure requires more than a mere suspicion.

Procedure for Making High Risk Car Stop:

If a wanted vehicle, suspect or dangerous subject is sighted; the following procedures should be implemented:

The unit (hereinafter referred to as the primary unit) initially observing the vehicle or subject shall notify County Communications immediately, supplying the following information:

1. Location, license number, want, direction of travel, speed, number of occupants, description of vehicle, etc.
2. Request that the radio dispatcher notify the patrol sergeant.

The primary unit should follow and observe at a discreet distance and formulate a plan of action that should include:

1. The number of back-up units that will be needed.
2. An advantageous location to make the stop once sufficient back-up units are in position.
3. The positioning of the back-up units (including units to block traffic).
4. Contingency responses to unforeseen action, (flight, evasive action, etc.) by the suspect(s).

The primary unit will advise County Communications and the other affected units of the plan of action. Consider car-to-car transmissions and frequency restrictions. The primary unit will take full command of the situation when the stop is made. Additional deputies will assist until the situation stabilizes.

Apprehension Tactics – Single Deputy Unit:

A single deputy should not intentionally make a high risk stop. [redacted].

If a deputy is in a remote area, [redacted]

Should circumstances force a deputy to handle the stop alone, the below procedure is suggested:

1. Notify County Communications that the stop is unavoidable and direct units to fill (Code 2 or Code 3). Provide exact location for the responding units.
2. During darkness, [redacted]
3. If feasible, park the patrol vehicle [redacted]
4. [redacted]
5. Display the weapon in the [redacted] position.
6. If possible, use the public address system to give the commands to the occupant(s). Use terse, audible and understandable commands.
7. Preface the stop with a clear command statement. Example: "You in the blue Chevy, you are suspects in a felony and are considered armed and dangerous. If any sudden movements are made within the vehicle, you may be shot."
8. Order the [redacted]
9. Be prepared. Anticipate the unexpected. Don't shoot unless necessary and justified. [redacted] Maintain control of emotions and actions, as well as the actions of the suspect(s).
10. [redacted]
11. Keep all suspects in the vehicle until assistance arrives.
12. When back-up units arrive, employ applicable procedures set forth for a two-deputy unit.

Apprehension Tactics – Two Deputy Unit:

Although a two-deputy unit can effectively control most high-risk apprehensions, it is not intended that a two-deputy unit attempt high-risk stops. The superiority of manpower acting in conjunction with an established plan cannot be overemphasized. Two two-deputy units, or one two-deputy unit and one single-deputy unit, or three single-deputy units are considered a minimum.

The two-deputy unit should follow the same County Communication notification, and surveillance described above for a single deputy unit. If circumstances beyond the control of the deputies force them to handle the stop, they should also pre-plan the stop.

1. The passenger deputy should take command of the radio. Normally the driver deputy takes command of the stop. The unit's last radio transmission should be the location, including direction of travel, the nearest cross street and distance from the cross street.
2. The positioning of the patrol vehicle will be the same as that for a one-deputy stop. The deputy on the right (passenger) is usually armed with the shotgun.

The following procedure will be the same for both the one deputy and two deputy units. With all the needed fill units in position, the driver deputy of the primary unit begins the removal of the suspects as follows:

1. [redacted].
2. [redacted]
3. [redacted]
4. [redacted]
5. [redacted]
6. [redacted]
7. [redacted]
8. [redacted]

9. [redacted].

Back-Up Deputy Responsibility:

If the primary units have already stopped the vehicle, back-up deputies shall not roll into the scene so quickly as to place themselves in jeopardy on the final approach. They should determine that the primary unit is not under fire before committing themselves.

Once the stop is initiated, all other units will remain off the radio except for the primary unit. Other units will have to monitor for direction from the primary unit. Upon 10-97 at the location, additional units should be canceled if the situation is Code 4.

The parking position of the back-up units will be affected by the condition of the roadway and terrain in which the stop will be made. Some degree of modification will therefore be required in some instances. The rear position is the preferred position for back-up units. Back-up units using this position should be positioned behind and close to the primary unit.

This position has the advantage of less interference from passing traffic and can be used almost anywhere. The major disadvantage is having only one vehicle close enough to the suspect vehicle that can be used for cover.

A "rear position" back-up unit should extinguish headlights to the front so as to minimize any silhouette, leaving only parking lights on. [redacted]. [redacted].

Normally, back-up deputies should not approach the suspects or leave the protection of their vehicles without the direction and concurrence from the deputy in command. Deputies should stay in a low silhouette protected position behind the patrol vehicle or its opened doors until directed otherwise.

When possible, vehicles and/or deputies approaching from other directions should be directed by the primary deputy to positions of advantage as necessary. This will reduce the chance of deputies being caught in a crossfire or will prevent deputies from being blinded by police vehicles at night.

Vehicle Searches:

The primary purpose of conducting any type of vehicle search is to locate and seize any:

- Weapons,
- Contraband, or
- Evidence associated with criminal activity that may be located within the vehicle.

Any physical search of a vehicle must be lawful. The type and extent of a physical search of a vehicle during a vehicle pullover is determined by the circumstances of the pullover along with a number of additional factors. If the driver and/or occupants exit the vehicle voluntarily, the officer may legally enter the target vehicle to retrieve registration papers. While inside the vehicle, the officer may visually scan the area and seize any weapons, contraband, etc., that is in the officer's plain view.

Patrol deputies who are conducting a vehicle search should be aware of specific officer safety hazards that may be associated with the search. Possible safety hazards may include, but not be limited to:

- Dangerous weapons, (e.g., edged weapons, loaded firearms, etc.)
- Biological hazards, (e.g., hypodermic needles, etc)
- Chemicals, (e.g., dangerous drugs such as PCP, drug lab materials, etc.)
- Booby traps, (e.g., explosives) or
- Animals.

Vehicle searches should be conducted in a systematic manner. In order to be effective, each vehicle search must be thorough, (within the legal scope of the search).

Daily Activity Report

The daily activity log is used for:

- Billing contract cities and other enforcement contracts for services.
- Documenting patrol activity.
- Compiling statistics.

Complete and accurate Daily Activity Reports are the equivalent of "invoices" to the enforcement contracts and are the basis for determining the amount of money an enforcement contract should pay for services. Inaccurate or incomplete Daily Activity Reports could result in a loss of revenue for the Sheriff's Office. Inaccurate or incomplete Daily Activity Reports could also show incorrect activity, times of events or dispositions.

Daily Activity Reports are to be uploaded to the S/O server at the completion of each shift.

An addendum to this manual will be provided to the trainee demonstrating how to complete the Activity Report.

Activity Sheet for Sheriff's Office, Santa Clara County

Report Index	Report Date	Report Unit	Officer 1	Officer 2	Vehicle Num	MileageStart	Mileage End	Laptop Num
200714971C11769NONE	05-29-2007	71C1	1769	NONE	6717	16252	16306	5796

----------PATROL----------

MISD		FELONY		TRAFFIC	
Report:	1	Report:	1	Movers:	0
Sup Rpt:	0	Sup Rpt:	0	Non-movers:	0
F/Up:	0	F/Up:	0	Accident Rpt:	0
Arrest:	0	Arrest:	0	Warrant Cite:	0
Warr Att:	0	Warr Att:	0	F. I. Cards:	0

----------CIVIL and WARRANTS----------

TRO/DOC's		EVICTIONS		REAL PROP		WARRANTS		PERSONAL PROP			
TRO:	0	Posted:	0	Served:	0	Booked:	0	Seized:	0	Sale:	0
TRO n/f:	0	Seized:	0	Record:	0	Bailed:	0	Business:	0	Attempts:	0
Doc Srv:	0	Moved:	0	Sale:	0	Recall:	0	Demand:	0	Not Found:	0
Doc n/f:	0	Cancel:	0	Release:	0	Attempt:	0	Post Sale:	0	Released:	0
Attempts:	0										

Start:	Item:	Alarm Company:	Alarm Phone:	Place:	Alarm Owner:	Cause:	Cancel:
0800	1	Perimeter Security	(888) 595-3836 x	Residence	RMI	Accidental activation	No

ReportIndex 200714971C11769NONE Zuniga, Jose Reviewed by: Eastus, Mark A. ID: 1542 at: 05-29-2007 1718

Start	End	Src	Code	Suf	Rpt D	No	Prefix	Street	Type	X Street	X Ty	Apt	City	Dispo	Dispo Text	Freq	Arre
0700	0730	D	9000	-	C0	1601	S	DE ANZA	BL				CU	-	ON DUTY	1	0
0730	0800	S	P	-	C3			DE ANZA	BL	STEVENS CREEK	BL		CU	-	NORMAL	1	0
0800	0815	R	6200	-	C5	18920		FORGE	DR				CU	N	ALARM CARD	1	0
0815	0835	R	7260	-	L1	26760		ST FRANCIS	DR				CU	X	71L1/6200	1	0
0835	1115	R	5940	-	C1	10121	N	FOOTHILL	BL				CU	R	07-149-0076C	1	0
1115	1240	R	4880	-	C2	10330	N	FOOTHILL	BL			A15	CU	R	07-149-0139C	1	0
1240	1255	S	5525	-	C1			FOOTHILL	BL	CRISTO REY	DR		CU	-	07-149-0076C	1	0
1255	1320	R	7260	-	C9	19140		STEVENS CREEK	BL				CU	X	71C9/4150	1	0
1320	1400	S	P	-	C3			DE ANZA	BL	HOMESTEAD	RD		CU	-	NORMAL	1	0
1400	1450	S	5525	-	C2			BANDLEY	AV	ALVES	DR		CU	-	07-149-0139C	1	0
1450	1500	R	7260	-	C9	10618		LARODA	DR				CU	X	71C6/7225	1	0
1500	1530	D	9005	-	C0			STEVENS CREEK	BL	MARY	AV		CU	-	COMPLETE	1	0
1530	1600	S	P	-	C3			STEVENS CREEK	BL	DE ANZA	BL		CU	-	NORMAL	1	0
1600	1630	D	5110	-	C0	11030		DOYLE	RD				CU	-	COMPLETE	1	0
1630	1700	D	9000	-	C0	1601	S	DE ANZA	BL				CU	-	OFF DUTY	1	0

Activity Code	Activity Code Description	Activity Code	Activity Code Description
1135	Narcotics, Felony	4150	Disturbance, Family
1155	Narcotics, Misdemeanor	4151	Disturbance, Fighting
1202	Weapons, Felony	4152	Disturbance, Loud Music
1203	Weapons, Misdemeanor	4153	Disturbance, Adult Party
1230	Bombing	4154	Disturbance, Adult

1235	Bomb Threat	4155	Disturbance, Juvenile Party
1480	Resisting Arrest/Interfering with Officer	4156	Disturbance, Juvenile
1870	Homicide	4157	Disturbance, Phone Calls (653m)
2070	Kidnapping	4158	Disturbance, Animal
2110	Robbery, Armed	4300	Lost Property
2115	Robbery, No Weapon	4305	Lost Property, Found
2400	Assault, Firearm	4310	Lost Bicycle, Found
2401	Assault, Knife	4510	Arson, Building
2402	Assault, Dangerous Weapon	4515	Arson, Other
2403	Assault, Felony	4532	Escape
2404	Assault, Misdemeanor	4590	Burglary, Residential
2405	Assault/Battery Against Officer	4591	Burglary, Commercial/Industrial
2430	Domestic Violence, Misdemeanor	4592	Burglary, Institutional
2435	Domestic Violence, 13700 Report	4593	Burglary, Vehicle
2560	Alcohol, ABC/Liquor Laws	4700	Theft, Identity
2565	Alcohol, Sales to Minor	4701	Theft, Mail
2570	Alcohol, Possession by Minor	4702	Theft, Forgery/Fraud
2610	Rape	4703	Theft, Auto
2615	Unlawful Intercourse	4704	Theft, Auto, Recovered
2730	Domestic Violence, Felony	4870	Grand Theft
2735	Child Abuse/Neglect/Assault	4875	Grand Theft, Firearm
2740	Contributing to Delinquency	4880	Petty Theft
2745	Other W and I Violations	4885	Petty Theft, Shoplift
2880	Indecent Exposure	5000	Warrant, Felony, Arrest
2885	Lewd/Lascivious/Molestation	5005	Warrant, Felony, Attempt
2890	Other Sex Offense, Misdemeanor	5010	Warrant, Felony, Walk-in
2895	Other Sex Offense, Felony	5015	Warrant, Felony, Self-Surrender
3000	Document Service	5020	Warrant, Misdemeanor, Arrest
3005	Document Service, Attempt	5025	Warrant, Misdemeanor, Attempt
3010	Other Document, Not Found	5030	Warrant, Misdemeanor, Walk-in
3015	TRO, Served	5040	Warrant, Misdemeanor, Self-Surrender
3020	TRO, Not Found	5045	Warrant, In-Field Citation
3025	Eviction, Posted	5050	Warrant, Research
3030	Eviction, Seized	5100	Equipment Service, Minor Repair
3035	Eviction, Moved	5110	Equipment Service, Refuel
3040	Eviction, Cancelled	5150	Mental Illness Call
3045	Real Property, Served	5155	Welfare Check
3050	Real Property, Recorded	5160	Person Sick
3055	Real Property, Sale	5500	Follow-up, Felony
3060	Real Property, Released	5505	Follow-up, Misdemeanor
3065	Civil, Warrant, Attempted	5510	Follow-up, Muni Code
3070	Civil, Warrant, Booked	5515	Follow-up, County Ordinance
3075	Civil, Warrant, Bailed	5520	Follow-up, Other
3080	Civil, Warrant, Recalled	5525	Report Writing
3085	Personal Property, Seized	5530	Delivery, Documents/Property/Evidence
3090	Personal Property, Seized, Business	5940	Vandalism, Felony
3095	Personal Property, Demand	5941	Vandalism, Misdemeanor
3100	Personal Property, Posted Sale	5942	Garbage Dump
3105	Personal Property, Sale	6070	Trespass
3110	Personal Property, Released	6200	Alarm, Intrusion
3115	Personal Property, Attempts	6205	Alarm, Robbery
3120	Personal Property, Not Found	6210	Alarm, VTA
3500	Death, Accidental	6215	Alarm, Lifesaver
3505	Death, Drowning	6220	Alarm, Perimeter Fence
3510	Death, Natural	6300	Accident, Aircraft

3515	Death, Suicide	6305	Accident, Gunshot
3520	Death, Unknown Cause	6310	Accident, Home

6315	Accident, Industrial	7880	K9, No Deployment, Outside Agency
6470	Disorderly Conduct, Drunk	8000	Accident, Fatal
6475	Disorderly Conduct, Prowling	8005	Accident, Injury
6700	Foot Patrol	8010	Accident, Property Damage
6705	Bicycle Patrol	8015	Accident, No Details
6710	Patrol Check, Business	8020	Accident, Bicycle
6715	Patrol Check, Residential	8025	Accident, Pedestrian
6720	Patrol Check, Park	8030	Hit-Run, Fatal
6721	Patrol Check, Main Jail	8035	Hit-Run, Injury
6722	Patrol Check, VMC, Hospital Guard	8040	Hit-Run, Property Damage
6723	Patrol Check, Other, Hospital Guard	8045	Hit-Run, No Details
6725	Patrol Check, Institution	8050	DUI, Fatal
6730	Surveillance, Stakeout	8055	DUI, Accident, Injury
7000	Felony, Other	8060	DUI, Accident, Property Damage
7005	Misdemeanor, Other	8065	Follow-up, Traffic
7010	County Ordinance Violation, Arrest	8300	Citation, Moving Violation
7011	County Ordinance Violation, Warned	8305	Citation, Moving Violation, Speed
7015	Muni Code Violation, Arrest	8310	Citation, Mechanical Violation
7200	Civil, Standby	8315	Citation, License/Registration
7205	Escort/Security	8320	Citation, Parking Violation
7210	Suspicious Circumstances	8325	Citation, Bicycle
7215	Suspicious Person	8330	Citation, Pedestrian
7220	Suspicious Vehicle	8335	Citation, Traffic, Other
7225	9-1-1, Unfounded	8340	Citation, County Ordinance
7230	Towed Vehicle	8345	Citation, Muni Code
7235	Vehicle Abatement, Towed (AVASA)	8350	Citation, Boating Violation
7240	Vehicle Abatement, Search/Marked	8355	Violation, Traffic, Warned
7245	Assist, Felony	8360	Violation, Bicycle, Warned
7250	Assist, Misdemeanor	8365	Parking Enforcement, No Citation
7255	Assist, Traffic	8370	Muni Code Violation, Warned
7260	Assist, Other	8380	Boating, Violation, Warned
7265	Assist, Medical Aid	8385	Radar Enforcement
7270	Assist, Fire	8390	Traffic, Monitoring
7275	Assist, Other Police	8395	Traffic, Control
7280	Assist, Other Agency	8400	Radar Trailer
7285	Transport Prisoner, DUI	8500	DUI, Misdemeanor
7290	Transport Prisoner, Other	8505	DUI, Felony (3 Priors)
7500	Missing Person, Juvenile	8510	DUI, Boating
7505	Found Person, Juvenile	8800	Public Appearance
7510	Uncontrollable Juvenile	8805	Court Apearance
7515	Missing Person, Adult	8810	Public Event
7520	Found Person, Adult	8815	Court Bailiff Duty
7525	Missing Person, Search	8820	Citizen Aid
7530	Animal Bite	8825	Aid, Stranded Motorist
7535	Stray Animal	8830	Attempt to Contact
7540	Sick/Injured Animal	8835	Boating, Inspection
7800	K9, Building Search	8840	COP, Project
7805	K9, Area Search	8845	COP, Meeting
7810	K9, Suspect Track	8850	COP, Follow-up
7815	K9, Evidence Search/Track	9000	Beat Preparation

7820	K9, Narcotics Search	9005	Meal
7825	K9, Explosive Search	9010	Desk Activity
7830	K9, Assistance, No Deployment	9015	Probation Search, Juvenile
7835	K9, Crowd Control	9020	Probation Search, Adult
7840	K9, Public Demo	9025	Training
7845	K9, Officer Protection	9030	Conference with Superior Officer
7850	K9, Building Search, Outside Agency	9035	Conference with Ranger
7855	K9, Area Search, Outside Agency	9040	On-Duty K9 Maintenance
7860	K9, Suspect Track, Outside Agency	9045	K9, Training
7865	K9, Evidence Search, Outside Agency	9050	Vehicle Exchange
7870	K9, Narcotics Search, Outside Agency	9055	Travel Time
7875	K9, Explosive Search, Outside Agency	P	Patrol

Phase I Sign-Off Material

ETHICS

The trainee shall identify law enforcement ethical standards (Law Enforcement Code of Ethics, and the Code of Conduct) and explain or demonstrate how they apply to ethical decision-making.

Reference: G.O. #1.00, Code of Ethics, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall illustrate, through explanation or example, the following aspects of ethical conduct:

a. A deputy shall not engage in any conduct or activities on or off duty that reflect discredit on the deputy, bring the Sheriff's Office into disrepute, or impair its efficient and effective operation.

b. Deputies shall conduct themselves in a manner that will foster cooperation among members of the Sheriff's Office, showing respect, courtesy, and professionalism in their dealings with one another.

c. Deputies shall not use language or engage in acts that demean, harass, or intimidate another.

d. Deputies shall conduct themselves toward the public in a civil and professional manner that implies a service orientation and that will foster public respect and cooperation.

e. Deputies shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of duty.

f. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, deputies shall adhere to the department’s use-of-force policy and shall observe the civil rights and protect the well being of those in their charge.

Reference: G.O.s #1.00, #11.00, Standards of Conduct, Code of Ethics, #12.00, Use of Force, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall review and explain the General Orders and/or policy and procedures associated with conduct both on and off duty.

Reference: #11.00, Standards of Conduct, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

DECISION MAKING

The trainee shall explain the most common limitations of their discretionary authority, to include:

a. Law
b. Departmental policy and procedure
c. Departmental goals and objectives
d. Community expectations
e. Officer safety

Reference: G.O.s #11.00, Standards of Conduct, #12.02, Use of Firearms, #13.01, Emergency Operations of a Vehicle, #23.04, Diplomatic Immunity, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

Given various scenarios, simulated incidents, or calls for service the trainee shall identify and conclude which of the following are acceptable decisions:

a. Arrest
b. Cite and Release
c. Referral
d. Verbal warning
e. No action

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

LEADERSHIP

The trainee shall identify and develop effective leadership strategies that provide purpose, direction, and motivation to co-workers and community members.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall illustrate through explanation or example how each of the following leadership competencies can affect his/her skills and abilities as a deputy:

a. Integrity
b. Credibility
c. Trust
d. Discretion
e. Duty
f. Loyalty
g. Honesty

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

USE OF FORCE

LEGAL AND ETHICAL ISSUES

The trainee shall review and discuss the legal and ethical considerations pertaining to the use of force, including "reasonable force."

Reference: G.O. #12.00, Use of Force, 835 PC; 835a PC; 843 PC; 198 PC, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain agency policy, legal ramifications, and civil liabilities attached to both the deputy and the agency through the use of physical force or deadly force.

Reference: G.O. #12.00, Use of Force, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall identify and evaluate situations that justify the use of deadly force and those situations that do not justify such use.

Reference: 196 PC; 198 PC; 835a PC; 843 PC

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

FORCE OPTIONS

The trainee shall explain what is meant by ‘force options’ and provide examples of each that would fall within legal and moral limits, to minimally include:

a. Non-verbal/police presence
b. Verbal (Tactical communication)
c. Physical (Weaponless)
d. Less lethal weapons

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

CHEMICAL AGENTS

The trainee shall explain the regulations governing the use of chemical agents, including the follow-up procedures for persons who have had it applied to them, and the reporting procedures in cases where it is used.

Reference: G.O. #12.00, Use of Force

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

DEADLY FORCE

The trainee shall explain considerations to be made when determining whether or not to resort to the use of deadly force. These considerations shall minimally include:

a. Type of crime and suspect(s) involved
b. Threat to the lives of innocent persons
c. Law and agency policy
d. Officer's present capabilities
e. Capabilities of officer's weapon

Reference: G.O. #12.00, Use of Force, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

USE OF FORCE:

The trainee shall demonstrate knowledge regarding the Sheriff's Office Use of Force Policy:

a. Familiar with appropriate General Order
b. Use of force continuum
c. Procedures for reporting/documenting

Reference: G.O. #12.00, Use of Force

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

FIREARMS POLICY:

The trainee shall demonstrate knowledge regarding the Sheriff's Office Firearms Policy:

a. Familiar with the General Order
b. Drawing and exhibiting firearm
c. Conditions when firearm may be discharged
d. Procedure when firearm is discharged
e. Procedure when injury or death results from discharge of firearm
f. Approved firearm and ammunition
g. Shooting review board
h. Firearms use report

Reference: G.O., Article XII, Use of Force and Firearms, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

USE OF FIREARM:

The trainee shall demonstrate knowledge relating to the Sheriff's Office Use of Firearm policy:

a. Warning shots
b. Ready position for pistol and shotgun
c. Shotgun:
    1. Authorized weapons
    2. Obtaining
    3. Inspection prior to going to beat
    4. Handling, loading, securing
    5. Removal from vehicle rack
    6. Unloading/end of shift

Reference: G.O., Article XII, Use of Force and Firearms, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

OFFICER SAFETY

CONTACT AND COVER (PRIMARY/BACKUP)

The trainee shall explain and demonstrate contact officer tactics and responsibilities to include:

a. Primary responsibility dealing with situation/suspect(s)/victim(s)/witness(es)/RPs
b. Records incident information (FIs)
c. Performs pat down and custody search of suspect(s)
d. Issues all citations
e. Recovers evidence and contraband
f. Handles routine radio communications
g. Relays pertinent information to cover officer and medical personnel
h. Watches hand movement

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain and demonstrate cover officer tactics and responsibilities to include:

a. Approach
b. Cover positions with vehicle(s) and person(s)
c. Position of advantage
d. What to watch for:
   1. Hands in pockets or otherwise concealed
   2. Weapons or contraband
   3. Hostility or anger
   4. The approach of other persons or vehicles
   5. Symptoms of intoxication or illness
   6. Potential reactions and escape
e. Communications with contact officer/danger signals
f. Position of assistance, if needed, during arrest
g. Provides assistance as directed by contact officer

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

BODY ARMOR

The trainee shall discuss benefits, limitations, and characteristics of protective body armor, including.

a. Benefits for wearing
b. Types of body armor
c. Level of protection against firearms
d. Level of protection against knives and other penetrating weapons

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

OFFICER SURVIVAL

The trainee shall identify and explain the importance of physical, mental, and emotional conditioning in officer survival. These shall minimally include:

a. Concept of tactical retreat
   1. Pre-planning (mental scenarios)
   2. Reduction of unnecessary risks (stress management, “keeping your cool”)
b. Mental conditioning
   1. Will to live
   2. Continue to fight, regardless of odds
   3. Mental alertness
   4. Self-confidence
c. Physical conditioning
   1. Agency policy on physical fitness and officer standards
   2. Role of good health and nutrition
d. Weapon retention

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

PURSUIT POLICY

The trainee shall demonstrate knowledge and competence in the areas relating to the Sheriff’s Office Pursuit Policy:

a. Familiar with the General Order
b. Initiating of pursuit
c. Motorcycles/unmarked vehicle
d. Authorized number of units
e. Communications coordination
f. Termination of pursuit
g. Roadblocks/other tactics
h. Helicopter assistance
i. CHP Pursuit Form 187

Reference: G.O. #13.01, Emergency Operation of a Vehicle, #13.02, Pursuit Procedures

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall demonstrate knowledge and competence in the areas relating to the Sheriff’s Office Emergency Operations of a Vehicle policy:

a. Familiar with the appropriate General Order
b. Know the following CVC sections
   1. 165
   2. 14602.1

3. 21055
4. 21056
5. 21057
6. 21806(a)

c. Know the definitions of:
   1. Code One,
   2. Code Two, and
   3. Code Three driving

d. Know what constitutes Code Three (Lights/Siren)

e. Liability when operating an emergency vehicle

f. Obtaining clearance/advising for a Code Three response

g. Know definitions of:
   1. Code 20
   2. Code 30
   3. 11-96 response

Reference: G.O. #13.01, Emergency Operation of a Vehicle, #13.02, Pursuit Procedures, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

PATROL VEHICLE INSPECTION

The trainee shall explain the purposes of a vehicle inspection prior to driving. These shall minimally include:

a. Prevention of accidents
b. Promotion of operational efficiency
c. Reduction of maintenance and repair costs
d. Location of contraband, evidence, or property

Reference: TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain agency policy regarding proper maintenance of the police vehicle. This explanation shall minimally include:

a. The procedure for turning in a damaged or mechanically deficient vehicle for repair
b. The proper documentation to be completed

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall conduct a patrol vehicle pre-shift inspection, to include:

a. Visual check of vehicle exterior for damage and the tires for wear and proper inflation
b. An inspection of the trunk for the spare tire and required equipment
c. An operations check of the vehicle equipment (lights, horn, etc.) and the emergency equipment (light bar, siren, public address system, etc.)
d. An inspection of the firearms/weapons and release systems
e. An inspection of vehicle interior that includes checking behind the sun visors, in the glove box, and beneath the seats for contraband, evidence, property, or items left from a previous shift

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

PATROL VEHICLE OPERATIONAL SAFETY

The trainee shall review and explain issues related to driving techniques, including:

a. Backing
b. Parking
c. Right-of-way violations
d. Passing
e. Excessive speed

Reference: G.O.s #13.00, Use of Sheriff's Office Vehicles, #13.01, Emergency Operations of a Vehicle, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall discuss the factors which influence the overall stopping distance of a vehicle, including:

a. Driver condition
b. Vehicle condition
c. Environmental conditions, including road surfaces
d. Vehicle speed
e. Reaction time and distance
f. Braking distance
g. Knowledge of anti-lock braking systems

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall identify the components of “defensive driving.” These shall include:

a. Driver attitude
b. Driver skill
c. Vehicle capability
d. Seat belt usage

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

EMERGENCY VEHICLE OPERATIONS/PURSUITS

The trainee shall identify the tactics that should be utilized by the driver of an emergency vehicle while in a pursuit or any other emergency response. These tactics shall minimally include:

a. Slowing for intersections
b. Careful observation at cross streets
c. Caution when passing other vehicles
d. Constant alertness for any unforeseen hazard
e. Using a well-planned route of travel in emergency response situations

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

VEHICLE OPERATION LIABILITY

The trainee shall discuss how a deputy operating a law enforcement vehicle under non-emergency conditions is subject to the same "rules of the road" as any other driver.

Reference: 21052 VC

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the exemption requirements of the Vehicle Code regarding the use of red lights and siren, under Sections 21055(b) and 21807.

Reference: 21055, 21807 CVC, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

RADIO COMMUNICATIONS

The trainee shall demonstrate knowledge of agency radio procedures and proficient use of the radio including:

a. Waiting until the air is clear before pressing the transmit button.
b. Pressing the transmit button firmly and speaking calmly and clearly into the microphone.
c. Avoiding over-modulation by speaking moderately into the microphone.
d. Knowing the meaning of "emergency traffic only" and always saving routine and non-emergency transmissions until the termination of "emergency traffic only" status.
e. Knowing the call signs, assignments, and beat locations of other units in the area.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the proper use of the police radio and transmissions to maintain control of a vehicle pursuit. Appropriate transmissions shall minimally include:

a. Identification of the vehicle in pursuit
b. What the vehicle or occupant(s) is wanted for
c. Complete description of the vehicle, including license number
d. Number of occupants and possibility of weapons
e. Direction of travel
f. Approximate speed
g. Conditions (light or moderate traffic, dry or wet pavement, damage to suspect vehicle, etc.)
h. Necessity for backup and number of units needed
i. Location of stop

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

INFORMATION SYSTEMS/TELECOMMUNICATIONS

The trainee shall give examples where inquiries into a law enforcement information system would be necessary. These may include:

a. To locate information on lost, stolen, or recovered property (including vehicles)
b. To establish probable cause for a search or an arrest
c. To verify the validity of a warrant
d. To verify the validity of a driver's license, vehicle registration, or occupational license
e. To determine if a person is wanted
f. To determine the status of a person on parole or probation
g. To report or locate a missing person

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall be able to identify the law enforcement information systems used by the agency including:

a. Automated Property System (APS)
b. Stolen Vehicle System (SVS)
c. Wanted Persons System (WPS)
d. Automated Firearms System (AFS)
e. Domestic Violence Restraining Order System (DVROS)
f. Missing Unidentified Person System (MUPS)

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

REPORT WRITING

The trainee shall exhibit an appropriate knowledge of the flow of completed reports and the relative importance of the information that they contain.

Reference: Report Writing Guide, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

The trainee shall explain the qualities of a good police report. These shall include:

a. Accuracy
b. Brevity
c. Completeness
d. Clarity
e. Legibility/Neatness
f. Objectivity
g. Grammatical and structural correctness
h. Timely
i. First person/active voice/past tense

Reference: Report Writing Guide, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

The trainee shall identify the proper report forms to be utilized in given situations (i.e. missing persons, 11550 H/S, DUI, found property, etc).

Reference: Report Writing Guide, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

Following the completion of a preliminary investigation of a “cold” crime, the trainee shall record all pertinent information in correct format on the proper report form.

Reference: Report Writing Guide, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform

F.T.O.					Role Play Written Test Verbal Test			Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

The trainee shall prepare a report that minimally includes:

a. Organizing facts in chronological order
b. Relating facts in appropriate sentence form
c. Correctly filing in all appropriate boxes
d. Properly establishing who, what, when, where, why, how and how many
e. Properly establishing the elements of the crime(s), when appropriate

Reference: Report Writing Guide, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

Given an incident in which an arrest is made, the trainee shall demonstrate the ability to satisfactorily complete all the appropriate police reports involved, to minimally include:

a. The elements constituting the offense
b. A complete documentation of reasonable/probable cause to arrest
c. A complete description of all physical evidence, where it was found, and its disposition
d. A complete listing of all suspects, including whether or not they are in custody.

Reference: Report Writing Guide, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The deputy will explain the use of and demonstrate how to properly fill out the following forms:

a. Incident Report
b. Bicycle Report
c. Sharps label
d. Evidence sticker
e. CHP 180
f. Emergency Response/Cost Recovery
g. Time/Mileage Log
h. Pursuit Report

Reference: Report Writing Guide, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

FIELD NOTES AND NOTEBOOK

The trainee shall identify the types of information that may/should be entered into his/her field notes or notebook. This information may include:

a. Date, day, time, vehicle number
b. Name of partner or supervisor
c. Type of incident
d. Pertinent information
e. Names of suspects, victims, witnesses, and reporting persons

Reference: Report Writing Guide, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall recognize that the contents of field notes and notebooks are discoverable in a court proceeding.

Reference: Report Writing Guide, TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the necessity for field notes. The explanation shall minimally include:

a. Reference for future investigation
b. Reference for future court appearance
c. Beat or area information

Reference: Report Writing Guide, TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

Given an incident, the trainee shall properly use field notes or a note book to record pertinent information.

Reference: Report Writing Guide, TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

PRIVATE PERSON'S ARREST

The deputy will demonstrate knowledge related to Private Person's Arrest:

a. Criteria
b. Booking vs. citation
c. Completion of Incident Reports
d. Procedures involving juveniles

Reference: Patrol Procedure #B10, Private Person's Arrest, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

GENERAL POINTS OF LAW

The deputy will demonstrate knowledge on the following general points of Penal Code law:

a. Definition of a crime (15 PC)
b. Classification of crimes (16, 17, 18, 19 PC)
c. Corpus Delicti
d. Types of intent
e. Entrapment
f. Persons capable of committing a crime (26 PC)
g. Case law vs. statutory law

Reference: Appropriate Penal Codes, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The deputy will demonstrate knowledge on the following laws of arrest:

a. Peace Officer and authority (830.1 PC)
b. Arrest (834 PC)
c. How an arrest may be made (835, 835a, 843 PC)
d. When an arrest may be made (836 PC)
e. Posse Comitatus (839 PC)
f. Time an arrest may made (840 PC)
g. What a deputy must inform an arrestee (841 PC)
h. When a deputy may search a person and take a weapon (833, 846 PC)

Reference: Appropriate Penal Codes, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

CRIMINAL LAW

The trainee shall define certain terms as recognized in California criminal law. These shall minimally include:

a. Accessory
b. Accomplice
c. Criminal negligence
d. Corpus Delicti
e. Entrapment
f. Principal
g. Specific intent
h. Transferred intent

Reference: Appropriate Penal Codes, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

PROBABLE CAUSE

The trainee shall identify and explain the following elements of "reasonable suspicion" as those required to lawfully stop, detain, or investigate a person:

a. Specific and articulable facts
b. Crime related activity that has occurred, is occurring, or is about to occur
c. Involvement by the person to be detained in a crime-related activity

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall recognize and explain the deputy's right to search a person when probable cause to arrest exists.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

LAWS OF ARREST

The trainee shall explain a peace officer's legal authority to make an arrest.

Reference: 836 PC; 40300.5 through 40302

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the requirements for advising a person of his/her Miranda rights.

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the amount of force that may be used when effecting an arrest.

Reference: 835 PC; 843 PC

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the term “reasonable” as it applies to the use of force.

Reference: 835 PC

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall review and explain California law and Sheriff's Office policy concerning the use of physical force and deadly force.

Reference: 835 PC, 843 PC, G.O. #12.00, Use of Force

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

<u>JUVENILE LAW AND PROCEDURE</u>

The trainee shall explain applicable laws pertaining to the investigation of juvenile offenses and to the apprehension and detention of juvenile offenders. These shall minimally include:

a. Miranda advisement
b. 300 W&I; 305 W&I; 601 W&I; 602 W&I; 625 W&I; 627 W&I; 707 W&I; and any additional local ordinances/curfews

c. Laws pertaining to schools, including 626 PC
d. Secure/Non-secure detention of juveniles (206 W&I; 207 W&I; 207.1 W&I; and 207.2 W&I)

Reference: Appropriate Sections, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

ADDITIONAL LAWS

The trainee shall recognize the basic rights of all persons as granted by the United States Constitution and shall at all times adhere to those rights granted by the following amendments:

a. First – Freedom of religion, speech, press, and public assembly
b. Fourth – Search and seizure only by warrant or good cause
c. Fifth – Right to trial; no double jeopardy; no self incrimination; no punishment without due process; and no confiscation without compensation
d. Sixth – Right to a speedy trial
e. Eighth – Excessive bail prohibited
f. Fourteenth – Civil rights (see 18 USC, 242 – Color of law/authority)

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The deputy will demonstrate competence in the following juvenile matters:

a. Juvenile Contact Report (JCR)
b. Miranda advisement (625 W/I)
c. Notification of parents/phone calls (627 W/I)
d. Dependant juveniles (300 W/I)
e. Status offenders (601 W/I)
f. Law violators (602 W/I)
g. Medical clearance for juveniles
h. Fingerprints/photographs for juveniles
i. Juvenile detention log
j. Juvenile Detention Reform, Policy for Incarceration of Juveniles

Reference: See Above

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The deputy shall be able to accurately define the following terms:

a. Reasonable Suspicion
b. Probable Cause
c. Consensual Contact
d. Detention

Reference: California Legal Sourcebook, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

POLICE PATROL TECHNIQUES

The trainee shall explain the principle types of police patrol (preventative, directed enforcement, etc.) and their respective impacts on community relations.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
Trainee					Written Test Verbal Test			Written Test Verbal Test
Comments:								Case/Report No.:

The trainee shall explain the importance of positive daily personal contact with citizens.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
Trainee					Written Test Verbal Test			Written Test Verbal Test
Comments:								Case/Report No.:

PREVENTING AND DETECTING CRIME

The trainee shall explain and demonstrate techniques and procedures that improve a deputy's capabilities in preventing and detecting crime.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
Trainee					Written Test Verbal Test			Written Test Verbal Test
Comments:								Case/Report No.:

ADDITIONAL PATROL SAFETY

The trainee shall explain and/or demonstrate how to avoid making telltale “police noises,” such as:

a. Vehicle(s)
b. Radio noises
c. Key and whistle noises

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the importance of always keeping a subject’s hands in view.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

VEHICLE STOPS

The trainee shall explain various types of vehicle stops to minimally include:

a. Traffic violations
b. Investigative
c. High risk

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall identify and discuss the following elements to be considered when selecting the proper location for a vehicle stop:

a. Traffic hazards
b. Escape routes
c. Number of people present
d. Lighting conditions
e. Proper position of primary and backup units

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

The trainee shall demonstrate the proper distance from which the stop of another vehicle should be initiated. The distance should be:

a. Not so great as to encourage the driver to attempt to escape
b. Not so close as to present a hazard due to erratic actions of the driver
c. Enough to create a safety corridor (patrol car off-set left or right) for the safety of the officer(s) and vehicle occupant(s).

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

The trainee shall identify the inherent hazards involved when an officer conducts a vehicle stop. These hazards shall minimally relate to the:

a. Location of the stop
b. Reason for the stop
c. Officer's approach
d. Position the officer takes
e. Contact with the violator
f. Visibility

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain and/or safely demonstrate how to safely stop and approach vehicles other than automobiles:

a. Motorcycles and bicycles
b. Campers and vans
c. Buses
d. Trucks

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the advantages of the following procedures:

a. Obtaining the violator's driver's license, vehicle registration, and proof of insurance as soon as possible after the stop is made
b. Not accepting the violator's wallet in response to a request for a driver's license
c. Checking the validity and authenticity of a driver's license (including picture) and vehicle registration
d. Checking the signature of the violator on the citation
e. Issuing the proper copy of the citation to the violator

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					˺ Field Perform ˺ Role Play ˺ Written Test ˺ Verbal Test			˺ Field Perform ˺ Role Play ˺ Written Test ˺ Verbal Test
Trainee								
Comments:								Case/Report No.:

FELONY/HIGH-RISK VEHICLE STOPS

The trainee shall identify and discuss the important considerations taken when about to make a felony/high-risk vehicle stop. These elements shall minimally include:

a. Seriousness of the crime(s)
b. Availability of back-up
c. Location at which to make the stop
d. Tactics to be used after making the stop
e. Number of suspects involved

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

The trainee shall discuss the proper positioning of the police vehicle for a felony/high-risk vehicle stop.

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain verbal commands that should be used when removing suspect(s) from a vehicle prior to approaching on foot. These commands shall minimally include having the suspect:

a. Keep hands in sight at all times
b. Exit the vehicle (according to agency policy)
c. Assume position of disadvantage outside the vehicle

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the roles of both the primary and back-up officer(s) before, during, and after the stop. This discussion shall minimally include which officer:

a. Has the radio responsibilities
b. Assumes the shotgun responsibilities, if applicable
c. Communicates to the occupants
d. Searches the occupants and/or the vehicle

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

SEARCHING VEHICLES

The trainee shall identify and explain principles of a safe and effective search of a vehicle. These principles shall minimally include:

a. Proper removal and control of occupants
b. A systematic method of search

Given an incident, the trainee shall safely and effectively conduct a vehicle search.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

PEDESTRIAN STOPS

The trainee shall explain the concepts of consensual encounter and probable and reasonable cause to stop and detain.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the circumstances of making a lawful pedestrian stop. This explanation shall minimally include:

a. The existence of suspicious activity
b. The time of day or night
c. Reasonable suspicion to believe that the person being stopped may be involved in criminal activity.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall identify and discuss those tactical variables to consider when encountering a person on foot. The discussion shall minimally include determining:

a. Whether or not to stop the person
b. When and where to stop the person
c. Methods to utilize in stopping the person (approach on foot vs. in the vehicle)

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall properly and legibly complete the field interview (FI) report form.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

SEARCHING PERSONS

The trainee shall identify and explain the basic degrees of searches of person(s).
These shall minimally include:

a. Visual/cursory search
b. Pat-down search
c. Field search (standing, kneeling, prone)
d. Strip search
e. Body cavity search

Reference: 4030 PC

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall identify those places on the person of both males and females where dangerous weapons or contraband may be concealed.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall safely and effectively serve as a back-up officer while another officer conducts a search of one or more suspect(s).

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall read, discuss and competently demonstrate knowledge on the following codes:

a. 15 PC Crime and Public Offense Defined
b. 16 PC Kinds of Crimes
c. 17 PC Classifications of Crimes
d. 18 PC Punishment for Felonies
e. 19 PC Misdemeanor; Punishment
f. 26 PC Criminal Capability
g. 67 & 68 PC Bribes
h. 69 PC Threaten Public Officer
i. 146a, 538d PC Impersonate Peace Officer
j. 148(a)(1) PC Resist arrest
k. 148(b) PC Remove weapon
l. 148.1 PC False bomb report
m. 148.3 PC False report of emergency
n. 148.5 PC False crime report
o. 148.9 PC False ID
p. 148.10 PC Resist w/injury
q. 31 VC False info

Reference: See Above

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall read, discuss and competently demonstrate knowledge on the following codes:

a. 240 PC Assault
b. 241 PC Assault on Peace Officer
c. 242 PC battery
d. 243 PC Battery on Peace Officer
e. 244 PC Assault w/caustic chemical
f. 245 PC Assault with a deadly weapon

Reference: See Above

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall read, discuss and competently demonstrate knowledge on the following codes:

a. 459 PC Burglary
b. 484 PC Theft defined
c. 487 PC Grand theft
d. 488 PC Petty theft
e. 485 PC Misappropriation of found property
f. 496 PC Receiving stolen property
g. 499(b) PC Joyriding
h. 530.5 PC ID theft
i. 537 PC Defraud innkeeper
j. 10851 VC Auto theft

Reference: See Above

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall read, discuss and competently demonstrate knowledge on the following codes:

a. 404 PC Riot
b. 407 PC Unlawful assembly
c. 409 PC Refusal to disperse
d. 415 PC Disturbing the peace
e. 594 PC Vandalism:
   1. Misdemeanor
   2. Felony
f. 594.2 PC Vandalism tools
g. 594.3 PC Vandalism to religious property
h. 647 PC (all subsections)
i. 653(m) PC Annoying phone calls
j. 308(b) PC Minor possess tobacco

Reference: See Above

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall read, discuss and competently demonstrate knowledge on the following Santa Clara County Law Enforcement Protocols, General Orders and Field Enforcement Bureau Patrol Procedures during Phase I:

Santa Clara County Law Enforcement Protocols:

Santa Clara County Law Enforcement Protocol: Juvenile Detention Reform
Santa Clara County Law Enforcement Protocol: Juvenile Fingerprint/Data Entry into CJIC
Santa Clara County Law Enforcement Protocol: Joint Law Enforcement and Social Worker Child Abuse and Neglect
Santa Clara County Law Enforcement Protocol: Line-up.
Santa Clara County Law Enforcement Protocol: Identity Theft Guidelines
Santa Clara County Law Enforcement Protocol: Hate Crimes

General Orders:

Article I, Ethics and Values (Inclusive)
General Order #3.00, Chain of Authority
General Order #7.00, Responsibility for County Property
General Order #7.03, Use of Sheriff's Office Computers
General Order #9.00, Taking or Returning from Leave, Disability or Suspension
General Order #9.01, Leave of Absence
General Order #9.03, Minimum Time Off
General Order #9.06, Employee Personal Injury or Death
General Order #9.08, Reporting Employee Injuries
General Order #10.00, Equipment Control and Maintenance
General Order #10.01, Uniform and Equipment Regulations
General Order #10.03, Grooming and Appearance
General Order #11.00, Standards of Conduct
General Order #11.02, Harassment and Discrimination
Article XII, Use of Force (Inclusive)
General Order #13.00, Use of Sheriff's Office Vehicles
General Order #13.01, Emergency Operations of a Vehicle
General Order #13.02, Pursuit Procedures
General Order #13.03, Collision of County Vehicles
General Order #15.02, Outside Employment and College Attendance
General Order #15.07, CPR and First Aid
General Order #16.00, Criminal History Information
General Order #17.07, Hate Crimes
General Order #17.04, Stranded Motorist
General Order #19.00, Field Training Program
General Order #19.01, Canine Procedures
General Order #22.00, County Law Enforcement Protocols
General Order #22.03, Juvenile Procedures
General Order #23.01, Inter-Agency Coordination
General Order #23.04, Diplomatic Immunity
General Order #24.00, Media Relations

Field Enforcement Bureau Patrol Procedures:

#A2-4	Deputy Sheriff, Field Enforcement Bureau
#A2-4.2	Deputy Sheriff, Field Enforcement Bureau Contract Cities
#A2-6	Duty Assignments
#A4	In-Field Patrol Vehicle Repairs
#A-5	Notice to Appear/Court Appearance
#A7	Patrol Car Surveillance System
#A8	Sheriff's Office/Fire Department Coordination
#B3-1	Juvenile Matters
#B3-2	Juvenile Contacts
#B3-3	Juvenile Matters: 22454(a) CVC Reporting, School Bus Red Lights Flashing
#B3-4	Juvenile Matters: Removal of Juveniles From Juvenile Hall/Institutions
#B3-5	Juvenile Matters: Reporting of School Crimes/Incidents
#B3-6	Juvenile Matters: Juveniles Living in Group Homes
#B3-8	Juvenile Detention Reform: Law Enforcement Policy for the Incarceration of Juveniles
#B4	Drawing Single/Multiple Event Numbers
#B7-2	Use of Field Interrogation Cards
#B10	Private Person's Arrest
#B17	The "WRAP" Restraint System
#B24	Requesting Helicopter Assistance
#B30	News Medial Relations
#B26	Foreign National Detention Policy, 834c PC
#B29	Public Assistance

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Phase I Sign Off Sheet

The material required in the Phase I portion of the Field Training Manual has been explained and/or demonstrated to the trainee during this portion of training and the trainee has demonstrated competence in all items signed off.

Acknowledgement of FTO that the above training was provided to the trainee.

FTO_____ Date_____

Acknowledgment of the trainee that he/she was provided this training and understands the material that was presented by the FTO.

Trainee_____ Date_____

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PHASE II MATERIAL

The following section contains material related to the second phase of the Field Training Program.

Person Searches

Person search techniques have been designed to provide peace officers with a margin of safety while giving them an advantage over the suspect. Person searches usually are done as part of a detention or arrest procedure.

Technically, plain view (visual) searches are not searches. They do not require **reasonable suspicion** or **probable cause**. A visual search is part of a deputy's general awareness, one of the basic principles of weaponless defense.

As peace officers approach a suspect, they should be aware of, as a minimum, the:

- Suspect's clothing.
- Location of the suspect's hands.
- Proximity of the suspect's obvious or potential weapons.

A **patdown/frisk** person search is a search of a legally detained person to ensure the safety of the officer from an unexpected assault. Deputies exercise the least amount of control over the suspect during a patdown/frisk than during other types and degrees of person searches.

To lawfully conduct a patdown/frisk, deputies must have:

- Lawfully detained the suspect, and
- Have articulable facts which support a reasonable suspicion that the suspect may be armed or dangerous.

The scope of a patdown/frisk is limited to searching:

- For *weapons only*, and
- The suspect's outer clothing.

During the search, once the searching deputy realizes or decides an item is not a weapon, the deputy must move on with the search.

A **consent search** is a search conducted by peace officers with the *expressed or implied consent* of the person to be searched. By consenting, the suspect has temporarily relinquished any expectation of privacy over the area to be searched.

There are two conditions that are required for an officer to conduct a consent search.

1. The officer must have the clear, voluntary, and unequivocal consent of the person to be searched.
    - *Expressed consent* is given orally or in writing.
    - *Implied consent* may be manifested by signs, actions, or gestures.
2. The person to be searched must have the actual or apparent authority to consent to the search.

The scope of a consent search is limited to those areas specifically consented to by the suspect (e.g., pockets, handbags, etc.).

A **search incident to an arrest** is a person search that takes place at or near the time of a lawful arrest. This type and degree of search permits deputies to search for and seize weapons or crime-related evidence which the suspect might otherwise use or destroy.

The requirements of a lawful person search incident to and arrest include the following.

- The search must be pursuant to a custodial arrest.
- The arrest must be lawful.
- The search must be a part of the arrest procedure.

The scope of a search incident to arrest includes any area within the arrestee's immediate control. This may include:

- Full searches of an arrestee's person.
- Containers on the arrestee's person, regardless of the kind of crime the person is being arrested for.
- The nearby physical area from which the arrestee could grab a weapon, or conceal evidence.

<u>Elements of an Effective Person Search:</u>

Conducting a person search properly, efficiently, and safely is one of the most important steps in a detention or arrest procedure. There are a number of techniques deputies can choose from with varying levels of officer control over the suspect. No matter what technique is used, though, there are issues and principles common to all.

Every search carries an element of danger both to the deputy, as well as the potential for an escape by the suspect. A deputy's ability to apply the three principles of weaponless defense are critical. They are:

- Awareness
- Balance
- Control

A deputy's first goal when conducting a person search is to *maximize his or her own personal safety*. By following a systematic approach and process while conducting a person search, deputies are less likely to overlook a potentially dangerous weapon.

A systematic search should include the most likely areas where a weapon might be hidden. This includes but is not limited to the suspect's:

- Front waistband,
- Upper body (including the chest, front pockets, armpits, sleeves, and sides),
- Back (including the rear waistband and buttocks area, and
- Lower body (including the legs and ankles).

Introduction to Restraint Devices:

Restraint devices, such as handcuffs, are safety devices for both the deputy and prisoner. They may limit a suspect's movement and restrict actions, but they do not provide total control.

Deputies are responsible for their prisoners at all times while in custody. All restraint devices are *temporary* restraining devices used to limit a prisoner's actions. They do not totally immobilize a suspect.

There are a variety of devices that deputies can use to temporarily restrain suspects. Any restraint device used by deputies must be used only according to our department policies.

Although this chapter discusses the most widely used control device, handcuffs, there may be a number of other devices available to deputies.

The following list identifies some types of restraining devices.

- Handcuffs
- Plastic flex cuffs
- Leg restraint devices
- Full body restraints

Handcuffing

The most common restraint device available to deputies is their set of handcuffs. In order to maximize the effectiveness of a type of handcuffs, deputies must be knowledgeable and skilled in their use.

Double locking reduces the possibility of inflicting injury from handcuffs tightening further on the prisoner's wrists. It also reduces the possibility of the suspect picking or slipping the locking mechanism.

Care must be taken when removing handcuffs from a prisoner or exchanging handcuffs on the prisoner to ensure that the officer maintains control of the prisoner at all times.

Handcuffs are merely *temporary* restraining devices and do not totally immobilize a prisoner. Just because a suspect is handcuffed, does not mean that deputies can relinquish their responsibility to maintain constant control and observation of a prisoner.

There are several acceptable ways of handcuffing suspects that will diminish the possibility of injury or death to deputies. The FTO will show the trainee several different handcuffing techniques that incorporate proper officer safety concepts. The trainee should also be shown how to properly place and remove "flex-cuffs" from a suspect. Special emphasis will be placed on the following:

- Maintaining constant control of subject and handcuffs.
- Proper positioning of subject's hands, key outlets, double-locking device, and checking for tightness.
- Acting as cover deputy during the handcuffing of a subject.

Ideally, a suspect's hands should (when handcuffed) be:

- Behind the suspect's back
- Palms facing outward

A deputy should not let down his/her guard once a suspect has been handcuffed. There have been many documented incidents of peace officers throughout the United States being injured or killed by a suspect that was either in the process of being handcuffed, or handcuffed and in the process of being taken to the jail.

Peace Officer Responsibilities in a Custodial Situation:

In order to carry out the judicial process effectively and safely, deputies must have a thorough understanding of their responsibilities and liabilities for the care, custody, and safety of prisoners along with ensuring the constitutional and statutory rights of prisoners.

Deputies who have custody of arrested persons are lawfully responsible for the care and safekeeping of those individuals.

Custody refers to the immediate care or charge of an arrested person. An **arrest** is the taking of a person into custody, in a case and manner authorized by law. From the moment of a lawful arrest through the formal process of incarceration into a detention facility, the arrested person remains in the custody of peace officers.

There are numerous terms which refer to peace officers who are responsible for the care and custody of arrested persons. At the time of the initial arrest, the *arresting deputy* is responsible for the care and custody of an arrested person. The arresting deputy may or may not also be the *transporting deputy*, responsible for transporting the arrested person to a local detention facility.

As the arrested person moves through the formal process of incarceration into a local detention facility, the care and custody of that person is the responsibility of custodial personnel, including the *intake officers* or receiving officers.

All peace officers have certain general responsibilities in a custodial situation.

These general responsibilities include:

- Assuring that there is a lawful basis for custody,
- Protecting the constitutional and statutory rights of the arrested person while that person is in the officer's charge,
- Maintaining the care, custody, and safety of the arrested person until that person is processed into a local detention facility,
- Maintaining officer and public safety, and
- Handling those responsibilities necessary to facilitate the processing of the arrested person into a detention facility.

Peace officers who have responsibility for arrested persons are liable for the safekeeping and standard of care of those persons. Failure to uphold the expected level of care under the provisions of state and federal laws or the **callous disregard** for an arrested person's safety will subject peace officers to:

- Departmental discipline (including termination),
- State prosecution for violation of penal code statutes,
- Federal prosecution for violation of federal civil rights law, and/or
- Civil lawsuits which may include punitive damages levied directly against individual officers.

Constitutional and Statutory Rights and Protections:

Peace officers are bound to protect the rights of all persons as guaranteed in the Amendments to the Constitution referred to as the Bill of Rights. Although arrested persons no longer have the right to the freedom of movement, they do retain certain other rights and protections under the law.

The first 10 amendments to the Constitution, commonly referred to as the **Bill of Rights**, were written to ensure that certain rights of people cannot be infringed upon by the government.

Although a person who has been lawfully arrested and is under the custody of peace officers relinquishes the right to freedom of movement, certain other rights remain, including:

- First Amendment (Freedom of Religion, Freedom of Speech)
- Sixth Amendment (Right to a Speedy Trial, Right to Legal Counsel)
- Eight Amendment (Protection From Cruel and Unusual Punishment)
- Fourteenth Amendment (Right of Due Process of Law, Right to Equal Protection)

Assault by a Public Officer:

Peace officers are given a special position of trust by their authority to use force on others. When dealing with arrested persons under their care and custody, it is particularly important that officers use only an appropriate and necessary amount of force. Excessive force is punishable by law.

The crime of assault by a public officer is covered under *Penal Code Section 149*.

In order for the crime of assault by a public officer to be complete, the necessary crime elements include:

- Every public officer who,
- Under color of authority,
- Without lawful necessity,
- Assaults or beats any person

The crime of assault by a public officer is classified as a felony.

An **assault** is an unlawful attempt, coupled with a present ability to commit a violent injury on another person.

Present ability is the present capability of the perpetrator to carry out the intended injury.

Violent injury, in the context of assault, means any act of trying to strike, kick, or otherwise harm someone; it does not require violence or actual injury. (e.g., spitting, throwing water, verbal abuse, etc.)

Under color of authority means a misuse of power. Officers acting under color of authority are using their positions as peace officers to commit acts that are not authorized.

In order for the crime of assault by a public officer to be complete, the act committed by the officer must be unlawful. An officer would not be liable for any act that is considered lawfully necessary. However, if an officer acts in a manner that goes beyond what would be considered lawfully necessary, that officer has committed a crime.

Cruel and Unusual Punishment:

Law enforcement officers are specifically prohibited from applying cruel or unusual punishment to a person in custody. This protection applies to prisoners in jails, reformatories, state hospitals, or any other state, county, or city institutions.

The crime of applying cruel or unusual punishment to a person in custody is covered under *Penal Code Section 673*.

In order for the crime of applying cruel and unusual punishment to be complete, the necessary crime elements include:

- Any person who,
- In a described location (i.e., a jail),
- Inflicts cruel, corporal, or unusual punishment (including certain specified acts, devices or lack of care)
- Which would injure or impair the health
- Upon a prisoner, inmate, or person confined.

The crime of applying cruel and unusual punishment is classified as a misdemeanor.

Cruel and unusual punishment is generally considered any cruel and degrading punishment not known to the common law; also any punishment so is proportionate to the offense as to shock the moral sense of the community. Also, courts have established limits on what is acceptable punishment, thereby defining cruel and unusual.

Inhumane or Oppressive Treatment:

Prisoners have the same legal rights as other citizens to humane treatment. Peace officers are prohibited from using inhumane or oppressive treatment against prisoners in their custody.

The crime of inhumane or oppressive treatment of a prisoner in custody is covered under *Penal Code Section 147*.

In order for the crime of inhumane or oppressive treatment by a peace officer to be complete, the necessary crime elements include:

- Any officer who
- *Willfully*
- Inhumanely treats or oppresses
- Any prisoner under his/her care or custody.

There are many ways to subject a prisoner to inhumane or oppressive treatment. Such treatment might include any of the following:

- Withholding basic necessities such as food, water, or medical care,
- Withholding privileges, without reason, and
- Taunting or other verbal abuse.

Violation of a Prisoner's Civil Rights:

In addition to the statutes affording prisoners certain rights and protections, California has legislation that protects all persons' constitutional rights from abuse by the government. Peace officers represent and symbolize the law. They have a special legal and professional responsibility to ensure that the civil rights of all citizens, including prisoners, are protected.

The crime of depriving a person of their civil rights is covered under *Penal Code Section 422.6(a)*.

Penal Code Section 422.6(a) makes it a crime for:

- Any person,
- *Whether or not acting under color of law,*
- Who shall by force or threat of force
- Willfully deprive any person of any legal right
- Based on that person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation,
- Or because the person perceives that the other person has one or more of those characteristics.

Color of law means an action carried out as if under the authority of law, but that is actually done in violation of the law. This statute is broader than federal civil rights law. It does not limit the violation of civil rights to government agents, such as peace officers or magistrates. Anyone who violates another's civil rights can be held liable.

The penalty for violation of this statute is:

- Imprisonment in a county jail not to exceed one year, or
- A fine not exceeding $5,000, or
- Both imprisonment and fine.

There are several U.S. statutes that protect a person's civil rights. Peace officers are subject to these laws and can be prosecuted if they violate these federal statutes.

Peace officers who are found guilty of violating the civil rights of prisoners may be subject to:

- Departmental discipline, up to and including termination,
- State prosecution for violation of penal code statutes,
- Federal prosecution for violation of federal civil rights law, and/or
- Civil lawsuits which may include punitive damages levied directly against individual officers.

Transportation of Prisoners

Officer Safety and Prisoner Transportation:

The time between a suspect arrest and incarceration is critical. A prisoner facing the loss of freedom can be extremely dangerous. If peace officers relax their vigilance during the transportation of a prisoner, that prisoner could become a safety threat to the officers or attempt to escape.

The unpredictable nature of the prisoner can create a serious threat to deputies while removing a prisoner from the scene of the arrest. The fact that prisoners may submit peacefully at the time of their arrest will not guarantee that the same prisoners will not resort to violence or trickery to escape during transportation.

When transporting a prisoner, deputies are responsible for:

- The safety of themselves, fellow officers, and others in the immediate area.
- Minimizing any opportunity the prisoner may have for escape.
- The welfare and safety of the prisoner.
- Obtaining medical evaluation for the prisoner when needed.

Certain elements must always be addressed to assure the safe and effective transportation of a prisoner.

- Search of the prisoner
- Search of the vehicle area
- Proper procedures for positioning the prisoner in the vehicle
- Use of safety belts
- Observation of the prisoner while transporting

Before transporting any prisoner, the deputy should search the prisoner for possible weapons. Confiscate any articles that can potentially be used for a weapon or is considered contraband. Each deputy should *personally* search each prisoner that will be transported in that deputy's vehicle. Do not depend on another deputy to search a prisoner. Once the prisoner is in the vehicle, the prisoner is the responsibility of the transporting officer.

Peace officers should always search the area where the prisoner is seated *before and after* transportation. This is key to officer safety. Tools, flares, flashlight, pens, pencils, or a weapon hidden by a previous prisoner could be found and used by a prisoner against a deputy or to cause self-inflicted harm. Although the interior of a transport car is always searched after delivering a prisoner, it should be searched again before transporting another prisoner.

Any prisoner, whether male, female, adult or juvenile, should be properly restrained prior to transporting. Normally, prisoners should be handcuffed with their hands behind their backs, unless the deputy is limited by special circumstances (e.g., prisoner's arm in a cast, obese prisoner).

<u>Positioning of the Prisoner in a Vehicle:</u>

To ensure the safety of both deputies and prisoners, and to always maintain control, prisoners should always be positioned properly within the vehicle for transporting.

Certain procedures always apply when positioning prisoners for transportation.

- Prisoners should be placed in and removed from a vehicle in a way that maintains control and advantage over the prisoner.
- A second deputy, if available, should act as a cover officer while the prisoner is being placed in the vehicle.

Prisoners should be seated in an upright position and wear seat belts during transportation. Seat belts help restrain the prisoner and increase the safety of the prisoner in case of an accident.

Deputies must observe prisoners closely while transporting them. When transporting a prisoner:

- Assume that any prisoner is an escape risk and a threat to officer safety.
- If available, have a backup or cover officer in the vehicle as well.

Prisoners should be positioned in the vehicle to:

- Ensure safety and welfare of the officers and prisoners.
- Allow for clear observation of the prisoners.

Booking Prisoners:

Securing Weapons in Detention Facilities:

All persons, including deputies, are prohibited from bringing weapons into a local detention facility, except under certain specified conditions and as authorized by facility authorities, this includes firearms and O/C spray.

With limited exceptions, deputies are included in the prohibition against bringing weapons into a detention facility. Because of this, officers are required to secure their weapons [redacted] In most cases, deputies are required to secure duty firearms in [redacted] Besides duty firearms, deputies are also required to secure other deadly weapons (back-up weapons, buck knives, etc.) Some facilities also prohibit ammunition, chemical agent devices, batons, and pepper spray.

Medical Care and Prescreening of Prisoners:

Deputies are responsible not only for the security of prisoners, but also the well-being of all prisoners in their care. This includes seeking or providing medical care when necessary.

Certain medical conditions require specialized care or treatment beyond the capabilities of a local detention facility. Detention facilities may refuse to accept arrested persons for incarceration under such conditions. The arresting or transporting deputy may be required to transport the arrested person to an agency-approved medical facility. For this reason, deputies should become familiar with the situations or conditions where it would be advisable to transport the arrested person to an agency approved medical facility first.

Once that person is cleared by medical personnel and a medical release form has been obtained, the arrested person can be taken to the local detention facility.

Conditions requiring urgent medical care include but are not limited to:

- Diabetic shock,
- Head injury,
- Severe bleeding,
- Drug overdose,
- Unresponsiveness or unconsciousness, or
- Chest pain.

Deputies must always remember that they have a responsibility to ensure that sick or injured persons receive appropriate medical attention. It may be difficult for an arresting or transporting deputy to determine if an arrested person's complaint of illness or injury is in fact bona fide. A complaint of illness or injury may be used by an arrested person as a means to obtain greater escape options or special attention/treatment.

In these situations, deputies must weigh issues of:

- Officer safety,
- Reasonableness of complaint/request,
- Basic common sense, and
- The individual circumstances.

The arresting deputy is responsible for informing custodial personnel and documenting any observable, known, or recognized signs of:

- Injury,
- Illness,
- Possible drug overdose,
- Mental incapacitation,
- Suicide risk, or
- Whether the person requires medication.

Custodial personnel should also be informed if the arrested person was exposed to OC spray, tasers, or if a carotid restraint or baton was used during the arrest process.

Arresting/custodial personnel are required to complete a prescreening medical questionnaire for each arrested person brought to a local detention facility. The purpose of performing a prescreening is to determine if the arrested person has any medical problems or conditions that need special care or attention.

Officer Responsibilities During Intake:

Intake is the process of transferring the care and custody of an arrested person from the arresting or transporting officer to the local detention facility.

Along with the general responsibilities peace officers have for the care and custody of arrested persons, custodial personnel are responsible for:

- Facility security including the protection of:
  - officers,
  - members of the general public, and
  - prisoners, and
- Providing adequate care for each prisoner including:
  - shelter,
  - meals,
  - general care, and
  - safety.

Upon entering a local detention facility, an intake officer or the arresting officer must take possession of the arrested person's personal property.

Seized property can include, but is not limited to:

- Jewelry,
- Wallet or purse,
- Money,
- Credit cards,
- Personal documents (e.g., driver's license).

Weapons, whether lawfully or unlawfully possessed by the arrested person, are seized at the time of arrest before the person is transported to a local detention facility. The officer who takes possession of the personal property must immediately provide the arrested person with a receipt for the property. *(Penal Code Section 4003)* Receipts are not issued for evidence or contraband.

All property taken from a prisoner must be noted and described on intake documents as "property taken." Most officers do not have the expertise to know whether an item is of value or not. What looks like diamonds could be glass. To prevent any question of the value of a piece of property, each item should be described in very straightforward, general terms. The condition of the item along with any brand names should be included with the description.

Physical Searches of Prisoners:

Searches are conducted on arrested persons in order to prevent weapons or contraband items from entering the facility. Such items would pose serious threats to the safety of officers and to the inmates.

Subjecting an inmate to arbitrary or unnecessary strip or body cavity searches is a violation of that person's state and federal constitutional protections against unreasonable searches and seizures. For that reason, strict policies and statutes have been written establishing the specific conditions under which searches can be conducted.

There are four types of searches that may be conducted in a local detention facility:

- Physical Searches
- Strip Searches
- Visual Body Cavity Searches
- Physical Body Cavity Searches

No person arrested for a misdemeanor or infraction offense can be subjected to a physical body cavity search unless a search warrant has been issued authorizing the search. All physical body cavity searches must be conducted by medical personnel but may be monitored by an officer.

Because of the potential violation of an inmate's constitutional rights, all strip and body cavity searches performed as a part of the intake process must be well documented. A copy of the written authorization along with identification of who authorized the strip or body cavity search must be retained in the agency's records. In the case of a physical body cavity search, a copy of the search warrant must also be retained. If requested, a copy of the written authorization for the strip or body cavity search must also be provided to the person being searched or that person's representative.

Persons with Disabilities

Protecting the Rights of Persons with Disabilities:

Deputies must understand the laws protecting the rights of persons with disabilities in order to serve all individuals to whom the laws apply. People with disabilities are not conditions or diseases. They are human beings with the same constitutional rights and protections as everyone else.

In order to understand the laws pertaining to persons with disabilities, deputies must first understand what the term **disability** means. A person is disabled if that person:

- Has either a *physical* or *mental impairment* that substantially limits that person from actively taking part in one or more *major life activity*,
- Has a record of a physical or mental impairment, or
- Is regarded as having a physical or mental impairment.

A **physical impairment** is a functional limitation that interferes with a person's abilities. A physical impairment can include, but not be limited to:

- Physical disabilities such as:
  - hearing impairment,
  - visual impairment,
  - neurological-based disorders (e.g., Alzheimer's disease, brain or spinal cord injury, etc.), or
  - other physical impairments. (e.g., amputation, etc.)

- Developmental disabilities such as:
  - mental retardation,
  - cerebral palsy,
  - epilepsy,
  - autism, or
  - other disabling conditions. (e.g., Down's syndrome, Tourette's syndrome, etc.)

A **mental impairment** refers to a group of disorders that can cause disturbances in thinking, feeling, or relating to others. They often result in an inability to cope with the ordinary demands of life. A mental impairment can include, but not be limited to:

- Thought disorders such as schizophrenia,
- Mood disorders such as:
  - depression,
  - mania, or
  - bipolar disorder, or
- Postpartum psychosis.

Americans with Disabilities Act:

The Americans with Disabilities Act (*42 US Code 2101 et seq*.) was signed in 1990 and written to provide a clear and comprehensive mandate for the elimination of discrimination against individuals with mental and physical impairments.

"No qualified individual with a disability shall, on the basis of the disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by the public entity."

Lanterman Developmental Disabilities Services Act:

The Lanterman Developmental Disabilities Services Act was written to establish the State of California's responsibility for and the coordination of services for persons with developmental disabilities. The goal of the writers of this act was to maximize, to the extent feasible, the services available throughout the state and to prevent the dislocation of persons with developmental disabilities from their home communities.

A developmental disability means a disability which:

- Originates before an individual attains age 18,
- Continues, or can be expected to continue, indefinitely, and
- Constitutes a substantial disability for that individual. (*Welfare and Institutions Code Section 4512(a)*)

Included under the Lanterman Developmental Disabilities Services Act are:

- Mental retardation,
- Cerebral palsy,
- Epilepsy,
- Autism, and
- Other related disabling conditions.

Persons with developmental disabilities have the same legal rights and responsibilities guaranteed to all other individuals by the state and federal Constitutions as well as the laws of the State of California. Although the Lanterman Developmental Disabilities Services Act is not directed specifically to law enforcement, it does impact on law enforcement agency and department policies and guidelines. One of the rights noted in the Lanterman Developmental Disabilities Services Act is the right to be free from harm, *including unnecessary physical restraint*.

The amount of physical restraint that is deemed necessary when restraining or taking a person with a developmental disability into custody may be different from what is required for a person without a disability.

Lanterman-Petris-Short Act *(Welfare and Institutions Code Section 5150)*

The Lanterman-Petris-Short Act (LPS) was established in 1968 with the intent of reforming commitment laws pertaining to mental health treatment. The effort of the Legislature was to balance the rights of the community with the rights of the individual to freedom and due process under the law. The laws related to LPS are noted in the California Welfare and Institutions Code, beginning with *Welfare and Institutions Code Section 5150.*

Welfare and Institutions Code Section 5150 states that:

- Any persons who,
- As a result of a mental disorder,
- Are:
  - *a danger to others, or*
  - *a danger to themselves, or*
  - *gravely disabled,*
- May, upon probable cause,
- Be taken, or caused to be taken,
- By a peace officer or other designated person
- To a designated facility
- For 72 hour treatment and evaluation.

To qualify for detention under *Welfare and Institutions Code Section 5150*, the person's actions must be the result of a mental disorder and not merely the result of a lifestyle or attitude choice, including substance induced intoxication.

The concept of *danger to others* often involves verbalizations or actions that are easily interpreted as aggressive and usually involve poor impulse control. Indicators that might lead an officer to believe that a person may be a danger to others include, but are not limited to the individual's:

- Use of words or actions that indicate the intent to cause bodily harm to another person.
- Expressions of thoughts or intentions which are specific as to the particular person to be harmed.
- Appearance of being agitated, angry or explosive (even when not focused at a particular person).
- Engagement in or intent to engage in acts or behavior of such an irrational, impulsive or reckless nature as to put others directly in danger of harm. (e.g., the destruction of property or misuse of a vehicle)
- Acts or words regarding an intent to cause harm to another person being based on, or caused by the individual's mental state which indicated the need for psychiatric evaluation and treatment.

Danger to self typically means the presence of suicidal thoughts, statements, or behaviors. Indicators that might lead an officer to believe that a person may be a danger to self include, but are not limited to the individual's:

- Words or actions that imply an intent to commit suicide or inflict bodily harm on self.
- Exhibition of gross neglect for personal safety which could lead to that person receiving or being at risk of receiving serious injury.
- Statements or action implying a specific plan to commit suicide or inflict harm on self.
- Plans and the means available or within that individual's ability to carry out.

Gravely disabled is a condition in which a person, as a result of a mental disorder, is unable to provide for basic personal needs such as food, clothing, or shelter.

It is important that deputies recognize that detention and commitment under *Welfare and Institutions Code Section 5150* is a *serious deprivation of personal liberty.*

Detention under *Welfare and Institutions Code Section 5150* can mean the individual:

- May be deprived of contacts with friends and family,
- May be subject to:
  - medical and psychological examination, and/or
  - the administration of medications, and
- Can be held against that person's will for up to 72 hours.

Because of these issues, deputies must be aware of the responsibility involved when they evoke *Welfare and Institutions Code Section 5150*. A person cannot be detained under *Welfare and Institutions Code Section 5150* for vague, ambiguous, unspecific, or *potentially* dangerous behavior.

Because deprivation of personal liberty is involved, the courts have established explicit elements for probable cause for *Welfare and Institutions Code Section 5150*.

To establish probable cause to detain a person pursuant to *Welfare and Institutions Code Section 5150*, an officer must clearly articulate the circumstances under which the person's condition was brought to the officer's attention. The officer must:

- Be able to state known facts,
- That would lead a person of ordinary care and prudence to believe or to entertain a strong suspicion
- That the person detained
- Is a danger to self, or gravely disabled.

By "known facts," the officers must be able to point to specific and facts, which if taken together with rational inferences, reasonably warrant the officer's belief or suspicion.

Persons who are detained under *Welfare and Institutions Code Section 5150* are entitled to basic federal and state constitutional rights. *Welfare and Institutions Code Section 5157* requires that prior to transporting the person to a designated facility, officers must give the person the following advisement:

"My name is (officer's name), I am a (type of peace officer) with (employment agency's name). You are not under criminal arrest. I am taking you to (name of the mental health facility) for an examination by mental health professionals. You will be told your rights by the mental health staff."

If the person is detained under *Welfare and Institutions Code Section 5157* at that person's residence, officers must also inform the individual of additional rights.

"You may bring a few personal items with you which I will have to approve. You can make a phone call and/or leave a note to tell your friends and/or family where you have been taken."

Welfare and Institutions Code Section 5150 also states that it is the officer's responsibility to:

- Take reasonable precaution to preserve and safeguard personal property in possession of or on the premises occupied by the person who is being detained, *and*
- Provide the court with a report describing any property that is under law enforcement protection and its disposition.

Whenever a person who has been detained under *Welfare and Institutions Code Section 5150* is found to own, have possession of, or have control of any firearms or deadly weapons, peace officers will confiscate those weapons. (*Welfare and Institutions Code Section 8102*)

Welfare and Institutions Code Section 5150.2 requires officers who detain individuals under *Welfare and Institutions Code Section 5150* to complete written applications for detention, evaluation, and treatment. A standard application includes:

- Verification that the detainment advisement was given,
- The name of the designated facility the person is taken to,

- The name and address of the individual who is being detained, and
- Factual circumstances and observations constituting probable cause for the officer to believe that the individual is in fact a danger to self, others, or is gravely disabled.

Additional Laws Protecting the Rights of Persons with Disabilities:

Blind persons, visually impaired persons, and any other physically disabled persons have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public spaces.

A violation of the rights of an individual under the Americans with Disabilities Act of 1990 also constitutes a violation of *Civil Code Section 54.1*.

- Individuals with disabilities
- Shall be entitled to
- Full and equal access,
- As other member of the general public have,
- To:
  - accommodations,
  - advantages,
  - facilities, and
  - privileges.

Officers who fail to abide by the provisions of the Americans with Disabilities Act and *Civil Code Section 54.1* may be subject to any or all of the following.

- Criminal liability for a violation of civil rights
- Civil liability
- Departmentally-imposed disciplinary action

Peace Officer Interactions With Persons with Disabilities:

Any type of call for peace officer assistance may potentially involve a person with a disability. In day-to-day contact, deputies must not allow stereotypes or prejudices to cloud decisions on enforcement, intervention, or investigation.

Deputies or reporting parties can easily misunderstand or misinterpret a disabled person's behavior as being:

- Suspicious,
- Disoriented,
- Hostile,
- Troubling,
- Disturbing, or
- Caused by alcohol or drug abuse.

It is not the role of or within the capacity of deputies to attempt to diagnose a person's disability or disorder. Rather, deputies only need to recognize cues and other indicators in order to make appropriate decisions regarding intervention strategies.

To the extent possible, responding deputies should observe the behaviors exhibited by the person in an effort to determine *what is happening* and *what might be prompting the observed behavior*.

Persons with disabilities are not looking for sympathy, special advantages, or preferential treatment. They expect the same treatment and respect afforded to all persons by peace officers. Deputies should take into consideration the following general guidelines when making contact with an individual with a disability:

- Recognize the person first, then the disability.
- Address the person by that person's first name only when extending the same familiarity to others as well.
- Don't patronize or give excessive praise or attention.
- Be consistent.
- When offering assistance, wait until the offer has been accepted.
- Listen to or ask for instructions.
- Respect the person's wishes.
- Do not correct or speak for the person.
- Maintain eye contact.
- Try not to underestimate or overestimate a person's abilities.
- Don't be embarrassed if common expressions are made that seem to relate to the person's disability. (e.g., "Let's roll," "See you later," etc.)

If a deputy suspects or concludes that a victim of or witness to a criminal act is a person with a disability, that officer should consider the special needs of the interviewee.

Unless it is impossible to do so, deputies should:

- Use the same calming techniques for a victim who is disabled that they would use with anyone else.

- Be prepared to take more time for the interview.
- Simplify their questions if necessary.
- Give the person as much time as needed to respond to each of their questions.
- Find out the communication needs or mobility aids required by the person.

Persons with disabilities are not relieved from their legal obligations and responsibilities. They are capable of committing serious or violent crimes. Deputies should treat a suspect who has a disability with the same caution that they would use with any other suspect regarding judgments about enforcement of the law and personal safety. Although the person may have a disability, that person may still be capable of injuring the officer.

Field Contacts with Persons with Mental Disorders:

Deputies must make difficult judgments and decisions about the behaviors and intent of any individual they suspect to be affected by a mental disorder. This requires special considerations to avoid unnecessary violence or civil liability.

Persons affected by mental disorders can be unpredictable and sometimes be violent. Deputies should never compromise or jeopardize their own safety or the safety of others when dealing with individuals who display symptoms of a mental disorder.

Not all persons affected by mental disorders are dangerous while some may represent danger only when under certain circumstances or conditions. Some may be capable of going from a state of calm to being extremely agitated very quickly.

There are a number of indicators officers may use to help determine if persons who appear to be affected by a mental disorder are dangerous to themselves or others.

- The availability of any weapons to the person.
- Statements made by the person that suggest that the individual is prepared to commit a violent or dangerous act. These could range from subtle innuendos to direct threats.
- A personal history of prior violent acts under similar or related conditions. Information may come from a previous law enforcement contact or persons familiar with that person.
- Signs of violence at the scene prior to the officer arriving.
- The amount of self control the person is able to demonstrate. This can include signs of rage, anger, fright or agitation. Signs of lack of control can include an inability to sit or stand still, wide eyes, rambling speech, etc.
- Begging to be left alone or offering frantic assurances that one is fine may also suggest that a person is close to losing control.

The following list identifies appropriate tactical actions officers should be aware of.

Request backup:

- Especially in cases where the individual will be detained for evaluation

Calm the situation:

- When possible, eliminate emergency lights and sirens and disperse any crowd that may have gathered.
- Reduce environmental distractions such as radio or television noise.
- Assume a quiet non-threatening manner when approaching and conversing with the individual.
- Avoid physical contact if no violence or destructive acts have taken place.
- Take time to assess the situation.

Move slowly:

- Do not excite the person.
- Provide reassurance that officers are there to help.
- Give the person time to calm down.

Communicate:

- Talk with the individual in an attempt to determine what is bothering that person.
- Relate concern for the person's feelings.
- Allow the person to ventilate those feelings.
- Avoid topics that may agitate the person.
- Guide the conversation toward subjects that will bring the individual back to reality.
- Do not mock or belittle behaviors. (i.e., delusions or hallucinations)

Do not make threats:

- Do not threaten the individual with arrest or in any other manner.
- Threats may create additional fright, stress, or potential aggression.

Be truthful:

- If the individual becomes aware of deception, that person may:
  - withdraw from any contact in distrust,
  - become hypersensitive, or
  - retaliate in anger.

In order to ensure their own safety and the safety of others, deputies should move the person to a safer room or area away from potential weapons. (e.g., moving the individual out of a kitchen where numerous utensils are accessible) If the individual resists detention, restraint may be necessary. Deputies should be aware that using restraints on a person affected by a mental disorder may aggravate that person's aggression. Even so, officers should take the measures necessary to protect their own safety.

If a deputy determines that a person appears to be affected by a mental disorder, there are a number of actions the officer can consider taking. The following table identifies of such actions.

Provide urgent medical attention:

- Once a deputy has taken control of a situation, that deputy must render medical attention or summon medical personnel if required.
- After medical care is rendered, disposition of the individual can be determined

Detain for evaluation and treatment:

- Based on the overall circumstances and the officer's best judgment, the deputy may detain the individual under *Welfare and Institutions Code Section 5150* if that person appears to be, or is:
  - a danger to others,
  - a danger to self, or
  - gravely disabled.

Arrest of individual:

- Arrest if a crime has been committed.
- Officer discretion should be used regarding arrests for minor issues.

Referral for mental health services:

- Individuals and families who may be in need of treatment can be referred to available mental health services.
- Deputies should become familiar with the services that are available within the community.

No further action:

- If no urgent medical care is necessary, no crime has been committed, and no referral is needed, the deputy may choose to take no further action.

Confiscation of Deadly Weapons (8102 W&I)

Background:

On occasions, deputies take persons into custody pursuant to section 5150 W&I who possess firearms or other deadly weapons. Section 8102 W&I states, "… the firearm or other deadly weapons shall be confiscated by any law enforcement agency or peace officer from a person who has been detained or apprehended for examination for his/her mental condition."

Once a deputy confiscates any firearm or other deadly weapon (as defined in Penal Code 12020) from a person who has been detained or apprehended pursuant to 5150 W&I, Sheriff's Office Investigations Bureau personnel will notify County Counsel. County Counsel has 30 days after the person is released without judicial commitment, unless good cause is shown, to initiate a petition in Superior Court for a hearing to determine whether the items should be returned to the person. If these proceedings are not started within the 30 days, the weapons must be returned.

Confiscating Weapons:

Any firearm or deadly weapon confiscated pursuant to section 8102 W&I will be booked in the evidence room in compliance with current departmental policy.

Deputies will provide written notice to the person at the time of the detention, using the appropriate departmental form (8102 W&I form), informing him/her of the procedure to be followed for the release of their confiscated weapon(s). Deputies will also provide written notice (using the same form) to the medical facility at the time of the commitment, informing them that the person had a firearm or other deadly weapon in his/her possession and that the weapon was confiscated.

Documentation:

Deputies will document each incident where weapons have been confiscated under 8102 W&I in the Incident Report. The serial numbers of all firearms must be entered into the computer systems at the Sheriff's Office Records Section.

CALIFORNIA WELFARE AND INSTITUTIONS CODE SECTION 8102

NOTICE

NAME: _____ CASE #: _____

ADDRESS: _____

PHONE NUMBER: _____

PLEASE TAKE NOTICE that the Santa Clara County Office of the Sheriff has confiscated your firearm(s) or deadly weapon(s) pursuant to California Welfare and Institutions Code Section 8102.

The County has 30 days from the date you are released from the examining health facility to initiate a petition in the Santa Clara County Superior Court to determine whether the return of your firearm(s) or deadly weapon(s) would result in endangering yourself or others.

If the County initiates such a petition, you must file a written response with the Court Clerk of the Santa Clara County Superior Court located at 191 North First Street, San Jose, California, (408) 882-2100, within 30 days to confirm whether you desire a hearing before a judge on this matter.

If you do not respond to the Clerk within 30 days from the time a petition is initiated, a default order will be entered and your confiscated firearm(s) or deadly weapon(s) will be forfeited.

DEPUTY: _____

BADGE/PIN #: _____

DATE: _____

****

(TO BE COMPLETED BY THE EXAMINING HEALTH FACILITY UPON RELEASE)

PLEASE TAKE NOTICE that the above-named person, who has been detained at this facility for examination of his/her mental condition, is being released.

Pursuant to Welfare and Institutions Code Section 8102, the Santa Clara County Office of the Sheriff has confiscated the above-named person's firearm(s) or deadly weapon(s). The County has 30 days from the date of this notice to determine whether the return of the firearm(s) or deadly weapon(s) would result in the endangerment of the above-named person or others.

If the County initiates such a petition, you must file a written response with the Court Clerk of the Santa Clara County Superior Court located at 191 North First Street, San Jose California, (408) 882-2100, within 30 days , to confirm whether you desire a hearing before a judge on this matter.

If the above person fails to respond to the Clerk within 30 days from the time a petition is initiated, a default order will be entered and your confiscated firearm(s) or deadly weapon(s) will be forfeited.

I verify that the above-named person has been provided with a copy of this notice.

DATE: _____ _____

SUPERVISOR OF EXAMINING HEALTH FACILITY
(or his/her designee)

DATE: _____ _____

SIGNATURE OF PERSON BEING RELEASED

After release, the examining health facility must send a copy of this form to: **Santa Clara County Office of the Sheriff**
Investigative Services
55 W. Younger Ave.
San Jose, CA 95110

WHITE: Santa Clara County Sheriff's Office copy CANARY: to person upon commitment PINK: to medical facility GOLDENROD: to person upon release

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Basic Principles of Search and Seizure Law

Deputies must have a clear understanding of their authority, responsibility, and potential for liability in the area of search and seizure law.

Fourth Amendment Protections:

A fundamental grievance of the early colonists against the English government was the government's willingness to permit searches of unlimited scope without judicial supervision or any demonstration of justification. British officers could search or seize at their discretion -- whenever, wherever, and whomever they chose.

A priority of the authors of the United States Constitution and the California Constitution was to avoid unlimited actions and intrusions by the government and to protect a person's:

- Privacy,
- Liberty, and
- Possession of property.

The Fourth Amendment to the United States Constitution (Article 4 of the Bill of Rights) states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Article 1, Section 13, of the California Constitution states:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches, shall not be violated, and a warrant may not be issued except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

The Fourth Amendment does not give individuals an absolute right to privacy; neither does it prohibit all searches. It limits only those searches conducted by the government that are considered *unreasonable* by the courts.

To determine what is reasonable, the courts must look at the totality of circumstances and balance the individual's right to privacy against the government's need to gather evidence and apprehend criminals.

The Fourth Amendment, like the other Amendments in the Bill of Rights, limits the power of *the government* but does not apply to actions by private citizens. If a private individual violates someone else's expectation of privacy, the victim may be able to make a claim in the civil court system.

To better understand the Fourth Amendment, deputies need to understand the following terms.

A **search** occurs when an expectation of privacy that society is prepared to consider reasonable is infringed upon by the government.

A **seizure of property** occurs when there is some meaningful interference with an individual's possessory interest in that property by the government.

A **seizure of a person** occurs when:

- A peace officer physically applies force, or
- A person voluntarily submits to a peace officer's authority.

Probable Cause to Search:

The Fourth Amendment states:

The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause...

Probable cause to search an area or object means having enough facts or information to provide a *fair probability*, or a *substantial chance*, that the item sought is located in the place to be searched. Thus, probable cause requires something less than an absolute or even a near certainty, but something more than a mere hunch or suspicion.

Deputies must demonstrate that probable cause exists to search a specific place for specific property or contraband which will be used as evidence. Even though the court will consider the totality of the circumstances, to meet the Fourth Amendment requirement, officers must have specific facts which can be articulated in court or in a sworn statement (affidavit).

To establish probable cause to search, deputies must be able to articulate how and why they have a *fair probability* to believe:

- A crime has occurred or is about to occur,
- Evidence pertaining to the crime exists, and
- The evidence is at the location they wish to search.

A deputy's training and experience may go into the equation for determining probable cause. Facts must be seen and weighed as understood by a reasonable officer with that particular officer's training and experience.

The Exclusionary Rule:

If a court finds that a search or seizure is not reasonable and that a person's Fourth Amendment rights have been violated by the government, all items seized during the search could be ruled inadmissible or *excluded* as evidence at trial.

Warrant Searches and Seizures:

To search for and seize evidence legally, deputies must know the rules and requirements for obtaining and executing a search warrant. Unless justified by an exception (consent, incident to arrest, search condition, or emergency), a search of private property may lawfully be conducted only if authorized by a search warrant. This warrant requirement also applies to commercial property, except any portion open to the general public.

Search and seizure law originates from the Fourth Amendment of the United States Constitution and Article 1 of the California Constitution.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

A **search warrant** is:

- An order in writing, in the name of the people,
- Signed by a magistrate,
- Directed to a peace officer,
- Commanding the officer to search for a person or persons, a thing or things, or personal property and,
- In the case of a thing or things or personal property, to bring the same before the magistrate *(Penal Code Section 1523).*

As a general rule, the courts have found searches and seizures to be *reasonable* and therefore *lawful* when authorized by a valid warrant. The burden is on the defendant to prove the illegality of any search executed with a search warrant.

Probable Cause to Search:

Before they can obtain a search warrant, peace officers must be able to provide a judge with specific facts that meet the Fourth Amendment's requirement of probable cause.

The Fourth Amendment of the U.S. Constitution clearly states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

In the search warrant context, **probable cause to search** means enough credible information to provide a *fair probability* that the object the peace officers seek will be found at the place they want to search.

It is possible for an activity which might otherwise appear innocent to the general public to amount to probable cause to a deputy. A deputy's training and experience may go into the equation for determining probable cause. Facts must be seen and weighed as understood by a reasonable officer.

Probable cause may be based on the collective knowledge of all the deputies involved in an investigation, and all the inferences which may reasonably be drawn from this information, with that particular officer's training and experience.

Warrantless Searches and Seizures:

Although warrantless searches and seizures are presumptively illegal, when certain conditions are met, deputies may lawfully search and seize evidence *without* a search warrant. For evidence to be admissible at trial, deputies must have a clear understanding of the legal requirements for those conditions.

Plain View Seizures:

Deputies do not have to blind themselves to what is in plain view if an item they see can be associated with a crime or criminal behavior, simply because they do not have a warrant.

In a constitutional sense, when an officer sees an item in plain view, from a place the officer has a lawful right to be, *no search* has taken place. The owner or possessor obviously has *no reasonable expectation of privacy* for items which are in plain view. Without an expectation of privacy, the owner or possessor has no Fourth Amendment protection.

Even though an item is in plain view, deputies must still meet certain requirements before the item may be *seized* legally and used as evidence.

Deputies must have:

- Probable cause,
- A lawful right to be in the location, and

- Lawful access to the item.

Even though deputies need not appear before a magistrate, they still must have enough facts to provide probable cause, that is, a *fair probability* that the item in plain view is contraband or evidence of a crime. The incriminating character of the item must also be *immediately apparent* to the officer.

NOTE: Deputies may use all of their senses, not just sight, to obtain probable cause. The plain view doctrine, therefore, can also include items they can smell, hear, or touch from a lawful position.

Deputies must have a *lawful right* to be at the location from which they initially observe the item. That is, the observation must be made from a vantage point that does not violate an individual's reasonable expectation of privacy.

Any area that the general public or some members of the public have been given either express or implied permission to be in is considered a **public access area**. Deputies have the legal right to make observations from any public access area at any time.

Simply because a deputy can see an object in plain view from a lawful location *does not automatically* mean the deputy may legally *enter* private property without a warrant to seize it, even if the object is obviously contraband or evidence of a crime. The deputy also needs lawful access.

Lawful *access* to private property is most commonly obtained when:

- The deputy's entry is based on *consent*.
- The deputy's entry is based on *exigent circumstances*, for example, a reasonable belief that the evidence will be destroyed if entry is delayed in order to obtain a warrant.
- The deputy lawfully entered the area for some other purpose (e.g., to conduct a parole or probation search, or an administrative or regulatory search, etc.).

Warrantless Searches in General:

Because of the Fourth Amendment, warrantless searches of private property are presumptively illegal. However, **case law** has created some exceptions to the warrant requirement. Warrantless searches may be upheld if it can be shown that the peace officer's conduct came within one of these exceptions.

The first clause of the Fourth Amendment states that people have a right to be protected from unreasonable searches and seizures by government agents.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The Fourth Amendment does not give individuals an absolute right to privacy, and it does not prohibit all searches — only those that are *unreasonable.* The courts have identified certain *specific conditions and circumstances* where warrantless searches and seizures are considered *reasonable* and, therefore, legal.

In addition to plain view seizures, these exceptions to the usual warrant requirement include:

- Patdown/frisks,
- Consent searches,
- Searches pursuant to exigent circumstances,
- Searches incident to custodial arrest, and
- Probation/parole searches.

In deciding whether a warrantless search or seizure was legal, courts will always consider the *totality of the circumstances*. However, deputies must always have specific facts to demonstrate that the search or seizure fell within one of the exceptions to the warrant requirement.

Patdown/Frisk Searches:

Normally, *no* searches are permitted during a detention. However, if a deputy has a factual basis to suspect that the person being detained is carrying a concealed weapon or an object that could be used as a weapon, the deputy is justified in conducting a *limited* search for the weapon without a warrant.

A patdown/frisk is a strictly limited search for *weapons* of the outer clothing of a person who has been lawfully detained. *A patdown/frisk is a search for possible weapons only, not a search for contraband or other evidence.*

Patdown/frisk searches of detainees are allowed to prevent unexpected assault on peace officers. But a generalized, non-specific concern for officer safety is *not* sufficient reason to allow for the intrusion of a patdown.

For a patdown/frisk to be lawful:

- The person must be lawfully detained for an investigative purpose, and
- The searching deputies must be able to articulate *specific facts* which caused them to reasonably believe the person is dangerous or may be carrying a weapon.

The scope of a patdown/frisk search is limited to:

- A patdown of the outer clothing
- For weapons or potential weapons *only*.

Once the deputy conducting the search realizes an object is not a weapon, the deputy cannot further manipulate the object; the deputy must move on. Any additional feeling, grabbing, or manipulating of the item is outside the scope of a patdown/frisk search and will be considered an illegal search.

A deputy need *not be absolutely certain* that the person is armed or potentially dangerous. However, the deputy's suspicion must be reasonable and based on specific facts.

If, during a lawful patdown for weapons, an item is discovered that is *immediately recognized* as contraband (based on plain sight, smell, or touch), the deputy may seize it. If the person is placed under arrest, the deputy may then conduct a *full* search incident to the custodial arrest.

If the item is *not* immediately recognized as contraband, the deputy may not manipulate the suspected area or object further in order to establish its nature, unless the deputy is still concerned it may be a weapon or potential weapon.

If the deputy comes across a container on the person during a patdown/frisk, the deputy is entitled to seize it and open it *only if* it is reasonable to believe it can be used as a weapon or that it might contain a weapon. Detention alone does not give deputies the right to search (open) the container, unless their knowledge and experience provide *probable cause* to believe that it contains contraband (i.e., they could easily feel that the object was small and resilient like a heroin-filled balloon), since with probable cause they could make an arrest. (In general, common containers like cigarette packs and film containers are not searchable.)

During a patdown, a deputy may reach inside a suspect's clothing or pockets to inspect an object further only if:

- The object reasonably felt like a weapon or something that could be used as a weapon, or
- The suspect's clothing is so rigid or heavy that the deputy could not rule out the possibility of a weapon or potential weapon.

If a deputy discovers an object during a patdown which the deputy believes is a weapon or a dangerous instrument which could be used as a weapon, the deputy has a right to seize it from the person. The deputy may hold the weapon or potential weapon until the detention is concluded. If there is no probable cause to make an arrest, then the item must be returned to the subject.

Deputies may conduct a patdown/frisk search of any person the officers have a *duty or are obligated to transport* before permitting the person to ride in a law enforcement vehicle. If officers are not obligated to transport the person, a patdown/frisk search is permitted only if the officer informs passengers that:

- They have the right to refuse the ride, and
- If they accept the ride, they must consent to a patdown/frisk search first.

Consent Searches:

Generally, the Fourth Amendment prohibits warrantless searches. However, peace officers may enter premises and/or conduct searches without a warrant if they have obtained valid consent.

If deputies have probable cause to search but lack exigent circumstance to justify a warrantless entry, they should always seek a warrant instead of seeking consent.

Without a warrant:

- The occupant of the property has the right to refuse entry and therefore refuse the search.
- Even if they enter with consent, officers may not detain persons who are on the premises unless they have reasonable suspicion of criminal activity.

Seeking consent rather than obtaining a warrant can also serve to warn suspects of pending law enforcement action. The evidence may be destroyed or removed during the time that the warrant is obtained. Deputies are not allowed to secure or freeze the premises in situations where they have created the exigency by their unintentional notification.

For consent to be valid, the consent must be:

- V*oluntary*, and
- Obtained from a person with *authority* to give that consent.

NOTE: If the consent is valid, the consenter has temporarily relinquished any expectation of privacy for the area or item to be searched.

Deputies may search those places and things they reasonably believe the consenting person authorized them to search. As long as the search remains within the scope given, deputy may seize any crime-related evidence which they discover.

If the consenting person expressly or implicitly restricts the search to certain places or things, the deputy must honor those restrictions. If the deputy tells the consenting person what type of evidence they are searching for, the scope of the search must be limited to those places and things in which such evidence may reasonably be found.

Voluntary consent means an act of free will and not the result of duress or coercion. If consent is merely a submission to an assertion of authority or coercion, the consent is not

voluntary. Any search under such conditions would be unlawful, and any item(s) seized would not be admitted as evidence at trial.

Deputies may inadvertently undermine the voluntariness of consent by their conduct. Deputies who seek consent must make it clear that they are *requesting* permission to search -- not demanding it.

Consent must be given in the form of some *affirmative act*, either as express consent or implied consent.

The courts have ruled that it is *not legally* necessary for deputies to advise potential consenters that they have a constitutional right to refuse consent of a warrantless search. However, giving the consenting person such a warning is a strong positive factor indicating the voluntariness of the consent.

A consenter must have actual or apparent *authority* to consent to the search. Problems may occur when a person consents to the search of property owned or possessed by another.

The person giving consent has the right to withdraw or limit that consent at any time during the search.

Consent can be withdrawn by:

- Expressly doing so (e.g., “I don’t want you to search anything more”), or
- Making a statement (e.g., “I want you to leave now”) or engaging in conduct that reasonably indicates that the consent is being withdrawn (e.g., blocking a doorway and saying “I don’t want you to go in there,” or not handing over the keys).

If deputies ignore the withdrawal or limitation of consent, any evidence that is subsequently seized may be inadmissible at trial.

Exigent Circumstance Searches:

Deputies may lawfully enter an area in which an individual has a reasonable expectation of privacy, when there is a *compelling need for official action* and no time to secure a warrant.

Exigent circumstances means an emergency situation requiring swift action to prevent:

- Imminent danger to life
- Serious danger to property
- Imminent escape of a suspect, or
- The destruction of evidence

NOTE: Once inside, deputies may do whatever is necessary to resolve the emergency -- *nothing more*. *Once the emergency has dissipated (no longer any imminent danger to life, property, etc.), a warrant may be needed for further searching.*

Under exigent circumstances, the primary purpose of the officer’s entry is to attend to the emergency situation. After entering the premises, deputies may conduct a search *only if it is reasonable to believe a search is necessary to secure the emergency.*

Deputies who are conducting a lawful search based on exigent circumstances may seize any item in **plain view** if there is probable cause to believe the item is contraband or evidence of a crime.

When exigent circumstances exist, deputies are normally not required to comply with knock and notice procedures before entering.

If a deputy reasonably suspects that a *person* (victim or other person), inside an area that would be considered private *property*, may be injured or ill and in *immediate need* of help, the officer may enter the property without a warrant.

If a deputy reasonably suspects there is a need to enter a private area in order to protect the *property* of the owner or occupant, the officer may enter without a warrant.

It is lawful for deputies to enter private property without a warrant in order to prevent the *escape* of a suspect, especially if the suspect is armed and dangerous or has just committed a violent felony.

Deputies may enter premises without a warrant or consent when there is immediate danger of *destruction or removal of crime-related evidence*.

NOTE: A mere suspicion that evidence will be destroyed does not amount to exigent circumstances. There must be specific facts that evidence will likely be destroyed or removed without intervention.

After the emergency is secured, deputies must vacate the premises within a reasonable amount of time and may not reenter *unless* they obtain a search warrant, or consent.

Deputies may *not* use exigent circumstances as an excuse for a warrantless entry if they have *created* the emergency unnecessarily by their own conduct.

Searches Incident to Arrest:

When a suspect is lawfully arrested and taken into physical custody, a limited right exists for deputies to conduct a warrantless search not only of the suspect's person, but also of the property and area within the suspect's immediate control.

A search incident to arrest may be conducted when:

- Probable cause for a lawful arrest exists,
- The suspect is taken into custody, and
- The search is contemporaneous with the arrest.

NOTE: The search is justified by the custodial nature of the arrest, not by the nature or circumstances of the crime that lead to the arrest.

A search incident to a custodial arrest may include:

- A full search of the arrestee's person,
- Containers on the arrestee's person, and
- The nearby physical area that was under the immediate control of the arrestee (sometimes referred to as "within arm's reach").

To conduct a lawful search incident to arrest, the suspect must be taken into custody. A **custodial arrest** is one in which the suspect will be transported to another location or facility, such as a station, jail, detox center, juvenile hall, or school. A search incident to arrest is *not* permitted when the suspect is merely *cited and released.*

To be legal, the search must be **contemporaneous** with the arrest. That is, the search must be conducted:

- At or near the time of arrest, although either can precede the other,
- At or near the place of the arrest, and
- While the arrestee is still on the scene.

NOTE: If the search precedes the arrest, the deputy must have probable cause to arrest at the time of the search. The search can still be upheld as contemporaneous even if delayed

somewhat, if the delay is reasonably necessary (e.g., for safety reasons), and the search is conducted *as soon after the arrest as practical*.

Deputies may search any area that is or was reasonably within the arrestee's control. This could include any area from which the arrestee may:

- Grab a weapon,
- Obtain any item that could be used as a weapon, or
- Destroy evidence.

NOTE 1: The fact that the suspect has been handcuffed or otherwise immobilized does *not* eliminate or change the "arm's reach" rule.

NOTE 2: It is improper to try to expand or enlarge the area of an arrestee's immediate control by moving the suspect (e.g., from one room to another) in order to enhance an officer's ability to see objects in plain view.

A **protective sweep** is a brief search to look for individuals only. If deputies are already lawfully inside or outside a house and have a specific factual basis for believing there may be other suspects inside who pose a danger to them, the deputies can conduct a protective sweep.

Protective sweeps are limited to spaces *immediately adjoining* the area of an arrest:

- Where another person could be hiding, and
- From which an attack could be immediately launched.

It is illegal to sweep into areas *beyond* those "immediately adjoining" the arrest location, unless the deputy has reasonable suspicion, based on articulable facts, that there may be someone there who poses a danger to the deputy.

Any contraband or crime-related evidence in plain view during a protective sweep may be seized.

<u>Searches During Hot Pursuit:</u>

Deputies who are in hot pursuit of a suspect may conduct the following warrantless searches:

- <u>Searches for suspects:</u> Deputies may search any area that is large enough to contain the individual being pursued.

- <u>Search for information:</u> Deputies may search an area into which the suspect fled for purposes of discovering the identity of an unknown suspect.

* <u>Search for discarded evidence/contraband:</u> Deputies may search areas in which a suspect has entered whenever such deputy reasonably believes the suspect has hidden or discarded evidence, weapons, or contraband that is related to the criminal act prompting the pursuit.

- Search to ensure safety: Deputies may search through an area or dwelling to locate the suspect or other involved persons whenever it is reasonable to believe the safety of the deputy or other person is threatened.

Hot pursuit vs. fresh pursuit:

- Hot pursuit can best be defined as physically chasing a suspect. One who is physically evading arrest or apprehension.

- Fresh pursuit is a deputy conducting an immediate, uninterrupted, continuous investigation.

Emergency Searches:

When a deputy reasonably believes there is an imminent and substantial threat to life, health, or property, such deputy may conduct a search and seizure for the purpose of controlling or eliminating the imminent threat.

Searches by Deputies of the Opposite Gender:

Laws governing search and seizure make no distinction between treatment of men and women. Deputies may conduct a search of either sex incident to an arrest. When a male deputy has some reason to believe a woman should be searched for evidence or weapons, she should be handcuffed behind her back. A female deputy may then be called to the scene of the arrest to make the search, or the female arrestee may be transported to a female deputy at the Sheriff's Office or the jail. Even though male deputies should avoid searching females, there may be occasions when such a search is necessary. The male deputy may search the female if he has reason to believe she has concealed evidence or a weapon and there is a possibility she may be able to dispose of it before a female deputy can be reached. Under any circumstances, the male deputy must be certain before searching a female that the immediate search is unquestionably necessary. The above procedure would also apply to female deputies with male suspects.

Searches and Seizures Involving Motor Vehicles:

The Fourth Amendment's protection against unreasonable searches and seizures extends to a person's vehicle and property inside the vehicle. However, the courts have created several exceptions to the Fourth Amendment's warrant requirement because of a motor vehicle's potential mobility and reduced expectation of privacy.

The courts have created an exception to the warrant requirement when a motor vehicle is involved. They have determined that the risk of the vehicle being moved to a different location, in combination with the reduced privacy that people have in vehicles and their contents, justifies a warrantless search as long as the search is based on *probable cause* that the vehicle contains contraband or evidence of a crime.

If deputies honestly believe they have enough information to obtain a search warrant for a vehicle from a magistrate, it is legal for them to go ahead and search the vehicle *without* a warrant.

Warrantless searches of vehicles based on the **probable cause exception** are also referred to as searches under the "automobile exception," or the "vehicle exception," to the usual warrant requirement.

NOTE 1: The probable cause exception applies not only to any vehicle which is mobile, but also to any vehicle which *reasonably appears* to be mobile, even if, in fact, it is not.

NOTE 2: If the vehicle is in a place which has a reasonable expectation of privacy, such as a garage, a warrant may be necessary to search (enter) the property (garage).

The conditions required to justify a probable cause vehicle search are exactly the same as those necessary to obtain a search warrant. For a search of a vehicle to be legal under the probable cause exception:

- The vehicle must have been lawfully stopped, or otherwise be lawfully accessible, and
- The deputies must have enough facts, knowledge, training, or experience to provide probable cause that the item they are seeking will be found inside the vehicle they want to search.

The scope of a vehicle search based on probable cause depends upon the item or object the deputies are searching for. Deputies may search any part of a motor vehicle, or anything inside the vehicle, as long as what they are searching for might *reasonably be located there*. This includes, but is not limited to, the:

- Passenger compartment,
- Glove compartment,
- Hood,
- Trunk,
- Closed personal containers.

A motor home is considered a motor vehicle when it is being used on a highway, or if it is capable of such use and is located in a place not regularly used for residential purposes.

Probable cause to search a vehicle means *exactly the same thing that it does in a search warrant context*. **Probable cause to search** means there is enough credible information to provide a fair probability that the object the peace officers is looking for will be found at the place they want to search.

Under the probable cause exception, it is *not* necessary that the search of the vehicle take place contemporaneously with the vehicle stop (e.g., on the roadside at the time of the stop). Instead, deputies may have the car towed away and conduct the search at a later time, even after it has been impounded and is in police custody, as long as they still have probable cause.

If deputies have probable cause to believe the item they are looking for is inside a vehicle, they are entitled to open and search any closed, personal container within the vehicle which might *reasonably contain the item*. The probable cause to search a container may be provided through the officer's sight, smell or touch, or by the container's shape, design, or the manner in which it is being carried.

Plain View Seizures from Vehicles:

Seizing any crime-related evidence that is within a deputy's plain view from a place the deputy has a lawful right to be does *not* involve any type of *search.*

Deputies must meet the same requirements for plain view seizures involving vehicles as they would for seizing an item within plain view anywhere else.

Deputies must:

- Have probable cause to believe the item is crime-related,
- Lawfully be in a location to observe the item, and
- Have lawful access to the item.

To seize evidence from a vehicle, deputies must recognize the item as being crime-related or have probable cause to believe that it is. Such probable cause may be based upon information from reliable informants, the knowledge and training of the officers, plain smell, etc.

It generally makes little difference if an officer observes the crime-related item from outside a vehicle or while the officer is lawfully inside the vehicle. The area that can be observed from outside a vehicle (i.e., the passenger compartment) carries such a low expectation of privacy that officers may enter the vehicle to seize the property.

NOTE: The use of a flashlight or other reasonable sensory enhancement tool, either from outside the vehicle or after lawful entry, is permissible as long as the device allows the officer to see anything that would have been visible during daylight hours.

Protective Searches of Vehicles:

A **protective search of a vehicle** is a *limited* warrantless search of the passenger compartment of a vehicle for weapons.

A protective vehicle search is permitted if:

- The vehicle is being lawfully detained, and
- The deputy reasonably believes, based on *specific facts*, that there may be a weapon (lawful or unlawful) or item that could be used as a weapon, inside the vehicle.

Deputies need only a *reasonable suspicion* that a weapon or potential weapon is in the vehicle. However, this suspicion must be based on specific facts or information.

Like a patdown/frisk search of a detained person, protective vehicle searches are allowed to prevent an unexpected assault on peace officers.

Deputies may search:

- Only for weapons or potential weapons,
- In the *passenger compartment* of the vehicle,

- Where the occupant(s) of the vehicle would have reasonable access to the weapon or item that could be used as a weapon.

Once the searching deputy determines there are no weapons or potential weapons within the passenger compartment, the search must end.

While conducting a protective vehicle search, deputies may seize any item in plain view if there is probable cause to believe it is contraband or evidence of a crime. Deputies may also develop enough probable cause to continue searching the vehicle based on the probable cause exception to the warrant requirement.

During a protective vehicle search, if the deputy comes across a container within the passenger compartment, the deputy is entitled to seize it and open it only if it is reasonable to believe that it could be used as a weapon, or that it might contain a weapon.

Consent Searches of Vehicles:

If deputies obtain valid consent to search a vehicle and/or any item within the vehicle, the warrantless search will always be upheld as legal.

The conditions for searching a vehicle based on consent are the same as any other **consent search**.

Consent must be:

- Voluntary, and
- Obtained from a person with the *authority* to give that consent.

Deputies may search only those areas of the vehicle they reasonably believe the consenting person authorized them to search. If the consenting person expressly or implicitly restricts certain areas of the vehicle or items within the vehicle, the officers must honor those restrictions.

For any consent obtained during a vehicle stop or detention, there may be a question as to its *voluntariness*. A court will determine whether consent was truly voluntary based on the *totality of the circumstances*. Although not required by law, voluntary consent *during* a lawful vehicle stop, or even *after* a vehicle detention has been concluded, will be easier for deputies to prove if they:

- Obtain a signed consent-to-search form, or
- Verbally inform the individuals in authority that they have a right to refuse consent.

Consent to search a particular area may or may not include searching any closed container within the area. Deputies must clearly understand the scope of the consent being given. Establishing ownership of an object within a vehicle is also particularly important since individuals who disclaim ownership may lack *authority* to grant permission to search it.

Individuals who deny ownership may also lack standing to challenge the validity of the search later in court. Therefore, peace officers should *always* ask if a container within a vehicle belongs to the person who is granting the permission to search the vehicle and include the answer in their report.

Searches of Vehicles Incident to Custodial Arrest:

When a deputy makes a custodial arrest of a person in a vehicle, the deputy may conduct a warrantless search of the vehicle's *passenger compartment*.

Deputies may search the *passenger compartment* of a vehicle if they have made a valid custodial arrest of *any* occupant of the vehicle.

NOTE: The search may be conducted before the occupant is actually placed under arrest as long as probable cause to arrest existed at the time of the search.

No matter what the arrest is for, as long as the driver or occupant of a vehicle is taken into custody, deputies may search:

- The passenger compartment of the vehicle, and
- Everything and anything in it.

Examples of such areas include, but are not limited to:

- Closed or open glove compartments,
- Consoles, or
- Containers within the area (e.g., luggage, boxes, bags, clothing.)

NOTE 1: The trunk of a vehicle may not be searched incident to the arrest of an occupant of the vehicle.

NOTE 2: Containers owned by *non-arrested* occupants of the vehicle *are* also subject to a search incident to custodial arrest.

The arrest must be *custodial*, meaning the arrestee will be transported by law enforcement personnel to another location, such as a jail, detox facility, or school. **An arrest is not custodial, and therefore no search is allowed, if the arrestee is merely cited and released.**

It is immaterial whether the occupant was inside or outside the vehicle at the time of the arrest or when the search began. If deputies did not see the arrestee inside the vehicle, they may nevertheless consider the person to be an occupant of the vehicle if:

- The deputies reasonably believe the arrestee was an occupant shortly before the arrest, or
- There was something else indicating a close association between the vehicle and the arrestee at the time of the arrest (e.g., the arrestee placed an object inside the vehicle just before the arrest).

A search is deemed incident to an arrest only if it occurred:

- At or near the *time* of the arrest,
- At or near the *place* of the arrest, and
- While the arrestee is still at the scene.

On rare occasions, the contemporaneous requirement can be waived if it was reasonably *necessary*:

- To delay the search,
- To conduct the search in another location,
- To conduct the search after the arrestee was removed from the scene, and
- The search was conducted *as soon as it was practical to do so*.

Vehicle Inventories:

A **vehicle inventory** is not actually a search for evidence or contraband. It is a procedure deputies use to account for personal property in a vehicle that is about to be impounded or stored.

To inventory a vehicle:

- The vehicle must be in the *lawful custody* of law enforcement, and
- The deputy must conduct the inventory pursuant to *standardized agency policy* or regulations.

The courts have made it clear that a standardized agency policy may be very broad regarding vehicle inventories, permitting examination of any area where valuable or dangerous items are commonly kept. This may include, but is not limited to:

- Under the seats,
- Glove compartments,
- Consoles,
- The trunk, and
- Closed containers.

A vehicle inventory should never be undertaken for the purpose of finding evidence or contraband, but rather only for *taking note of personal property*.

The purpose of a vehicle inventory is to protect:

- The property of a person whose vehicle has been impounded or stored, and
- The government agency from false claims of loss.

If, *during the course of an inventory*, deputies discover evidence of a crime or contraband, they may lawfully seize it.

An inventory may be conducted only after the vehicle has come into lawful custody for reasons other than solely for the purpose of conducting the inventory. The decision to impound and/or inventory must be made in good faith for lawful reasons such as, but not limited to:

- The driver (sole occupant) is taken into custody,
- The vehicle, involved in a traffic accident, cannot be driven,
- The vehicle must be moved to protect it or its contents from theft or damage, or
- Circumstances listed in the Vehicle Code (e.g., vehicle as a traffic hazard, stolen vehicle, etc.).

NOTE: The driver should never be taken into custody on the pretext of searching for evidence or contraband, or to examine personal belongings that may be inside the vehicle.

Assuming the vehicle has lawfully come into police custody, the deputy always has legal authority to impound it and, therefore, to inventory it. However, depending on departmental policy, there may be occasions where the deputy may choose to release the vehicle to a validly licensed passenger or other person.

If a vehicle is going to be inventoried, but the driver or other occupant requests possession of some object from inside the vehicle (e.g., purse, clothing, briefcase, etc.), the searching deputy may pat the item down for weapons for the deputy's own safety

before handing it over. Whether or not the item still must be inventoried as an object that was in the vehicle at the time the vehicle was impounded will depend on the department's inventory procedures.

Searches and Seizures Involving Bodily Intrusions:

Deputies must recognize that when a search or the seizure of evidence involves intrusion into a person's body, special care must be taken to balance that person's reasonable expectation of privacy under the Fourth Amendment against the government's need to collect evidence.

Warrant Requirement for Bodily Intrusion Searches and Seizures:

Understandably, a person's reasonable expectation of privacy over their own body is *very high*. Because of this, a *warrant will usually be required to enter a person's body* to search for and seize evidence.

The Fourth Amendment protection against unreasonable searches and seizures is violated when a legitimate expectation of privacy has been infringed. This expectation applies not only to a suspect's property or possessions, but also to the suspect's person.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

No person has the legal right to withhold or destroy physical evidence, even if that evidence is located on or inside one's person. The Fifth Amendment protection against self-incrimination only protects what a person may *say*, not any physical evidence that person may *possess*.

Deputies must never assume that wording authorizing the search of a suspect's "home, car, *and person*" also authorizes them to enter the person's body. A warrant to conduct a bodily intrusion search must contain exact wording that *expressly permits* any type of bodily intrusion, such as collecting a blood sample.

As in any other warrant procedure, deputies must show **probable cause to search** within their affidavit to obtain a warrant. That is, there must be enough credible information to provide a fair probability that the search will result in the discovery of evidence of a crime.

But, in addition to probable cause, the courts also require that *the more intense, unusual, prolonged, uncomfortable, unsafe, or undignified the procedure contemplated, the greater the showing for the procedure's necessity must be.* This additional show of need is often referred to as **probable cause plus**.

Warrantless Bodily Intrusion Searches and Seizures:

Under certain conditions, evidence may be taken from a suspect's body *without* a search warrant.

Deputies may seize evidence from a suspect's person if they have obtained **valid consent** from that person to do so, and if the search is not considered unreasonably intrusive.

A person who drives a motor vehicle is deemed to have given his/her consent to chemical testing of his/her blood or breath without a warrant. *Vehicle Code Section 23612* states that persons have given implied consent if they:

- Are lawfully arrested for a Vehicle Code violation, and
- Are reasonably suspected by the arresting officer of being under the influence of drugs or alcohol. Refusal to comply with the implied consent law may result in a fine, mandatory imprisonment if convicted, and suspension or revocation of driving privileges.

Under certain circumstances, seizing evidence from a suspect's person may be done without a warrant as incident to an arrest. The requirements for such a seizure are identified in the following table.

To search for and seize evidence from a suspect's body without a warrant, peace officers *must* have...	**Explanation**
Probable cause to arrest,	The deputy must be aware of facts that constitute probable cause to arrest.
Probable cause to search	The deputy must reasonably believe that the search will result in the discovery of evidence of a crime.
Exigent circumstances	It must be reasonable to believe that evidence will be lost or destroyed if the officer waits to obtain a warrant.
A need that outweighs the intrusiveness.	The need for the evidence must outweigh the intrusive nature of the search and any foreseeable danger.

None: The existence of exigent circumstances may depend on the stability of the evidence being sought. Deputies may seize evidence from a suspect's person if it reasonably appears the evidence will be lost or destroyed if the officers wait to obtain a warrant.

Evidence is considered to be either **stable evidence** or **evanescent evidence**. The following table further clarifies the two levels of evidence stability.

Stable Evidence	Evidence that will *not change* over time. Example: - Blood samples for routine tests, such as typing or DNA
Evanescent Evidence	Evidence that *will change* or be lost over time. Examples: - Blood samples to test for drugs or alcohol levels - Scrapings from under a suspect's fingernails

Use of Force During Bodily Intrusion Searches and Seizures:

If a suspect forcibly resists the lawful seizure of evidence from the suspect's body, deputies may use reasonable force to carry out the search and seizure.

Deputies may use only that degree of force that is necessary to overcome the suspect's resistance and recover the evidence. Deputies may not use brutal or excessive force to recover evidence. As a general rule, no bodily intrusion is permissible if the force necessary to do it would *shock the conscience.*

If deputies have probable cause to believe there is evidence in a suspect's mouth, they may use reasonable force to remove it, or to prevent the suspect from swallowing it. If only minimal force is necessary to remove an object, the warrantless search and seizure will no doubt be upheld. However, if the suspect refuses to open his mouth or tries to swallow the evidence, or it appears that he is about to swallow the evidence, a problem can arise.

Deputies are permitted to exert minimal pressure on the neck area to prevent swallowing. *However, such pressure may not prevent breathing or substantially impair the flow of blood to the suspect's head.* In other words, no "choke holds" may be used, because they are too dangerous.

If the suspect has swallowed the suspected evidence or contraband, deputies have two major options.

They are to:

- Detain the suspect under controlled conditions and wait until the evidence naturally passes through the suspect's system, or
- Have a physician pump the suspect's stomach or administer an emetic to induce vomiting.

Using an emetic (i.e., substance used to induce vomiting) to force a suspect to vomit, or having a suspect's stomach pumped, are both considered highly intrusive and unusual.

These actions should be undertaken *only*:

- With the consent of the suspect, or
- If ordered by a physician based upon the physician's judgment of medical necessity (e.g., to prevent serious injury or death).

The manner in which deputies describe their conduct in incident or arrest reports may significantly affect the admissibility of any evidence recovered through the application of physical force. Deputies must present enough information to show that their actions were necessary and that the amount of force was reasonable under the totality of the circumstances.

Identification Procedures:

Deputies must be aware of a person's due process rights that protect against *impermissible suggestiveness* when conducting any procedure involving suspect identification.

Introduction to Identification Procedures:

The search for a perpetrator of a crime may include asking a victim or witness to *identify* a suspect from a number of individuals. Once a proper identification has been made, the suspect may be seized (arrested).

The purpose of any identification procedure is to confirm or eliminate a suspect as the actual perpetrator.

Because it is a violation of a defendant's constitutional right to due process to be convicted on the basis of an unduly suggestive identification process, deputies may not *suggest in any way* to the victim or witness that a suspect to be observed during an identification process committed the crime. Indeed, deputies must be very careful to avoid *any* conduct *before*, *during*, and *after* the identification process which might be ruled suggestive.

Officers should not do anything that suggests or could be interpreted as suggesting which suspect to select during any type of identification procedure. The following table summarizes recommended actions or behaviors to aid peace officers in avoiding any form of suggestivity before, during, and after an identification process.

Peace officers should *ALWAYS*...	**Peace officers should *NEVER*...**
Obtain as detailed and complete a description of the suspect as possible from the victim or witness *before* any identification process. Tell the victims or witnesses that: - they should *keep an open mind*, - the person who committed the crime *may or may not* be among those present.	Make suggestions, lead, or prompt victims or witnesses to give a description they do not mean to give.
Maintain an appearance of neutrality before, during, and after the actual viewing.	Tell the witness or victim that: - the person who committed the crime has been caught, - the victim's property or other evidence was found in the suspect's possession, or - the suspect has made incriminating statements.
Separate multiple victims or witnesses both before, during, and after the identification process.	Say anything about a suspect to the victim or witness before, during, or after the actual viewing.
	Allow multiple victims or witnesses to: - talk together about the identification, or - view an identification process at the same time.

A victim or witness will rarely say that they are *100 percent certain* about their identification of a suspect. If deputies feel victims or witnesses are certain about their identification, they may ask for confirmation. However, deputies should never ask a victim or witness to state on a scale of 1-10 or as a percentage how sure they are that they are certain. Any identification presented as a scale may give a juror a *reasonable doubt* about a defendant's guilt.

Everything that occurs during the identification process should be noted in the deputy's report. This includes:

- A verbatim account of what the victim or witness said, and
- A description of the victim's or witness's response to viewing the suspect.

Field Showups:

A **field showup (**also called an infield identification or field line-up) is the viewing of a suspect by the victim or witness that commonly occurs in the field shortly after a crime has been committed.

A showup is appropriate only if it can be done *a short time after the crime* has taken place. The advantages of this short time lapse include:

- The victim's or witness's fresh memory of the perpetrator and events.
- The immediate release of an innocent suspect.
- The continuation of a search while the trail is still fresh.

The general rule is that a deputy who detains a suspect pending a showup should *not move the suspect* to another location, but rather should transport the victim or witness to the suspect.

There are three exceptions to this general rule.

- The suspect clearly and voluntarily consents to being moved.
- Independent probable cause exists to arrest the suspect and take the suspect into custody.
- It is very impractical to transport a witness to a suspect because:
  - the victim or witness is too injured to be moved, or
  - the availability of transporting officers is limited, and the wait would create a greater intrusion on the suspect's freedom than transporting the suspect.

Since the detention of a suspect for the purpose of identification is not considered full custody, the suspect is not entitled to have an attorney present at the time of the in-field showup.

A full search of the detained suspect, or any search of the suspect's vehicle, should be avoided until after there has been a positive identification, or unless the suspect has consented to the search. Deputies may conduct a patdown/frisk of a detained suspect prior to a field showup only if there are specific reasons to believe the suspect is armed or dangerous.

If at all possible, deputies should avoid any indication that the suspect has been arrested and, therefore, perceived as *guilty* by law enforcement authorities.

Unless there is a reasonable threat to officer safety, reduce the inherent suggestiveness of implied custody by displaying the detainee outside the law enforcement vehicle and without handcuffs or other forms of restraint.

Time and Location:

The identification takes place in the field and generally within one hour of the criminal act. Identification may be conducted later than one hour, but must be documented so as to convince the courts that circumstances justified the delayed identification.

Witness Description:

The witness has described as completely as possible the appearance and clothing of the perpetrator.

Justification:

The person to be viewed reasonably matches the witness' description, and/or the circumstances surrounding the presence of such a person in the area are such that a field identification process is justified.

Probable Cause:

If probable cause to arrest is present, the suspect should be taken into full custody (handcuffed and searched) prior to conducting the field identification.

Transportation:

The witnesses should be transported separately to the suspect's location for the field identification. The only time that a suspect should be transported to the witnesses is when they are unable to come to the scene because of injury or health reasons.

Duration:

The duration of the temporary detention of the suspect should be no more than 20 minutes under normal conditions. Should more time be needed, then the reason should be clearly documented in the Incident Report.

Method of Identification:

The witness must be afforded ample opportunity to view the suspect. This means that the suspect should be removed from the patrol unit, or the place of custody, prior to viewing, but only in a way that assures that no physical evidence is contaminated and there is no danger to the suspect or witness. Should the suspect be identified as the perpetrator, the witness should be told to fully explain why he/she thinks that this is the guilty party (same clothing, same facial hair, same scar, etc.). The witness should also describe what roll the suspect played in the crime (particularly with multiple suspects).

Evidence:

No physical evidence taken from the suspect may be presented to the witness until after the witness has completed the field identification process.

Admonishment:

The witness should be admonished prior to viewing the suspect. The witness should be told that a person is being detained that may or may not have committed the crime. As is standard police procedure, the person may be handcuffed, but that this in no way should infer that the person is the guilty party. The Sheriff's Office provides a standard, printed admonishment that the witness can read.

Multiple Suspects:

Photographs should be taken when there is more than one suspect that will take part in the field identification. The photographs should show the suspects in the line and in the same order as they were viewed by the witness.

Photographic Spreads:

A **photographic spread** (also known as a photographic lineup) is an identification procedure in which the victim or witness to a crime is asked to look at a number of photographs in an attempt to identify the suspect.

Identification by means of a photographic spread does not have to take place within a short time of the crime, as a field showup does, but should nevertheless take place while the victim's or witness' memory is still fresh.

A photographic spread may be used when the identity of the perpetrator is not known, or the identity is known but the perpetrator is not in custody. Since there is no intrusion on a suspect's time or privacy, the photographic spread identification process can take place at any location.

Since there is no form of custody involved, the suspect is not entitled to have an attorney present at the time of the identification process.

See Santa Clara County Police Chiefs' Association Line-Up Protocol for further specifics.

Community Relations and Services

Deputies must have an active knowledge of the perceptions and expectations the members of the community in which the deputies serve have toward law enforcement in order to promote positive officer interactions with members of that community.

Deputy Roles and Responsibilities in the Community:

A deputy's knowledge of the community that deputy serves can directly influence the officer's ability to perform effectively. A community looks to its peace officers to perform a variety of services for that community.

It is the responsibility of the deputies who serve the community to:

- Maintain order,
- Enforce the law,
- Prevent crime,
- Deliver service, and
- Educate the public.

In order to best carry out these responsibilities, deputies should adopt a proactive approach to developing a partnership between themselves and persons and groups in the community.

Persons in a community expect peace officers to ensure the safety of the members of that community. From a deputy's point of view, maintaining order means taking actions to protect lives and property. From the point of view of a member of the community, maintaining order may mean ensuring an expected quality of life.

The community expects peace officers to make sure that people adhere to applicable laws and regulations. Consistent enforcement by deputies sets a standard of low tolerance for crime while demonstrating the equal, unbiased application of the law.

In order to adequately enforce the law and prevent or reduce crime within a community, deputies need to develop "beat knowledge." This includes not just knowing the basic layout and makeup of the beat area, but also recognizing specific areas within the community that may require special attention.

Community Attitudes Toward Peace Officers:

Recognition of common community attitudes toward law enforcement and their origins can help deputies understand how to create more positive relationships with community members.

Generally, persons directly involved in a crime or critical incident have specific expectations of deputies. Many situations are highly charged or emotional and involved individuals may have unrealistic expectations of peace officers.

Cultural Diversity

Recognizing Diversity:

Deputies need to recognize and respect the complexities of cultural diversity in order to develop the skills necessary for identifying and responding to California's changing communities.

Human beings by nature tend to identify and affiliate with each other in groups whose members share certain things in common. The recognition and preservation of one's identity based on a group affiliation can become a matter of self-esteem and strong personal pride. Group affiliations may not only affect how an individual acts or responds, but also how others interact or respond to that individual.

Culture is a broadly used term that refers to a complex group of shared characteristics including beliefs, values, ways of thinking, behaviors, customs, or traditions. Culture is *learned* and can be passed from one generation to the next. It can condition an individual's thinking and influence both conscious and unconscious behaviors. Culture can be interpreted broadly, encompassing large groups of people from specific geographic or regional areas (e.g., Californians, New Yorkers, Midwesterners, etc.) or national origins (e.g., Mexicans, Germans, Japanese, Italians, etc.).

A **cultural group** is an affiliation of individuals who collectively share any number of common sociocultural characteristics. Cultural groupings in the United States are most often associated with national origins. Cultural groups are based on factors (some physically distinguishable) which include, but are not limited to:

- Common history
- Common geographical basis
- Some Political Agreement
- Common Beliefs
- Shared Customs
- Similar Artistic Basis
- Morals, Mores and Folkways
- Law by Consensus
- Common Linguistic Bonds
- Common Racial Background

A **sub-cultural group** is comprised of people who have an association, most often voluntary, within a larger culture who have common values, beliefs and experiences, and they develop close bonds or feelings of unity and pride with the identity of the subculture.

- Law Enforcement
- Criminal Groups and Gangs
- Gay, Lesbian, Bisexual, Transgender
- Amish
- Sikhs, etc.

No one set of common elements or characteristics can be applied to all cultures. Cultures, just as the people who make up the groupings, are always in a state of change and development.

An **ethnic group** is any group that can be distinguished on the basis of shared characteristics such as nationality, common ancestry, language, common history, race, etc. Individuals within an ethnic group may believe they are alike by virtue of a national origin, or other shared characteristics (**ethnicity**). For example, within America, there are numerous ethnic groups based on nationality (e.g., Mexicans, Koreans), or race.

Race is a term that is often misused to mean the same as ethnicity. Race is an anthropological term for categories that are based on *physical characteristics*. Ethnic groupings may be based on physical characteristics such as race. Race has been traditionally defined as one of three categories. They are Negroid, Caucasoid, and Mongoloid.

In the past, the law enforcement profession was commonly dominated by Caucasian males who were often from European ethnic backgrounds (e.g., Irish, Italian). As communities and regions are changing based on the influx of multi cultural individuals, the profession of law enforcement is evolving and becoming culturally diverse. What was previously a group of Caucasian males is becoming a workforce made up of individuals of different genders, cultures, and ethnic backgrounds.

Cultural diversity means the representation or existence of individuals with distinctly different group affiliations within one organization, community, state, nation, or other social system. Such group affiliations can be based on culture, ethnicity, gender, sexual orientation, etc. Awareness and understanding of the diverse cultures within communities and law enforcement agencies can reduce negative ethnocentric attitudes and practices.

Understanding cultural influences on individuals can help peace officers recognize and influence patterns of behavior and build more effective and responsive relationships within the community and within law enforcement itself.

Crime Prevention and Risk Reduction:

Crime prevention is the anticipation, recognition, and appraisal of a crime risk coupled with specific actions which can be taken to remove or reduce that risk.

There are four common components of crime prevention that can help deputies reduce or prevent crime in a community.

- Anticipating criminal activity
- Recognizing crime risks
- Identifying crime problems
- Taking specific actions to remove or reduce the opportunity for criminal activity

Deputies can anticipate criminal activity by:

- Becoming familiar with the crime patterns of the area (i.e., beat profiling), and
- Gathering information from people who reside and work in the area.

Deputies must recognize the areas and conditions in their communities that may pose a higher risk for criminal activity.

Identifying crime problems involves recognizing and tracking existing patterns or incidents of crime in a community. While recognizing risk factors can help deputies predict where conditions are favorable for crime to occur, tracking past or present crime in a community allows deputies to focus on where it may be most likely to happen.

Identifying crime problems requires deputies to:

- Exchange information with officers on other shifts,
- Exchange information with officers from other departments, and
- Use crime analysis information.

Deputies can work to prevent crime by removing or reducing the opportunities. This means taking proactive steps to reduce crime by making conditions unfavorable for it to occur. Officers will discover others as they recognize risks and identify crime problems in their own communities.

Reducing the opportunity for unauthorized people to gain access and decreasing the appeal of the premises for criminal activity is key to preventing crime on both residential and commercial premises.

Deputies can help to prevent crime by instituting, sponsoring, or assisting with crime prevention programs within the community. Participating in crime prevention programs not only helps to convey important information to citizens, but also allows citizens to see and interact with officers in a positive atmosphere.

Some common examples of crime prevention programs include, but are not limited to, the following.

- Community “watch” and “alert” programs such as:

- Neighborhood Watch
- Apartment Watch
- Campus Watch
- Hospital Watch
- Marina Watch
- Merchant Watch

- Operation Identification (property identification)
- Child identification and fingerprinting
- Drug education
- Personal safety programs

Problem Solving in the Community:

One measure by which members of the community evaluate peace officers is the deputy's skills in problem solving and conflict resolution. Frequently this is based on a deputy's ability to actively involve citizens in partnerships that address the causes of crime or meet other community goals.

Deputies need to recognize that effective problem solving is a process. It utilizes a basic strategy that should be learned. The following table identifies the components of a basic problem solving strategy.

Community-oriented policing (COP) is:

- A philosophy,
- A management style, and
- An organizational strategy.

Community-oriented policing promotes proactive problem solving and law enforcement/community partnerships to address the causes of crime and fear as well as other community issues.

Community-oriented policing redefines the roles and relationships between the community and law enforcement by recognizing that both must work cooperatively to identify problems and develop proactive community-wide solutions. Community-oriented policing programs generally incorporate the following principles.

- Shifting the focus of law enforcement from an "incident-driven" system to addressing problems identified jointly by the community and law enforcement
- Reassessing who is responsible for public safety
- Developing shared ownership, decision-making, and accountability
- Setting new public expectations and standards for police effectiveness
- Increasing mutual understanding and trust
- Empowering and strengthening community-based efforts
- Maintaining constant flexibility
- Committing to long-term and proactive programs or strategies to address the underlying conditions that cause crime
- Acquiring knowledge of available community resources
- Committing agency and personnel resources
- Decentralizing law enforcement services, operations, and management

- Committing to developing new skills through effective training

The problem-solving model most commonly applied to problem-oriented policing is the **SARA** model. This process can be applied to a broad variety of decisions and criminal investigations. The following identifies the steps of the SARA problem-solving model. Peace officers should note that the SARA model includes all of the steps associated with a basic problem solving strategy focused into four steps.

- **S**canning - Identifying the problem
- **A**nalysis - Collecting and analyzing information
- **R**esponse - Cooperatively developing and implementing solutions with other agencies and the community
- **A**ssessment - Evaluating the effectiveness of the strategy selected

The Sheriff's Office is committed to having each deputy become a part of community policing. Community policing involves the cooperation between the Sheriff's Office and the public that it protects. The job of the beat deputy will be extremely difficult without the cooperation of the people that live within the community.

The philosophy of community policing stresses the importance of building trust with the community by empowering average people and making them a part of the process. The public should be reminded that it is the job of the entire community to make their neighborhoods safe and attractive places to live and work. They must be made aware that the community policing effort requires the participation and support of everyone, not just community leaders.

An effective community policing effort requires the support and commitment of the Sheriff’s Office, the public, elected officials, community agencies, and the media. Each of these groups needs to become a part of the solution to neighborhood problems rather than being aloof or indifferent.

However, it is important to remember that community policing is not an overnight miracle cure or a quick fix, even though it may make a dramatic and immediate improvement in some target neighborhoods. The deputy who spends today organizing a sport league for idle inner city youths has good reason to hope that this effort will pay off in the future, but there is no guarantee.

Community policing is a subtle, but profound, way for the Sheriff’s Office to approach problems. It offers better odds of making a positive impact as momentum builds in the future.

The beat deputy has an integral roll in making community policing work to its fullest. The deputy that takes the time to talk with business owners, community members, local residents, children, and gang members will be able to gain additional insight into his/her beat and determine the needs of the community.

Deputies must also know other government agencies that will assist the citizens in handling problems that the Sheriff's Office does not or cannot handle effectively. An example would be continual drug problems at an apartment complex. The beat deputy can contact the Building Inspector’s Department and the County Code Enforcement

Office to have the premises checked for violations. Should violations be noted, the landlord may have to evict or reimburse all of the tenants.

Deputies are also encouraged to attend community meetings and also speak to local business groups and schools about involving the community in helping the Sheriff's Office to make their communities safe.

The Sheriff's Office has numerous services and programs available for use by the community: Regional Auto Theft Task Force (RATTF), Sexual Assault Felony Enforcement (SAFE), Rural Crimes Task Force, and School/Neighborhood Resource Officers. The Sheriff's Office will also assist the public in organizing Neighborhood Watch Groups, with inspections of residences and businesses for security suggestions, by providing stickers and coloring books for children, by providing numerous pamphlets on a variety of police related topics, and with the availability of deputies for other community relations work.

Emergency Listing Card

The Emergency Listing Card is completed by beat deputies and is used to contact the owner or person responsible for a business after normal business hours in the event of an emergency. These cards are retained by County Communications in a computer database.

Beat:_____ EMERGENCY NUMBERS Date:_____

FIRM OR BUSINESS _____

ADDRESS_____ TEL._____

IN CASE OF EMERGENCY PLEASE NOTIFY:

NAME _____

ADDRESS_____ TEL._____

OR IF NO RESPONSE PLEASE NOTIFY:

NAME _____

ADDRESS_____ TEL._____

6259 REV 3/69 735.03

If serviced by an alarm company give following information.

_____

name of company

_____

address phone

If night lights are utilized give number and location.

_____

_____

Any additional information:

_____

_____

Notice to Appear Form

The “Notice to Appear for Trial” form is initiated by the Traffic/Court clerk in the Investigations Bureau when notified that Sheriff's Office personnel are needed for a court appearance. The form is given to the concerned deputy’s direct supervisor for serving to the deputy. Both the supervisor and the concerned deputy must sign acknowledging receipt of the form. The original signed copy of the form is to be returned to the Traffic/Court clerk and the second copy is to be retained by the deputy.

WITNESS NOTIFICATION
WITNESS RESPONSE

Witness: **Agency:** SCCSO **Unit:** Detective Bureau
Defendant(s):
Docket: **OFCN:**
Charges:
Hearing: Jury Trial
Date: **Time:**
Address:
Dept: Hall of Justice, East Wing, Dept. 24
DA: **DA Case Number:**

Contact Person: **Phone Number:**

☐ Officer will appear.
☐ Officer agrees to be on Telephone Standby. **DA must preapprove TSB.** See comments box on witness copy to determine if you can be on standby. List your phone numbers below.
☐ Officer will not appear because:

_____

☐ Return to Duty Date: _____ Date Notice Sent: _____

Officer's Signature: _____ Date: _____

Circle Days Off: M T W TH F Scheduled Time Off: _____

Cell: _____ Pager: _____ Home: _____

Supervisor's Signature: _____ Date: _____

Notice to San Jose Police Department Officers: This notice must be given personally to the officer. If the supervisor cannot personally serve the officer, he or she must notify Court Liaison immediately so witness coordination can inform the District Attorney's Office. The witness should return the top portion of this form to the Court Liaison Unit. If this response is promptly returned, the witness does not need to contact the DA's Office directly.
All Other Officers: Please return the top half of this form to the District Attorney's Office.

Dated:

WITNESS COPY

Agency: SCCSO Unit: Detective Bureau I/O: Badge :	Comments: ***
Defendant(s): Docket: OFCN: Charges: Hearing: Jury Trial Date: Address: 190 W. Hedding Street, San Jose, CA Dept: Hall of Justice, East Wing, Dept. 24	DA: DA Case Number: **CONTACT** **PHONE:** **Dated:**

YOU MUST IMMEDIATELY CALL THE CONTACT PERSON AT THE ABOVE NUMBER

Building Searches

High-risk searches of buildings or open areas must be carefully planned and executed. A strategic plan of operation should be flexible and allow for adjustments and modifications as the situation unfolds.

	Action Guidelines
Preparing to enter a building	Make certain a perimeter has been established. Contact the owner/responsible party for the building. Locate suspect's point of entry/exit. Determine the number of searching officers necessary. Attempt to contact suspect(s). Announce proposed entry.
Making a tactical entry	Approach the building with care. Open the door (entry point) completely and listen prior to entering the area. Enter quickly making use of available cover and allowing eyes to adjust to changing light. Assess the situation before continuing action.
Conducting a systematic search	Make use of any available light. Visually scan the area in a systematic manner. Search each area thoroughly before moving on to the next area. If structure is a multistory building, confine search to one floor at a time. Open doors completely. Maintain contact and cover roles throughout the search.
Confronting a suspect	Communicate effectively. Take control of the suspect. Secure and search the suspect. Question the suspect regarding the existence of any additional suspects and weapons. Remove suspect from area. Continue the search.

Use of Force – Entering Buildings

References:

Government Code sections: 26600, 26601, and 26602
Penal Code sections 692, 693, 694, 697, 830, 835a, 836, 844, and 845.

The use of destructive force in entering a building will be practiced with utmost restraint and discretion, and only after all reasonable alternatives have been exhausted.

Forcible entry into a building, either for the purpose of arresting an offender, protecting life or property, in response to a request, or for any other purpose will generally be guided by the applicable provisions of the above referenced sections and must be determined by the particular circumstances. Care will be exercised by deputies preparatory to entering any building by force.

Preparation:

- Purpose for which building is to be entered is actual and justified.
- Bystanders and neighbors are warned and any danger to them is neutralized.
- All reasonable precautions for officer safety are maintained as strictly as possible.
- Safety of building's occupants is not unreasonably jeopardized.
- Building's occupants are aware of deputy's purpose and admittance is appropriately demanded.

Exceptions:

- Hot pursuit of a wanted person for serious crime.
- When such notice would substantially increase the threat to deputy's safety.
- In order to safeguard life or property.
- Upon threat of destruction of evidence.

Procedure:

The Patrol supervisor will be notified of all incidents of forcible entry by deputy, and if possible, he/she should be notified to respond before making the forcible entry.

An Employee's Report shall be directed to the Patrol Commander which will describe damage to private property that was incurred as a result of official actions.

The Employee's Report will include:

- Location of incident
- Incident number
- Nature and extent of damage
- Justification for using forcible entry
- Complete description of damage, including photos.
- Name and address of property owner, other PLEOs, suspects, and witnesses.

Property owner or person who has responsibility for the property will be notified and advised of the damage.

- Advise party to have damage repaired by commercial or private means <u>if they so desire</u>.
- Make no comment as to whether the County of Santa Clara will pay for the damage.
- Advise party that they can submit the repair/replacement bill to the below agency for consideration of payment:

  County of Santa Clara
  E.S.A. Insurance (Employee Service Agency)
  2310 N. First Street, Suite 203
  San Jose, Ca. 95131
  (408) 441-4340

The Sheriff's Office Canine Unit

The Canine Unit for the Sheriff's Office is comprised of deputy sheriffs assigned to the Bureau of Enforcement. A patrol sergeant is also the supervisor for this unit. Requirements for entry into the program are at least two years of patrol time, successful completion of the selection process, and having a safe environment with which to maintain the canine. All of the canine units are assigned to the Headquarters or West Valley swing shift. Each handler receives handler pay in addition to their regular salary and train weekly with the other canine deputies and dogs.

The canine is an effective tool when used properly. There are situations where a deputy may feel a canine can be utilized, however, due to liability issues and court decisions, the handler may not deploy the canine. This should not be construed as the Canine Unit not wanting to assist deputies. All of the handlers are eager to work their canines and will certainly assist deputies if they can. The handler may also choose to not deploy the dog if the situation is too dangerous for the dog (i.e. unarmed dog vs. armed suspect) or if the dog has not been trained for what he is being expected to do. There are many situations when a canine may be deployed. On-leash searches may be used for non-violent suspects or misdemeanors. Off-leash searches are generally only used for serious felonies. Each use of the canine must be weighed and a determination made for use of the canine. The canine handler has the authority to decline to use the canine if he or she feels the use is not warranted.

The primary tool a canine provides is its sense of smell. No one has ever been able to adequately compare a dog's sense of smell to that of a human. The scientific estimations range from 700 to one million times better. Even the lower estimate makes the dog the ideal tool for finding someone. Most canine searches utilize the dog's ability to detect human scent. Human beings are constantly producing dead cells. These cells, known as body rafts, fall off the body. They are at 98.6 degrees so in most conditions, they rise until they cool to the ambient air temperature. They then become heavy than the air and fall to the ground. Air currents can move these particles around. The dogs sniff the ground looking for "pools" of this scent and sniff the air looking for streams of the scent. The dogs then follow this scent as it grows stronger which leads them to the suspect.

A canine is also a use of force but does not fall within a specific level in the Use of Force Continuum. A number of court decisions have ruled that it is not lethal force. There is only one known incident of a police dog killing a suspect. The mere presence of a dog may encourage a suspect to give up. The same person who will willingly take on police officers will not want to take on a dog. If necessary, the canine will bite a fleeing or combative suspect. The dogs are trained to stop biting or stop pursuing on command. A canine is the only use of force, which can be recalled after it is deployed.

Deployment:

The deployment of the canine unit is a team effort. This cannot be stressed enough. The patrol deputy is as important to the successful application of the dog as the dog team itself. Without proper containment by patrol deputies the chance for a successful conclusion to any canine use is greatly reduced.

Tracking:

Tracking is used when the path a person traveled is not known. This can be a suspect who fled the scene or a lost person. The dogs can follow a track over hard or soft surfaces. The German Shepherd Dogs can follow a recently laid track even if there is no scent object left by the suspect. The time period is dependent on environmental conditions. The Bloodhounds can follow a much older track (days old) even in heavily traveled areas.

A track is done using a harness and a long leash. The Bloodhounds are the ideal tools for tracking a lost person. They can also be used for criminal suspects but are not trained to bite.

Tracking dog situations include missing person cases, kidnap cases, hit and run vehicles using a victim's scent, tracking from an assault victim's clothing, locating crime scenes, lineups (picking subject out of a crowd), and trailing bodies located in the water or buried underground. The dog can also do decomposition work. Some of the tracking dogs will alert on evidence dropped or discarded. All of the tracking dogs can follow the route taken by suspect allowing officers to search for evidence along the route.

Some things to keep in mind on a tracking call.

- Don't contaminate scene.
- Limit the number of people in the scene.
- All personnel at the scene must remain until the arrival of the dog for scent identification
- Don't go where suspect was last seen.
- Avoid touching any item that suspect might have touched. If it does have to be moved, use a stick or wire and place in a plastic bag and seal it.
- Shut off all vehicles at scene and anywhere dog will go to prevent scent contamination.
- Footprints in the dust, blood, or mud can be used as scent articles-protect from contamination
- Suspect vehicle-stay out and keep doors and windows closed. Avoid touching the steering wheel, gearshift, etc.
- Don't use flares at the crime scene to prevent contamination.

Evidence Searches:

Some of the tracking dogs will alert on evidence dropped or discarded. All of the tracking dogs can follow the route taken by suspect allowing officers to search for evidence along the route.

Building Searches:

A common use of the canine is for building searches when an alarm has been activated or an open door is found. The first units to arrive should establish a perimeter and attempt to contact a responsible person. The importance of setting up a perimeter and maintaining it cannot be overemphasized. When the K9 unit arrives they will expect deputies to provide them with information about the perimeter, the open door and other pertinent information. Case law and department procedures require that an announcement be made prior to the start of the search.

This admonishment says a canine will be released and it will bite if it finds the suspect. Deputies may be asked to make this announcement and it will be repeated three times. The dog will be sent into the building along with its handler and at least one cover officer. The dog will conduct a methodical search of the entire building. If the suspect is in an open area the dog will go up to him. He may or may not bite the suspect, depending on the suspect's actions. If the subject is hiding, the dog will alert on that area.

Area Searches:

An area search is conducted in the same manner as a building search. It is used when an open area such as an equipment yard or city park needs to be searched. The dog sniffs the air until he detects the scent and then follows the scent to the suspect. Wind helps spread the scent, enabling the dog to more quickly detect it.

Entering a building or area before the canine unit is called does not preclude the use of the dog. In other words, a deputy's scent will not prevent the dog from finding other persons in the building or area. It is preferable for the deputy's safety that he/she waits for the canine unit.

Back-Up Deputy:

The handler will need a backup deputy to accompany him/her on the search once a determination is made to use the canine. The backup deputy is an integral part of the search. It is important for the backup deputy to be an extra set of eyes and to not watch the dog. When the suspect is located, the backup deputy will probably take him into custody, as the handler will be controlling the dog.

As the backup deputy it is important to stay close to the handler so the dogs will not bother them. Remember to never get between the handler and the canine and to never run after a fleeing suspect. The canine may bite the closest person running near him - uniform or no uniform.

Narcotics Searches:

Narcotics detection dogs are trained to find methamphetamine, cocaine, heroin and marijuana. They can be used for vehicle and building searches. They are not trained to find narcotics hidden on a person. For vehicle searches it is best if the car is closed up while awaiting the canine's arrival.

Denk Hund:

The Canine Unit has adopted the motto, “Denk Hund” which means “Think Dog” in German. The dogs are better than any device yet invented to locate people. They can check a building or area faster with much better accuracy than any number of officers. No human can follow a trail where there are no visible tracks. Only a dog can do that. No tool offers the same increased margin of safety to deputies that a dog provides. If in doubt call a handler and ask if they can provide assistance. Remember the dogs are there to help.

Court Procedures/Appearances/Subpoenas

Deputies will periodically have to appear in court as a rest of an incident that they investigated or witnessed. Deputies will conduct themselves in an appropriate manner and be prepared to testify truthfully to the facts of the case.

Attendance and Dress:

Deputies should appear either in full uniform or in civilian clothes of businesslike appearance. The deputy's clothing should be neat, clean and appropriate and consist of one of the following:

- Business suit and tie
- Sport coat, slacks and tie
- Women's equivalent for the above
- Regulation uniform (long sleeve shirt and tie)

Preparation of Exhibits:

Deputies will have the case in which they are concerned properly prepared, and all property that is to be used as evidence suitably arranged for presentation in court. Several days prior to the court date, deputies should check with the detective assigned to the case to determine who will be bringing the evidence to court. Often, the detective will not appear in court and it will be the deputy's responsibility to retrieve the evidence.

Notification of Arrival:

Deputies, appearing in court, will notify the prosecuting attorney or assigned court deputy of their arrival.

Notification of Non-Attendance:

Deputies must notify either the court clerk in the Investigations Division or the assigned Deputy District Attorney in all cases when they will be unable to make a scheduled court case after initially acknowledging that they will be there. Deputies who fail to appear on a court case can be subject to departmental disciplinary action.

Conflicting Court Appearance Dates:

When a deputy receives two or more court notices requiring an appearance that cause a conflict with one another, such as two trials at the same time, that deputy is responsible for notifying the assigned Deputy District Attorneys of the conflict.

Preparing for Courtroom Testimony

Peace officers should be accustomed to performing a wide range of duties under the scrutiny of the public eye. Possibly, no actions of officers will be scrutinized more closely, though, than their conduct and demeanor when presenting evidence as witnesses in court.

Deputies believe their role is to "help" the prosecutor win the case. Although their intentions are not to deliberately lie or deceive the court, deputies may attempt to exaggerate or try to fill in unsubstantiated details to bolster the case against the defendant.

Such actions and attitude ***do not*** aid the prosecution's case. Instead they can result in the jury viewing the deputy as biased and prejudiced against the defendant and hinder that deputy's credibility.

Peace officers must recognize that their primary role as witnesses for the prosecution is to:

- tell the truth,
- testify to only those facts which they know from personal knowledge, and
- be unbiased witnesses for either side.

For a deputy's testimony to be precise and accurate, it is critical that the deputies know the facts and are familiar with all phases of the case. Rather than depend on memory, deputies should carefully review their field notes, all investigative reports, and any other summary reports or documentation related to the investigation.

Meeting with the case prosecutor prior to the trial allows a deputy to present and/or discuss evidence or information related to the case. It is critical that the prosecutor knows as much about the case as the investigating deputy knows about the case. The deputy should bring a copy of the arrest report and any other notes or memoranda that may be useful during the meeting.

During this meeting, it is common for the prosecutor and deputy to:

- identify possible weaknesses in the case,
- discuss anticipated questions during both direct and cross-examination,
- go over portions of the deputy's anticipated testimony, and
- strategize on how to best answer certain questions.

Prosecutor does not:

- solicit or encourage perjury,
- counsel evasiveness or distortion of the truth, or
- distort testimony to create misunderstanding or a false version of the facts.

Testifying:

The *manner* in which evidence is presented can have as much of an effect on the opinions and attitudes of the members of the jury as the evidence itself. Peace officers whose testimony is presented in a candid, sincere, and professional manner will not only impress the court, but will also add respectability to their departments.

Credibility is the degree to which an individual is believed. In a jury trial, the jury must ultimately decide on the credibility of each witness and, therefore, the believability of that person's testimony.

Factors that can affect a witness's credibility include the:

- witness's demeanor while testifying,
- manner in which the witness answers questions,
- extent to which a witness is able to perceive, recollect, or communicate any matter about which that individual is testifying,
- perceived existence (or nonexistence) of any bias, interest, or altered motive,
- consistency of statements made,
- individual's projected attitude toward giving testimony, or
- admission of past or present false or misleading statements.

Peace officers' demeanor in and around the courtroom is as important as their appearance and testimony. The credibility of deputies giving testimony can be greatly influenced by their body language, attitude, manner of speaking, and behavior. If a deputy behaves like a professional, the jurors will perceive those deputies as professional.

Peace officers should maintain their professional demeanor at all times, even when they are not on the witness stand. This includes areas such as hallways during breaks, outside the courtroom while waiting to testify, elevators, restrooms, coffee shops, etc.

A flippant remark, laughing, joking, horseplay, or any other less than professional demeanor may be overheard or witnessed by jurors, attorneys, family members of involved parties, other witnesses, or the court bailiff. Individuals may think deputies (or prosecution in general) do not take the case seriously and the deputy's credibility may be damaged.

Appearance in Civil Court:

Deputies that are subpoenaed in a civil action will ensure that the party requesting his/her appearance has paid the appropriate fees to the Sheriff's Office. These fees must be paid prior to the deputy's appearance in court.

Subpoenas:

A **subpoena** is an official court document that commands a witness to appear before a court, a grand jury, or other proceeding. Subpoenas specify the time and place a witness must appear to give testimony and are part of the process by which evidence is legally obtained.

Failure to comply with a subpoena without good cause can be punished as contempt of court (*Penal Code Section 1331*).

When a complaint has been filed in a criminal case, only specifically designated people may issue a subpoena. These individuals are:

- a judge or court clerk,
- the district attorney or his investigator,
- the public defender or his investigator, or
- an attorney of record for the defendant.

The list of individuals who may issue subpoenas for Grand Jury investigations is more limited than in a court case. This is because the purpose of a Grand Jury investigation is to determine if there is enough evidence to issue an indictment and bring a case to trial. If a case proceeds to trial, a separate set of subpoenas may then be issued. The people who may issue subpoenas for Grand Jury investigations are limited to:

- the district attorney or his or her investigator, or
- any judge of the superior court, upon request of the Grand Jury.

A **subpoena duces tecum** is a specialized type of subpoena by which the court orders specified evidence to be produced or delivered to the court.

Examples include, but are not limited to:

- tapes from 911 calls,
- telephone records,
- bank records, and
- medical records.

Field Interviews

The "field interview" is a very useful and effective means of maintaining the safety and welfare of the community. By remaining alert, perceiving circumstances that may indicate crime, stopping suspicious individuals, and conducting field interviews, deputies serve the community by preventing, discovering, or solving crimes. However, the courts have indicated that certain elements must be present before a peace officer initiates a field interview.

Field Interviews - Definition:

A field interview is a temporary detention of a person for purposes of investigating unusual actions which reasonably infer criminal activity. A field interview occurs when a deputy uses authority either to compel an individual to stop, to remain in a certain place, or to perform some act (such as walking to a nearby location where the deputy can use a radio or telephone). If a reasonable person reasonably believes that the person stopped is not free to leave the deputy's presence, a field interview is occurring.

Authority and Required Elements:

If a deputy has a reasonable suspicion that an individual has committed, is committing, or is about to commit any crime, such deputy has the authority to stop that individual and conduct a field interview. The deputy may exercise this authority in any place that that he/she has a right to be. Both pedestrians and individuals in vehicles may be stopped. The following elements must be present before a field interview is authorized:

- The deputy has reasonable suspicion that some unusual or out of the ordinary activity is or has taken place.
- There is some indication that the individual under suspicion is connected to the unusual activity.
- There is some suggestion that the unusual activity is related to a crime.

All three elements must be present before an individual is stopped and a field interview conducted.

Reasonable Suspicion:

The term "reasonable suspicion" is not capable of precise definition; it is more than a hunch or mere speculation on the part of the deputy, but less than the probable cause necessary for an arrest.

Reasonable suspicion may arise out of a contact, or it may exist prior to or independently of a contact. Reasonable suspicion may be based on factors such as appearance, actions, prior knowledge, area, time and experience. In addition deputies will strive to utilize factors that can be documented later. Mere hunches or guesses are not adequate.

Initial Approach:

Once the required elements have been established, the person may be stopped. However, provided that the public is not endangered and the chance of losing the suspect is not significant, it may be better for the deputy to wait if it is thought that by so doing he/she will be able to develop additional information to establish probable cause for an arrest. The guideline is: Don't ruin a good arrest by a premature stop.

Use of Force to Detain:

Generally, no force should be used to effect a stop unless the deputy is attacked, or circumstances exist that create probable cause to arrest. The deputy may use the amount of force necessary to defend himself/herself or effect a full custody arrest.

Refusal to Cooperate:

Refusal to answer questions or cooperate in other ways does not, by itself, establish probable cause to arrest. However, such refusal may be considered, along with other facts as an element which may establish reasonable cause if it would be reasonable for an innocent individual to cooperate. Nevertheless, deputies cannot compel an individual to cooperate in a field interview.

Moving the Detained Individual:

Deputies should not transport or otherwise move a stopped individual from the location where the stop is made except to verify answers given and only when no other method of verification is available. Nevertheless, the distance such an individual may be moved is limited. A reasonable standard is to limit the distance to 100 feet or less. Stops are intended to be on-the-spot inquiries. When a suspect is moved further than a limited distance, courts are likely to conclude that an arrest has in fact been made, thus entailing problems pertaining to a reasonable cause to arrest.

Duration of Stop:

A person may be detained only at or near the scene of the stop for a reasonable time. Deputies should detain a person only as long as is reasonably necessary to conclude the investigation. Should further suspicious circumstances arise during this period, the deputy may detain the person until the further suspicious circumstances can be investigated. A reasonable guideline is that the stop should be terminated within 20 minutes unless more time is required to verify a person's identity and/or the reliability of the answers given. However, the deputy should not detain a person in excess of this time limit merely to ask further questions.

Field Interview Card:

Since a field interview is based on suspicious activity that relates to a crime, deputies should normally complete a "Field Interview Card" and file it in the appropriate location at the completion of the shift. In addition, deputies initiating a field interview should maintain a detailed record of the specific facts and circumstances that justified the stop in their field notebook for future reference.

Definition of probable cause:

There is no difference between the meaning of "reasonable cause," which is the term that appears in the California statutes (Pen. Code, § 836), and the term "probable cause" as used in federal Fourth Amendment law. The two terms are identical.

Probable cause to arrest exists when the totality of the circumstances or "total atmosphere" of the case would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested is guilty of a crime.

Probable cause [to arrest] exists when, under the totality of the circumstances known to the arresting officers, a prudent person would have concluded that there was a fair probability that [the defendant] had committed a crime.

OFFICE OF THE SHERIFF **FIELD INTERVIEW REPORT** **SANTA CLARA COUNTY**

Location	City	Date	Time

Name (Last, Gen., First, Middle)	Sex	DOB	Height	Weight

Race	Hair Description	Hair Color	Complexion	Build	Beat
☐ 1 Amer. Indian	☐ 1 Afro	☐ 1 Black	☐ 1 Acne	☐ 1 Avg.	
☐ 2 Asian Indian	☐ 2 Bald	☐ 2 Blonde/Strawb	☐ 2 Clear	☐ 2 Heavy	
☐ 3 Black	☐ 3 Braided	☐ 3 Brown	☐ 3 Dark	☐ 3 Thin	
☐ 4 Cambodian	☐ 4 Collar	☐ 4 Grey	☐ 4 Freckled	☐ 4 Other	# of Persons FI'd
☐ 5 Chinese	☐ 5 Crew-Cut	☐ 5 Red/Auburn	☐ 5 Light	**Movement**	
☐ 6 Filipino	☐ 6 Curly, Long	☐ 6 Sandy	☐ 6 Medium	☐ 1 Bicyclist	_____of_____
☐ 7 Guamanian	☐ 7 Curly, Med	☐ 7 White	☐ 7 Pocked	☐ 2 Driver-Auto	Deputy Badge #
☐ 8 Hawaiian	☐ 8 Curly, Short	☐ 8 Other	☐ 8 Ruddy	☐ 3 Motorcyclist	
☐ 9 Hispanic	☐ 9 Dreadlocks		☐ 9 Other	☐ 4 Passenger	
☐ 10 Japanese	☐ 10 Kinky			☐ 5 Pedestrian	
☐ 11 Korean	☐ 11 Mohawk	**Eyes**	**Facial Hair**		Deputy Name
☐ 12 Laotian	☐ 12 Pony Tail	☐ 1 Black	☐ 1 Beard, Full		
☐ 13 Pacific Isld.	☐ 13 Shaved	☐ 2 Blue	☐ 2 Beard, Short		
☐ 14 Samoan	☐ 14 Str, Long	☐ 3 Brown	☐ 3 Clean-shaven		Event Number
☐ 15 Unclassified	☐ 15 Str, Med	☐ 4 Green	☐ 4 Goatee		
☐ 16 Unknown	☐ 16 Str, Short	☐ 5 Hazel	☐ 5 Lower lip		
☐ 17 Vietnamese	☐ 17 Wavy, Long	☐ 6 Multicolor	☐ 6 Mustache		Associated Case Number
☐ 18 White	☐ 18 Wavy, Med	☐ 7 Other	☐ 7 Side burns		
☐ 19 Other Asian	☐ 19 Wavy, Short		☐ 8 Unshaven		
☐ 20 Other	☐ 20 Other		☐ 9 Other		

FOLD HERE

Residence Address	City	Telephone

Drivers License #	State	SSN	☐ Parole ☐ Probation ☐ 290 Reg. ☐ Drug Reg. ☐ Arson Reg.

PO Name	PO Office	Telephone

Moniker(s) / AKA's

Occupation	Business or School Name	Business Address

VEH Make	Model	Year	Style

Color	Plate	State	VIN

Vehicle Damage	Vehicle Oddities

6677 REV 8/01

OFFICE OF THE SHERIFF **FIELD INTERVIEW REPORT** **SANTA CLARA COUNTY**

DESCRIBE SCARS, MARKS, AND / OR TATTOOS		DESCRIBE CLOTHING AND/OR ARTICLES WORN / CARRIED	
☐ 1 FACE		☐ 1 HAT	
☐ 2 TEETH		☐ 2 GLASSES	
☐ 3 NECK		☐ 3 JACKET	
☐ 4 R/ARM		☐ 4 SWEAT SHIRT	
☐ 5 L/ARM		☐ 5 SHIRT(S)	
☐ 6 R/HAND		☐ 6 PANTS	
☐ 7 L/HAND		☐ 7 SHORTS	
☐ 8 R/LEG		☐ 8 SHOES	
☐ 9 L/LEG		☐ 9 BAGS	
☐ 10 R/SHOULDER		☐ 10 JEWELRY	
☐ 11 L/SHOULDER		☐ 11 WEAPONS	
☐ 12 FRONT TORSO		☐ 12 OTHER	
☐ 13 BACK TORSO			
☐ 14 OTHER			

FOLD HERE

ASSOCIATES	Name (Last, Gen., First, Middle)	DOB	DL #	State
1.				
2.				
3.				

REASON FOR THE FIELD INTERVIEW (PROBABLE CAUSE)

GENERAL CLASS: ☐ Gang Involved ☐ Sex Crime ☐ Rural Crime ☐ Juvenile Crime ☐ Burglary ☐ Robbery ☐ Drugs ☐ Other

DISPOSITION: ☐ Arrested ☐ Cited & Released ☐ Released ☐ Warned ☐ Other

PHOTO: ☐ None ☐ Polaroid ☐ 35mm ☐ Digital

PHOTO: ☐ Attached ☐ Submitted To:

FORWARD A COPY OF THIS F.I. CARD TO:

☐ F.I. Entered into Database

RIGHT THUMBPRINT

Sheriff’s Office/Fire Coordination

Responsibility:

At the scene of fires, the ranking fireman is in overall charge and will determine when the emergency situation is terminated. Sheriff's Office involvement will consist primarily of crowd and traffic control and security of property and fire department equipment.

Investigation:

Investigation of the origin of fires is the responsibility of the fire department. A deputy who discovers arson or attempted arson while investigating any other crime will notify the fire department.

There will be instances when the Sheriff's Office will work with the fire department in the investigation of a crime. This may be a stolen vehicle that has been intentionally set on fire or a fire of suspicious origin that may involve other crimes (narcotics manufacturing, illegal firearms/ammunition, possible homicide, etc.).

Response to In-Progress Calls:

When deputies are responding to in-progress calls or those calls with a high potential for violence, they should use the utmost caution when responding. Deputies should never respond on these types of calls alone. They should wait for a second deputy before making contact. Deputies should be thinking of officer safety at all times.

Duties of First Arriving Unit:

The first arriving unit will evaluate the situation to determine if adequate resources are at the scene or en route. When making this evaluation, the deputy first arriving will confer with the person making the initial report, if possible. When the evaluation indicates that more units are needed, or type of response increased, on-scene personnel may make additional requests. In any event, the last arriving unit will relay an evaluation of the situation to County Communications as soon as possible after arrival.

Supervisor's Responsibilities and Authority:

The field supervisor has the authority to modify or cancel requests from units on the scene. The supervisor may also respond to the scene and take over the command of the situation.

Response to In-Progress Crimes:

When an in-progress crime involves a significant potential for violence, a multiple unit response is appropriate. Responding units will notify County Communications of the following:

- Their arrival
- Their location at the scene
- Their intended actions, if possible
- The presence of elements which confirm or deny the validity of the call
- Suspicious persons/vehicles in or leaving the area

Duties After Arrival:

Deputies assigned to in-progress crimes have a responsibility to perform certain functions prior to gathering evidence or other investigative acts. The major functions are as follows:

- Obtain descriptions of perpetrators and vehicles
- Notify County Communications for APB broadcast (local/statewide)
- Secure the area, protect bystanders and evidence
- Control the situation in a manner which reduces a threat to life and property
- Request assistance as necessary such as additional Sheriff's units, specialized Sheriff's units, fire department, ambulance, etc.
- Have County Communications telephone open establishments and have a person in charge step outside the building and contact a deputy

Responding and Arriving at Scene:

- Respond code 2 unless directed otherwise by the Field Supervisor.
- Be alert for any suspicious persons or vehicles that are seen leaving the area.
- At night, [redacted] prior to arriving in the vicinity.
- [redacted] where call is located.
- Tell incoming units what is seen and direct them to positions where they can approach [redacted].
- If a deputy sees something unusual he/she should hold their position and let the other units know so that they can hold their position.
- [redacted].
- If possible, give a suspect description and a description of a weapon. [redacted].
- [redacted]
- Once the building is secure, tell County Communications the situation is "Code-4".

Nature of Perpetrators:

Experienced burglars and robbers, whether they are committing a residential or a commercial crime, may work with other suspects and thus create an increased threat to the responding deputies since they may be armed and may outnumber the deputies initially arriving at the scene. Unless known otherwise, deputies should treat all such in-progress crimes as having sophisticated perpetrator(s) until a determination can be made otherwise. Responding deputies should consider and be observant for the following:

- The existence of lookouts/suspicious persons in area
- The use of a "getaway" vehicle and/or vehicles to carry away contraband
- Equipment and tools in the area
- The use of radios and police monitors by suspects

- Areas of concealment/ambush

Response to Security Alarms:

A minimum of [redacted] deputies ([redacted] person units or [redacted] person unit) should respond on all alarm calls. The majority of these types of alarms are false, but the responding deputies should still use good officer safety and not become complacent. Some of the different types of security alarms are:

- Audible: These types of alarms emit a loud siren or bell when activated. These alarms will often reset after a certain period of time. An alarm company generally monitors these alarms. The alarm company is usually the reporting party for audible alarm calls.
- Silent: These types of alarms make no noise and are monitored by an alarm company.
- Sonitrol: These types of alarms use an alarm company to monitor a closed business and sometimes residences. The alarm activates a microphone and the alarm company listens to the activity (sounds, voices, etc.) inside.
- Panic: Usually manually activated for either duress (panic alarm, duress alarm) or a medical emergency.

Alarm Cards:

Deputies will complete an Alarm Card in all cases where there is no indication of entry (false alarm). The purpose of completing these cards is to reduce the number of false alarm calls. The property owners are charged after the Sheriff's Office responds to several false alarm calls at these premises.

Response to Hostage and/or Barricaded Situations

Hostage Situation:

Criminals who use hostages to effect their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to their hostage and to the public at large. The Sheriff's Office does not have the ability to protect the safety of a hostage [redacted].

Barricaded Situation:

Barricaded suspects pose an extreme danger, not only to deputies who seek to arrest them, but to other persons as well. Good judgment demands that a tactical plan be developed rather than immediately rushing a barricaded suspect. Certain preliminary procedures should be followed.

Guidelines:

The following guidelines will assist the initial responding deputies in the handling of these types of situations:

- [redacted].
- [redacted]
- Advise County Communications of the situation and request the presence of the field supervisor.
- Maintain control of the situation until relieved by the field supervisor.
- [redacted]
- [redacted].
- [redacted].
- [redacted]

Domestic Violence Investigations

Deputies will know and understand General Order #17.09, Domestic Violence and Protective Orders, the Santa Clara County Law Enforcement Domestic Violence Protocol, Patrol Procedures #B1, Domestic Violence, and #B1-1, Emergency Protective Restraining Orders. These documents, collectively, are the source of the Sheriff's Office Domestic Violence Reporting and Investigation philosophy.

Hate Crimes and Related Information

The following information regarding hate crimes will assist deputies in recognizing, investigating, and properly documenting these types of crimes.

Definition of a Hate Crime. Sections 422.6, 422.75, and 13872 PC:

A bias-related incident is an act or threatened or attempted act by any person or group of persons against the person or property of another individual or group which in any way constitutes an expression of hostility toward the victim because of his or her race, religion, sexual orientation, national origin, disability, gender, or ethnicity. This includes, but not limited to, threatening phone calls, hate mail, physical assaults, vandalism, cross burnings, destruction of religious symbols, and fire bombings.

Fourteen Factors in Identifying Crimes as Bias-Related:

The motivation behind the act determines whether an incident is bias-related. Although no one factor is conclusive, the following criteria, applied singly or in combination, should be used to determine if probable cause exists to believe that an incident was motivated entirely or in part by animosity toward the victim because of his or her race, religion, sexual orientation, ethnicity, or national origin:

- Mere words, symbols, or acts which are or may be offensive to an identifiable group used by the perpetrator, or are they present as evidence? For example, is there a burning cross or a painted swastika, or were derogatory words or slurs or graffiti directed at a particular racial, religious, ethnic, or other minority group?

- Are the victim and the suspected perpetrator members of different racial, religious or ethnic groups?

- Has the victim or the victim's group been subjected to past incidents of a similar nature? Has there been tension or hostility between the victim's group and another particular racial, religious or ethnic group?

- Is the victim the only minority group member in the neighborhood or one of just a few such persons?

- Did the victim recently move into the area? Is the victim acquainted with neighbors and/or local community groups? Has there been evidence of hostility toward the victim by neighbors?

- When multiple incidents occur at the same time are all victims of the same race, ethnicity, religion, national origin or sexual orientation?

- Does a meaningful portion of the community perceive and respond to the situation as a bias-related incident?

- Does the incident appear to be timed to coincide with a special holiday or date of significance, e.g., Martin Luther King Day, Rosh Hashanah?

- Has the victim been involved in recent public activity that would possibly make him/her a target? For example, has the victim been associated with any prominent recent or past activities relating to his/her race, ethnicity, religion or sexual orientation, e.g., NAACP, gay rights rally, demonstrations by or against the Ku Klux Klan?

- Has there been prior/recent news coverage of events of a similar nature?

- What were the manner and means of attack, e.g., color or paint, symbols or signs utilized, unusual spelling of the words used? Is the modus operandi similar to other documented incidents?

- Is there an ongoing neighborhood problem that may have initiated or contributed to the act, e.g., could the act be retribution or some conflict between neighbors or with area juveniles?

- Does the perpetrator responsible have a true understanding of the impact of the crime/incident on the victim or other group members? Are the perpetrators juveniles?

- Does the crime/incident indicate possible involvement by an organized hate group, e.g., Ku Klux Klan, American Nazi Party?

  For example:

  - Is the literature printed or handwritten? Does it contain an identifiable hate group symbol or insignia or hate group address?

Is there any documented or suspected organized hate group activity in the area?

Refer to Santa Clara County Police Chiefs' Association Law Enforcement Policy Statement for Hate Crimes, General Order #17.07, Hate Crimes and Patrol Procedure #B9, Hate Crimes for more specific information.

Missing Persons

Reference:

Penal Code Section 14205, 207, 277, 278, 278.5
Patrol Order B25

The Sheriff's Office has a responsibility to locate individuals whose welfare or safety is threatened, and to ensure the welfare of those individuals when found. Therefore, the Sheriff's Office maintains procedures, which ensure a timely and efficient investigative process pertaining to reports of missing persons, and gives priority to handling missing person's reports over property type crimes.

Missing Persons: A missing person is defined as any person who is reported to a law enforcement agency, until the person is located or determined to be a voluntary missing adult. Missing persons may include any of the following:

- Involuntarily missing: Includes the involuntary abduction of an adult, the involuntarily abduction of a child, children who have been rejected by their families, missing adults or children who have left and are viewed as unable to care for themselves.

- Parental abduction: Abduction of a child by a non-custodial parent or their agent.

- Runaway: Any child who is voluntarily missing.

- Unknown missing: Cases where there are insufficient facts to determine the missing person's disposition.

Reporting:

All reports of missing persons regardless of jurisdiction will be made immediately. The deputy receiving the report will not instruct the reporting party to wait a specified time prior to making the report. In cases, where an outside jurisdiction should be involved, deputies will coordinate the investigation with that jurisdiction. The reporting deputy will complete a missing persons report indicating any available information that may help in locating the person.

Event Numbers: For information about how many event numbers are required for an incident, refer to Patrol Procedure #B13, Missing Persons.

Radio Broadcasts: It is the responsibility of the deputy taking the original report to contact County Communications with the necessary information for the broadcasting of an All-Points Bulletin (APB). The APB will include all information pertaining to the missing person and/or vehicles associated with the missing person. The date/time and dispatcher who received this information from the deputy will be indicated in the appropriate space on the report form.

Teletype Notification:

The deputy taking the original report will also contact the Sheriff's Office Records Division and have a Teletype initiated. The Teletype will also be directed to the appropriate local, state, and national police agencies where the missing person might be headed. The Records clerk name that received this information will be indicated in the appropriate space on the report form.

Supervisor Notification:

In all cases, the field supervisor should be immediately made aware of all pertinent facts. The field supervisor will use his/her judgment in initiating a search and utilizing the resources of allied agencies.

Missing Person Cancellation:

When deputies locate or are advised that a reported missing person has been located, he/she should do the following:

- Confirm that a missing person report has been filed with a law enforcement agency and check on the missing person's welfare.

- Notify the agency that filed the original missing person report that the person has been located and what, if any, action is to be taken (EPS, hospital, jail, release, Children's Shelter, etc.).

- Cancel APB and Teletype on our cases and complete a cancellation form.

Disposition of Missing Persons:

Neither the Children's Shelter nor Juvenile Hall will accept runaway juveniles. Other resources (Bill Wilson House, Alum Rock Counseling) should be contacted.

Moving and Parking Citations

The Sheriff's Office uses two different types of citations: Traffic citations and Parking citations. Each has a specific purpose and the citations are not interchangeable in their use.

- NOTE: FIFTH AMENDMENT PROTECTION: "No person shall be subject for the same offense to be twice put in jeopardy." In other words, if a deputy books a suspect in the jail for DUI and also cites and releases that driver for an on-view 12500(a) CVC he/she has created a "double jeopardy" situation. The driver could go to court and enter a guilty plea on the 12500(a) CVC charge. Once a guilty plea is entered regarding this incident, the driver could not be prosecuted for the DUI charge. A subject cannot be prosecuted for the same incident twice.

- TRAFFIC CITATIONS: The Traffic citation is used for the issuance of traffic violations and adult misdemeanor offenses. These citations can be easily distinguished from the parking citation because they have a completely different format and the violator's copy is a single yellow sheet (see Parking Citations). Each area of the citation must be properly completed with the violator being given his/her copy after it is signed.

- 14601 CVC VIOLATIONS: A deputy issuing a 14601 citation shall write the probable cause for the stop on the citation and/or, include the violations(s) that led to the enforcement stop. The DA will not file a 14601 misdemeanor complaint without probable cause.

- PARKING CITATIONS: The Parking citation is used only for parking violations. These citation numbers begin with a specific letter, depending which area the cite is to be used in:

  - P Unincorporated, County parks and City of Los Altos Hills
  - S City of Saratoga
  - C City of Cupertino

- Parking cites only require information for the vehicle and do not require information on the driver (no driver signature is required). The violator's copy is a yellow envelope and is usually left on the windshield of the violator's vehicle. Parking violations cannot be written on Traffic citations.

- AMENDING/DISMISSING CITATIONS: There will be occasions when a citation must be amended or dismissed after it has been written. The deputy must use the appropriate amendment or dismissal form and forward this to the traffic section for action.

Misdemeanor Citations

The Traffic Citation form is used for issuing a Notice To Appear/Citation in misdemeanor cases. An Incident Report (Event) number must be indicated in the appropriate box on this citation and the violator must be given a court date and time for the appropriate court of jurisdiction. An Incident Report will be written in all instances when a misdemeanor citation is issued.

According to 853.6 PC, a peace officer shall use the written notice to appear procedure set forth in that section for any misdemeanor offense in which the officer has arrested a person without a warrant pursuant to Section 836 PC or in which he or she has taken custody of a person pursuant to Section 847 PC. The Sheriff's Office will use the traffic citation form for this purpose.

Whenever any person is arrested by a deputy for a misdemeanor, that person shall be released according to the procedures set forth in 853.6 PC unless one of the following is a reason for non-release, in which case the arresting deputy may release the person, or the arresting deputy shall indicate, on a form to be established by his or her employing law enforcement agency (Pre-Booking Form: box labeled 853.6 PC), which of the following was a reason for the non-release:

- The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.
- The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.
- The person was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code.
- There were one or more outstanding arrest warrants for the person.
- The person could not provide satisfactory evidence of personal identification.
- The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.
- There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.
- The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.
- There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.

In all cases in which a deputy has issued a criminal citation for a misdemeanor violation in lieu of a physical arrest and the defendant is to be booked at a later time, the deputy will instruct the defendant to appear at the Sheriff's Office Records Section at the appropriate time for fingerprinting and photographs.

Storing and Impounding Vehicles

Refer to General Order #17.02, Vehicle Storage and Impound and Patrol Procedure B6, Store/Impound Tow Procedure for specific information on this topic.

Driving Under Influence Investigations

Drivers who operate their vehicles while under the influence of alcohol and/or drugs are a danger to society. The Sheriff's Office policy is to arrest any persons that are suspected of operating a vehicle in this manner.

Statistical Information:

- Approximately 21% of all drivers involved in fatal crashes in 1993 were intoxicated at the time of their crash (22.1% in 1992). (NHTSA, 1994).

- In the past decade, four times as many Americans died in drunk driving crashes as were killed in the Vietnam War.

- Arrests for DUI accounted for the highest (1.6 million) arrest count among the specific categories in 1992, followed by larceny-theft (1.5) million and drug abuse violations (1.1 million). (FBI, 1993).

- Alcohol related crashes cost society $1.00 per drink or $2.20 per ounce of alcohol consumed. This figure includes drinks consumed at home. (Miller, 1994).

Alcohol in the System:

- Most expert witnesses from the County Laboratory will testify that an adult will raise his/her blood alcohol level by:
    - .02% or .03% from a 12 oz. drink of beer
    - .03% from a 1 oz. shot of hard liquor or a mixed drink

- Most adults excrete .02% blood alcohol every hour (some experts testify .015% every hour).

- Most adults have a peak point of absorption 45 minutes after alcohol ingestion.

- Alcohol affects the body:
    - Vision - impaired in some subjects with blood alcohol as low as .04% and substantially impaired in all subjects with blood alcohol (BAC) above .08%, one effect is to reduce width of vision (tunnel vision).
    - Muscular control – disruption in some individuals with a BAC as low as .03%. Clumsiness was seen in all drinkers when BAC reached .10%.
    - High blood alcohol
        - .20% - difficulty controlling emotions
        - .30% - sights and sounds distorted, possible unconsciousness
        - .35 to 50% - loses perception ability, possible coma
        - .50% - brain centers controlling heart and breathing affected, death. (Percentages based on seminar by Doctor Joseph A. Pursch)
- Tolerance - ability to adapt to a foreign chemical, larger portions needed to produce same effect. Enables “Masking”.

- A common defense is based on rising blood alcohol.

Observations:

- Erratic behavior or illegal maneuvers of the vehicle.
- How far vehicle traveled after stop initiated.
- Does the driver smell of alcohol or have other objectives symptoms of being under the influence.
- Results of field sobriety tests (FST's)
- Eye coordination
- PAS test results if administered.
- AIB process

Driving Indicators:

When a vehicle code is violated Law Enforcement is given authority to detain the driver and vehicle for the limited purpose of issuing a citation. If probable cause exists leading a deputy to believe the driver is intoxicated, that deputy can begin a DUI investigation.

What happens when no vehicle code has been violated? What allows a deputy to stop a vehicle that weaves continuously within a lane, or contact a driver that repeatedly applies brakes for no apparent reason?

When a deputy can cite in court training and experience describing legal but impaired driving, he/she is able to make stops on vehicles displaying only impaired driving.

Recording the Stop:

- Time, weather, vehicle traffic, pedestrian traffic
- The patrol vehicle and its location at first observation
- Suspect vehicle description and its location at first observation
- All illegal and impaired driving (include mechanical violations)
- Speed stops (special language)
- Legal driving that will be brought into court (red lights, speed)
- Location the stop was made
- Unusual parking by suspect vehicle

Objective Indicators:

- Watery and bloodshot eyes:
  - Most people intoxicated by alcohol get watery and bloodshot eyes. There are other causes however, including marijuana smoking, allergies, and injury.

- Odor of an alcoholic beverage:
  - Alcohol has no smell. Deputies can testify to the type of beverage based on the other components (beer hops, wine grapes), but it is usually safer just to say, "I could smell an odor of an alcoholic beverage."

- Slurred speech:
  - Testimony regarding "slurred speech" is usually followed up by the following defense questions:
    - "Are you familiar with the language or dialect from which the suspect originates?"
    - "Did you know what his speech sounds like everyday. If not, how can you say his speech is more slurred than normal?"
    - "What exact words did he slur, and how did he slur them?"

- Impaired dexterity:
  - A great time to observe dexterity occurs when the suspect is locating his driver's license. Be specific when describing the suspect's difficulty.

- Impaired balance:
  - Record the suspect's difficulty exiting the vehicle and approaching the testing area. Be specific. Defense will enter evidence of prior injuries.

- Nystagmus:
  - Definition: Involuntary eye movement when following a stimulus. Nystagmus can be vertical, horizontal or circular. HGN refers to "horizontal gaze nystagmus."
  - "Point of Onset" is the location on the horizontal path where the eyes move involuntarily (working toward the side of the head).
  - Nystagmus is the one test suspect's cannot practice or mask (usually).
  - Nystagmus can be performed while the suspect is seated in his vehicle.
  - Use proper angle, path and lighting for best "point of onset."
  - Do not confuse "point of onset" with "rough pursuit" or "end point nystagmus".
  - Nystagmus is present as a normal condition in a percentage of the population.
  - Nystagmus can be affected by:
    - Drugs (including barbiturates and marijuana)
    - Injuries to the eye
    - Disease
    - Nervous and Fatigue
    - Tolerance
  - Vertical Gaze Nystagmus can be produced by high blood alcohol levels
  - Current case law prohibits allowing Nystagmus as testimony gauging BAC.

- Orientation:
  - Determine if suspect is familiar with the area

- Ask the suspect if he knows the time (without looking at his watch) and his location
- Repeat the questions at A.I.B.

Field Sobriety Tests (FSTs):

- The five (5) most important questions -Pre Miranda and Pre FST:
  - How many alcoholic beverages did you drink?
  - When did you finish your last drink?
  - Have you taken any legal medication or illegal drugs?
  - Do you wear corrective lenses?
  - Do you have any physical problems that affect your balance?

- Rhomberg (standing modified):
  - Description- During the explanation and demonstration of this test, have the suspect stand upright with heels and toes together and his/her hands at his/her sides. This is the "Rhomberg Position." When the test begins, the suspect tilts his/her head back and closes his/her eyes. Tell the suspect to keep his/her eyes closed for what the suspect believes is 30 seconds, and to say when he/she believes he has finished.
  - Validity- The Rhomberg test is an excellent way of determining possible drug and alcohol influence. Depressants and Opiates can cause slow time perception (results greater than 30 seconds). Stimulants and PCP can cause fast time perception (results less than 30 seconds). Alcohol, Marijuana and Hallucinogens can cause distorted time perception (unpredictable).
  - Documentation- The CHP 909A form and the S/O computers do not require documentation.
  - Courtroom- There have been few challenges to the Rhomberg test. It is not one of the tests recommended by NHTSA.

- Finger dexterity:
  - Description- Ask which is the suspect's strong hand. Ask if there are any medical problems with the suspect's strong hand. Determine if the suspect is comfortable counting in English. Demonstrate counting forward and backwards, placing the thumb tip to the fingertips, starting with the thumb to forefinger. Tell the suspect to complete the cycle 3 times. Demonstrate the complete test (all 3 cycles) to people who demonstrate difficulty understanding.
  - Validity- This test effectively demonstrates the ability of a suspect to count and coordinate finger movement at the same time. This is one of the more difficult tests for people with near .08% BAL.
  - Documentation- The CHP 909A form allows notes in the form of a diagram. The Sheriff's Office computer requires a written description. Record what hand the suspect used for the test.
  - Courtroom- There have been few local challenges to the Finger Dexterity test. The test has been routinely challenged in Southern California. It is not one of the tests recommended by NHTSA.

- Leg raise (balance):

- Description- Tell the suspect to stand up and to keep his/her hands to his side. Have the suspect raise one foot approximately 6 inches from the ground, keeping the leg straight at the knee. Ask the suspect to count out loud to 30 (1001, 1002…). Deputies can repeat the process on the opposite leg. Record what leg the suspect raised first.
- Validity- Suspects below .10% BAL can often stand on one leg for 20 to 25 seconds. Suspects near .08% BAL have difficulty completing the test without weaving or raising their arms.
- Documentation- The CHP 909A form allows notes in the form of a diagram. The S/O computer requires a written description. Record what leg the suspect raised first.
- Courtroom - The leg raise is endorsed by the NHTSA.

- Line walk:
  - Description- Find a straight “painted” line if possible. Otherwise, tell the suspect walk in as straight of a line as possible using a reference (curb, concrete seam, etc.). Tell the suspect to place his/her right foot on the line and place the heel of his/her left foot against the toes of his/her right foot. Tell the suspect to keep his/her arms to his side. While the suspect maintains the position, describe the rest of the test to the suspect.
  - Tell the suspect to walk forward 9 steps, placing the heel of the forward foot against the toe of the rear foot each time. Tell the suspect to count the steps out loud.
  - Tell the suspect to turn the opposite direction, leaving the forward foot on the line and using small steps to complete the half circle. Tell the suspect to continue walking forward 9 steps as described before.
  - Validity- This is a difficult test for suspects with above .10% BAL. Having suspect stand in place with his/her feet “in line” prior to the test is effective for lower BAC’s and for officer safety during the demonstration.
  - Documentation- The CHP 909A form allows notes in the form of a diagram and narrative. The S/O computer allows a rough diagram, which requires a more extensive written description. Do not attempt to use circles and triangles to describe the footstep.
  - Courtroom- The Line Walk is recommended by NHTSA and has been used locally with success. Defense attorneys enjoy making the Officer record tests in court, which can show the approximate nature of recording the test results. This is also a difficult test to perform on the carpeted floor of a courtroom.

- Finger to Nose (Coordination):
  - Description- Tell the suspect to stand in the Rhomberg position. Tell the suspect to make a fist with both hands, and then extend both index fingers. The deputy will demonstrate by touching his/her own nose bringing each arm forward (not from the side). Tell the suspect to tilt his/her head back and close his/her eyes. Tell the suspect to touch his/her nose tip with the specified finger then return his/her hand to his/her side. Tell the suspect to begin the test and complete the test in the following order, “left, right, left, right, left.”
  - Bring the arm forward in less natural than from the side. This makes the test more difficult for lower BAC’s.
  - Documentation- There is no location on the CHP 909A form or the S/O computer form for the Finger to Nose test. This can be an easy test to document with the proper diagram.
  - Courtroom- The Line Walk is recommended by NHTSA, but is not used locally with any regularity.

- Alphabet and Counting:
  - Description- Ask the suspect if they are comfortable with the English language. Tell the suspect to say (not sing) the alphabet, or to count backwards from 10 to a specific number. On higher BALs (above .15%), it is an excellent idea to have the suspect write the alphabet.
  - Validity- This is one of the few "non-balance" tests. One problem with the test is the suspects are usually successful if under a .10% BAL. A verbal alphabet test can be difficult to record if the suspect has a high BAC.
  - Documentation- There is no location on the CHP 909A form or the S/O computer form for the alphabet test. Many training officers allow a written alphabet to be "attached" to the report; however, it is better to make a copy and submit the original to the evidence room.
  - Courtroom- There are few challenges to the alphabet test locally. It is not one of the tests recommended by the NHTSA.

- Basic Do's and Do-Not's with FSTs:
  - Do not comment on how the suspect did on a test (vague "as" or "not as" demonstrated is okay after the tests have been completed).
  - Be specific about the location the FSTs were performed. The defense will ask deputies to describe the scene (lighting, weather, slope, construction of the ground, etc.).
  - Always conduct the same tests in the same way.
  - Give the suspect the option to remove their shoes. Insist if they are wearing high heels.
  - Do not administer balance tests on people complaining of an injury.

<u>Preliminary Alcohol Screening Test (PAS):</u>

Description: The PAS tester is a handheld breath analyzer. The machine gives a 3 decimal reading that tends to reflect an even more accurate estimation of a suspect's BAC than the Breathalyzer 5000. The PAS tester is easily damaged by smoke and can be susceptible to deviations based on "breath alcohol." The tester must also have its calibration checked every week and a log must be kept documenting the results.

Past Procedure: The PAS tester was used only after all FSTs have been completed (except for some accident investigations). The deputy would tell the suspect he/she did not have to complete the test and the test was not considered a chemical test per CVC 23157. The deputy would record the results for later use in court.

Present Procedure: Current legislation (January 1997) has moved the PAS testing device into the category of an FST. This would mean a deputy could choose to give the suspect a PAS test prior to other FSTs. The fallacy in this procedure occurs in court when the defense shows how the deputy was biased by knowledge of the PAS results. The defense will attempt to show that deputy "skewed" the remaining FST observations, perhaps unknowingly, to match the BAL shown on the PAS.

Documentation: Deputies are required to include the PAS county serial number, the temperature, and the results of the test in the DUI report.

Court: The PAS testing device is not currently well received in court. Although the PAS devices used by the Sheriff's Office have been recommended by the NHTSA, there has

not been sufficient communication between the Sheriff's Office and the County Lab to qualify lab personnel as "experts" in the use of the PAS. An expert witness would be necessary if the PAS was challenged in court. The California Highway Patrol uses the same PAS device, but have their own expert witnesses available to testify.

Currently the safest way to testify to the use of the PAS is to show that the deputy made the decision to arrest prior to discovering the PAS results. The use of the PAS is then described as offering the suspect the chance to leave the scene (without arrest) based on low blood alcohol (when the FSTs indicate higher blood alcohol).

Witnesses:

- Witness Passengers:
  - Record what seat they occupied
  - Record their name, age, address and phone number
  - Ask them:
    - When they were with the driver
    - How much they saw the driver drink
  - Provide safe transport to shelter and a phone if adults
  - Unite them with their parents if juveniles
  - Complete FSTs on passengers if they want to drive

- Private Person Arrests:
  - Determine if the elements are present for arrest
  - Record the citizen's name, age, address, and phone number
  - Have the citizen place the suspect under Private Person's Arrest (per PC 837) if the arrest has not been implied. Implied arrest can include the citizen calling 911, identifying the suspect, and asking the officer if he intends to arrest, etc.
  - Anonymous callers cannot be used as a witness to driving or to enact a private person's arrest.
  - Keep 40300.5 CVC in mind

Arrest and Transportation:

Remember officer safety when placing the person under arrest. Suspects often fight or flee at the moment they realize they are about to be arrested or handcuffed.

Tell the suspect he is being arrested and notify him that he has two choices for a chemical test (CVC 23157). Sometimes it is better to notify him of his choice just prior to the test. There are several problems involving the choice of a chemical test:

- Failure to notify per CVC 27157
- Recommending a test
- When a test is not available (including hospitalization)
- When drugs are involved
- When all tests are refused

Alcohol Investigation Bureau (AIB):

- Alcohol Investigation Bureau

- Breathalyzer test- The Sheriff's Office utilizes the Drager Intoxylizer Per Article 17 of the California Evidence Code, the operator (or deputy) must observe the suspect for 15 minutes prior to the test. Locally, it is allowable for deputies to be completing forms, as long as they can hear and watch the suspect. The 15-minute interval is designed to ensure the suspect does not drink, eat, burp, or vomit. Breath alcohol or poor records are the usual defense to the test.
- Urine test- The suspect urinates into the first "Void" bottle. The deputy must ask the suspect if he/she completely voided his/her bladder. Twenty minutes later (or a little longer), the suspect must urinate into a second "Sample" bottle. Both bottles must be obtained for a completed alcohol test. If the suspect is being arrested for DUI drugs only, one bottle will suffice. Per 23157 CVC, the urine test is no longer an option for chemical tests for DUI unless either blood or breath tests are unavailable or there is a specified condition that warrants using the urine test. Contaminants in urine are the usual defense to the test.
- Blood Test - Deputies should observe the blood draw. That deputy must initial the vial of blood. Blood fermentation is the usual defense to the test.

- FSTs and Miranda:
  - Second set of FSTs - AIB has an area designated for administering FSTs. The rational for conducting a second set of FSTs is to record how the alcohol is affecting the suspect's body. Completing the FSTs is an efficient way of combating the rising blood alcohol defense. Many officers ask reserve deputies to complete the AIB procedures, including the FSTs. This invalidates the FSTs due to their subjective nature.
  - Miranda questions - Waiting until after the chemical test and the 2nd set of FSTs helps to reduce test refusals. Suspects do not have the right to an attorney when deciding whether to take a chemical test. When the suspect answers the questions, record his/her responses, even if they do not make sense.

<u>Report Writing:</u>

- Tips before starting the report:
  - The report cannot list every detail during the incident. The report is designed to communicate the elements of the offense, and to refresh memory for court.
  - The report should not only list the negative points. If the driver successfully passed a test or stopped at a red light, say so.
  - Most DUIs are impaired, not drunk. Remember there is a difference between impaired and drunk.

- DUI Report Narrative :
  - DUI Narrative Check-list :
  - Probable Cause
    - Date and time
    - The deputy's status, activity and location
    - Probable cause for traffic stop (the more the better)
    - Subject's

    - Complete vehicle description
    - Direction of travel
    - Any / all traffic violations
    - Anything unusual / significant
- Traffic Stop
  - Any actions taken to stop the vehicle
  - Any unusual actions after activating lights/siren.
  - Location and manner of the stop
- Approach
  - Any actions taken in approaching the subject
  - Any actions by the subject
- Introduction
  - Make a reference to the introduction
  - Any questions asked of the suspect (explain driving)
  - Any responses by the suspect
- Initial Observations
  - Any observations relative to impairment
  - Justify the DUI investigation
- Pre-Miranda Questions
  - Any responses to the interview questions listed on page 2 of the CHP 909A form, especially the 5 pre-FST questions discussed earlier.
- Field Sobriety Tests:
  - Describe location and conditions where FST's where conducted.
  - Describe how the tests were administered
- Conclusions:
  - "I concluded (name) was driving a motor vehicle while under the influence of alcohol."
- Notification of Arrest:
  - "I told (name) he was under arrest for DUI".
- Physical Arrest:
  - "I handcuffed, searched, and placed (name) in (location)".
- Interview of possible witnesses:
  - Names, ages, addresses, phone numbers and statements.
  - Disposition of witnesses if applicable
- Disposition of vehicle
  - Tow company or
  - Left vehicle at the scene per the owner's request
- Chemical Tests:
  - Response to admonishment of 3 choices
  - Location where the test was taken
  - Lab personnel or officers present for the test
  - Chain of custody for test results
- Continued Observation
  - Describe significant changes in emotional or physical symptoms.
- Post Miranda Questions:
  - Describe how the suspect feels in his own words
  - Does the suspect feel drunk or impaired
- Booking
  - Describe anything significant about the booking process.

Refusals (FST'S AND CHEMICAL TESTS):

- F.S.T. Refusals: With sufficient objective symptoms, an officer can arrest a suspect for DUI when the suspect refuses or is unable to complete FST's.

- Chemical Test Refusals
  - Read the CVC 13353 admonishment found on the back of the DS 367 form.
  - Record refusal statements by the suspect
  - Determine if blood should be forced ("force not shocking to court conscience")
  - Examples of refusals
    - Demanding an attorney
    - Silence
    - Failure to complete test
    - Any conditions demanded by the suspect
    - Destruction of results by suspect

Driver Under Age 21:

- Minors with blood alcohol .01 to .04
  - Take their driver's license
  - Complete the DS 367M form
  - Do not complete form 909-B
  - Tow the vehicle per CVC 22651(h)(2)
  - Incident Report (not DUI report form) for DMV hearing – Document as CVC 23136. This is an informational report.

- Minor with blood alcohol .05 to .07
  - Take their driver's license
  - Complete a full DUI investigation (use AIB) only if there are good driving indicators
  - Tow the vehicle per CVC 22651(h)(2)
  - Release the minor with a CVC 23140 citation

- Minors with blood alcohol .08 and above
  - Take their driver's license
  - Complete a full DUI investigation (use AIB)
  - Tow the vehicle per CVC 22651(h)(2)
  - Book into Juvenile Hall under CVC 23152(b) & CVC 23140 (under 18) or cite out to a parent/legal guardian on a JCR

- Minor's driving demonstrates influence of alcohol (any BAL)
  - Take their driver's license
  - Complete a full DUI investigation (use AIB)
  - Tow the vehicle per CVC 22651(h)(1)
  - Book into Juvenile Hall under CVC 23152(a) or cite out to parent/legal guardian on a JCR

Vehicle Code Section 40300.5-Definition:

- Notwithstanding any other provision of law, a peace officer may, without a warrant, arrest a person under the following circumstances:
  - Involved in a traffic accident
  - Observed in or about a vehicle blocking a roadway
  - Not to be apprehended unless immediately arrested
  - Will cause self injury or property damage unless immediately arrested
  - May destroy or conceal evidence of a crime unless immediately arrested.

When to 849(b) PC in Lieu of Booking:

A driver that is involved in an accident and has medical problems that will require an extensive hospital stay can be released per 849(b) PC with the approval of the field supervisor, if the only crime is a misdemeanor. The Incident or Accident Report will indicate the reason(s) that this course of action was taken in lieu of booking into jail.

Appropriate CVC Sections:

- 23152: DUI BLOOD ALCOHOL PERCENTAGE; PRESUMPTIONS (M):
  - (a) It is unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.
  - (b) It is unlawful for any person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.
  - (c) It is unlawful for any person who is addicted to the use of any drug to drive a vehicle.

- 23153: DUI ALCOHOL OR DRUGS CAUSING INJURY (F):
  - (a) It is unlawful for any person, while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle and concurrently do any act forbidden by law, which act or neglect proximately causes bodily injury to any person other than the driver.
  - (b) It is unlawful for any person, while having 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.

- 23550(a): DUI, FOURTH OR SUBSEQUENT OFFENSE WITHIN TEN YEARS (F):

(a) If any person is convicted of a violation of Section 23152 and the offense occurred within ten years of three or more separate violations of Section 23103, as specified in Section 23103.5, or Section 23152 or 23153, or any combination thereof, that resulted in convictions, that person shall be punished by imprisonment in the state prison, or in the county jail for not less than 180 days nor more than one year, and by a fine or not less than three hundred-ninety dollars ($390) nor more than one thousand dollars ($1000). The privilege to operate a motor vehicle shall be revoked.

Interviews and Interrogations

Deputies will remain alert to gather information from witnesses, suspects, or arrestees that will help in the solution of crimes. However, it is necessary to be equally alert to ensure that interviews and interrogations conform to legal standards. Carelessness can very easily result in otherwise good testimonial evidence being declared inadmissible. Therefore, deputies will interview, interrogate or otherwise question persons in accordance with the law and established procedures of the Office.

Interviews/Interrogations – Definition and Purposes:

The task of gathering information from individuals involves the use of two general techniques: interviews and/or interrogations. For purposes of this manual, the definition for each technique is as follows:

- Interviews: The process by which a deputy obtains information from a cooperative individual who is not responsible for the incident under investigation, but who has personal knowledge of circumstances, or facts that are of interest to the investigation.

- Interrogations: The process by which a deputy obtains information from an uncooperative individual who is either a suspect, witness, or victim of the incident under investigation.

An interview is conducted in order to collect any facts relating to an incident, to substantiate information obtained from other sources, or to provide additional information pertaining to the incident under investigation.

An interrogation is conducted in order to establish the extent of involvement of a particular person suspected of committing a crime and/or to obtain information from uncooperative individuals who have knowledge of the incident under investigation.

Interviews – Legal Restrictions:

When a deputy has not arrested an individual or otherwise taken the individual into "custody" in a manner which restricts the individual's freedom or ability to discontinue the conversation, then the deputy may ask whatever questions are necessary and pertinent. **The key in this circumstance is custody: where there is no "custody" the law places no restrictions on questioning.** An example of an unrestricted situation is when a deputy talks to an individual in a voluntary non-custodial setting about crime conditions or leads.

Interviews – Authority and Method:

Deputies should, when possible, interview any person who may have the potential to supply information that relates to an incident under investigation. Interviews should be conducted at a place that is convenient and familiar to the person being interviewed as soon after the incident as is possible and practical. Deputies should strive to conduct interviews in a manner that is low pressure, informal, and causes the least amount of inconvenience to the person being interviewed.

Interrogations – Legal Restrictions:

When a deputy acts to exert authority and/or control over a person in a manner which restricts the person's freedom to act, then a custody situation exists and legal restraints on questioning arise to protect the person's rights in regards to self-incrimination and assistance of counsel. The point where custody occurs is determined by the circumstances surrounding the interrogation as interpreted by a "prudent" person. The beliefs or intent of the deputy and/or the suspect are not considered. Factors that are considered, when applying the "prudent person" test, are as follows:

- Place of Questioning: When conducted at a police station, in police vehicles, at a jail, or in a prosecutor's office, such circumstances may lead to the conclusion that "custody" has occurred.

- Time of Questioning: When conducted during odd hours.

- Persons Present: The removal of a person from the presence of family, friends, or the presence of several deputies or police, may indicate a "custody" interrogation.

- Physical Restraints Used: Any type of physical restraint invariably leads to finding of "custody."

- Orders to Perform Tasks Not Required: Any orders by the deputy to do something that the law does not require is indicative of custody.

- Length and Form of Questioning: Lengthy questioning consisting of accusatory statements, confrontation with witnesses or evidence, and leading questions may lead to a finding of "custody."

- Demeanor of Officer: When a deputy is accusatory and confronts a person with alleged guilt, the "custody" finding may occur.

Investigative Questioning:

Deputies may question people for purposes of obtaining information such as name, address, telephone numbers, occupation and other identifying data without advising such persons of their constitutional rights. In addition, suspicious persons may also be asked to explain their presence and conduct without a deputy having to advise them of their rights.

However, whenever probable cause to arrest develops and the deputy intends to restrict the freedom of the suspect while continuing to ask questions, or the questioning has become sustained and coercive rather than brief and casual, advisement of rights will be conducted. The point where questioning becomes "sustained and coercive" is difficult to establish. However, when the questions begin to relate to a specific crime, and the questioning has become accusatory and continuous, then a "sustained and coercive" condition probably exists.

"Custody" of Juveniles:

Juveniles will be advised, as soon as possible and when practical, of their Miranda rights when taken into custody for any one of the following:

- A violation of 601 or 602 Welfare and Institutions Code
- A violation of a court order
- Escape from a court-ordered detention facility or place of commitment

"Custody" of Adults:

Whenever deputies arrest, or otherwise take "custody" of an adult person, and they intend to question such person about incidents, actions, or conduct which is criminal in nature, then the person arrested will be advised of their Miranda rights.

Warning Prior to Interrogation:

The Sheriff's Office issued Miranda Warning card should be used when advising the person of their constitutional rights. The information on this card should be read out loud to the suspect.

Waiver of Miranda Rights:

Before statements made by suspects become admissible in court, the prosecution must offer evidence to prove the suspects were not only advised of their rights as outlined above, but also that the waiver was provided under the following conditions:

- Voluntary
- Knowingly
- Intelligently

To secure a waiver the following questions should be asked:

- "Do you understand each of these rights I have explained to you?"
- "Having these rights in mind, do you wish to talk to us now?", or "Do you want to give me your side of the story?" or similar question.

An affirmative reply may be obtained from suspects before questioning begins. Circumstances that establish an "Affirmative Reply" include, but are not limited to, the following:

- Formal Waiver: Where suspects state orally and unequivocally that they understand their rights and wish to talk.

- Waiver Followed By Statement: An acknowledgment by a suspect that such suspect understands, followed closely by a statement, is held to be a waiver.

- Nonverbal Waivers: Nods and shrugs seem to be sufficient, absent coercion, Deputies should, however, strive for a verbal response. Gestures are subject to different interpretations, and leave too much room for interpretation.

- Written Waivers: The signing of a written waiver is a good waiver if the suspect is literate.

- Implied Waivers: The suspect does not provide a formal waiver, but the deputy asks questions and obtains statements, without objections, from the suspect.

Tape Recording of Conversations:

Deputies may make digital/tape recordings of conversations when the conversation is part of a criminal investigation. The digital/tape recording will be booked into evidence regardless of its evidentiary value.

The Incident Report should include the following details of the recording:

- An indication that a recording was made
- The date and time of the recording
- The person(s) recorded
- The reason for the recording

Refer to Santa Clara County Police Chiefs' Association Recording of Violent Suspect Statement Protocol for additional information or recording suspects' statements.

Interview and Interrogation Techniques:

To effectively solicit information the deputy must master his/her interview and interrogation techniques. Below are some helpful techniques to help become proficient in these areas.

- Listening: One of the most significant things people can do to communicate effectively is to actively listen. Some say the fact that people have two ears and one mouth illustrates that they should listen twice as much as they talk. Hearing - sometimes called passive listening - is easy; let the ears do the work they were made to do. On the other hand, active listening is harder to do and requires that the listener become more involved than simply hearing the speaker. What follows is a review of some principles that assist in sharpening active listening skills.

- Keys to effective listening:
  - Body language that demonstrates interest
  - Facing the person
  - Making good eye contact
  - Responsive facial expressions
  - Nodding to show encouragement

Whatever the motive for listening is, the purpose is to gather information. As an investigator, the deputy may be trying to get information from a victim or witness, or obtain a confession from a suspect. It really doesn't matter why the deputy is listening; the skills needed for success are the same. If the deputy does anything that causes the speaker to stop speaking, then active listening has ended and the interview is over.

Child Abuse Reporting

Introduction:

Per Penal Code section 11169: It is mandatory to report to the Department of Justice every case of "known or suspected child abuse which is determined, not to be unfounded." Failure to comply with this state law is a misdemeanor.

Child Abuse Defined (11165.6 PC):

"Child Abuse" means a physical injury which is inflicted by other than accidental means on a child by another person. "Child Abuse" also means the sexual abuse of a child or any act or omission prescribed by section 273a PC (willful cruelty or unjustifiable punishment of a child) or 273d PC (unlawful corporal punishment or injury). "Child Abuse" also means the neglect of a child or abuse in out-of-home care. "Child Abuse" does not mean a mutual affray between minors.

Terms Defined:

Child:	Any person under the age of 18 years.
Sexual Abuse:	See 11165.1 PC
Neglect:	See 11165.3 PC
Willful cruelty or unjustifiable punishment	See 11165.3 PC
Unlawful corporal punishment or injury	See 11165.4 PC

Reporting – Physical Child Abuse and Neglect:

The deputy shall write an Incident Report on all cases of suspected child abuse whether or not it is determined to be unfounded. The deputy shall also contact Child Protective Services (CPS) by telephone on all such cases when CPS is not the reporting party.

A Juvenile Contact Report (J.C.R.) is only necessary in these cases when the child is taken to the Children's Shelter or is taken into custody in these types of cases.

Deputies will know and understand the Santa Clara County Law Enforcement Child Abuse Protocol and Patrol Procedure #B3, Child Abuse. These documents, collectively, are the source of the Sheriff's Office Child Abuse philosophy.

Elder and Dependent Adult Abuse

Deputies will know and understand the Santa Clara County Law Enforcement Elder and Dependent Adult Abuse Protocol and Patrol Procedure #B2, Elder and Dependent Adult Abuse. These documents, collectively, are the source of the Sheriff's Office Elder and Dependent Adult Abuse philosophy.

Guidelines for Vehicle Theft Reports

Many hours are expended on unfounded vehicle theft cases in which a report should not have been taken. The following are guidelines to determine if a stolen vehicle report should be written.

Owner Consent:

- Domestic loan: The victim loans the vehicle to a friend or acquaintance. The victim may or may not be specific as to when the vehicle is to be returned. In this and similar cases, every effort to recover the vehicle must be made by the victim. The victim must also send a demand letter via certified mail. Ten (10) days from the date of the certified mail receipt, a stolen vehicle report may be taken.

- Test drive - Private party seller: In the "private sale" situation, a report should be taken after the person taking the vehicle fails to return it within a reasonable time frame. Three or four hours would be a reasonable length of time for the test driver to make mechanical checks and detect potential car trouble.

- Test drive - Dealership sale: The same principle applies to automobile dealerships. However, the dealership representative authorizing the test drive will be required to make the vehicle theft report after the three to four hour time frame has elapsed.

- In all situations, if a vehicle was taken by force, fraud, or deception, then no warning period is required and a report should be taken.

- Rental or leased vehicles: California Vehicle Code section 10855 states in part "… any person who has leased or rented a vehicle willfully and intentionally fails to return the vehicle to its owner within five days after the lease or rental agreement has expired, that person shall presume to have embezzled the vehicle." If the person renting or leasing the vehicle uses a false name or any form of fraud, the 5-day waiting period is unnecessary and a report should be taken.

  In all cases that involve a rental or leased vehicle, the following information should be obtained and submitted in the Incident Report:

  - A copy of the rental agreement, certified mail receipt and demand letter.

  - The name of the employee who rented the vehicle and a statement describing the circumstances of the transaction.

  - A detailed description of the suspect and whether the employee renting the vehicle can identify the suspect.

Civil vs. Criminal Situations (Divorce Situations):

Often during divorce situations, or after an argument, one of the parties will leave the house and the other will report the vehicle stolen. If the reporting party indicates that it was the spouse (common-law or legal) that took the vehicle, the deputy should explain

that under California community property laws no crime has been committed. No report should be taken in these cases.

However, if there is a final divorce decree and the reporting party was granted possession of the vehicle, a report should be taken. When the divorce is not final, but the property has already been divided by the court and they were given title to the vehicle, the reporting party should be directed to contact their attorney for enforcement of the court order. No report should be taken.

Report Reminder:

An Incident report shall be completed in all auto theft cases. The CHP form 180 shall also be completed as an attachment to the original report (remember: the CHP form 180 has a back page with questions to ask the victim). All stolen vehicle reports should include a victim statement which details the circumstances of the theft and if anyone was given permission to drive or take the vehicle. If the registered owner and the reporting party are different, the relationship between the two should be noted.

Recoveries:

Deputies must interview all persons arrested relating to their connection to the stolen vehicle before they are transported for booking. This is important for the purposes of prosecution and obtaining a timely complaint.

When S/O Records is called to report a recovered vehicle and an arrest is made or suspects are known, let the Records clerk know. This alerts Auto Theft Investigators that follow up is needed and/or a complaint must be filed.

There is a place on the teletype form for this information. Sometimes the Records clerk fails to ask this important question. This form reaches the follow-up detective every morning. Otherwise, the detectives may be delayed in finding out an arrest was made.

Fingerprints:

In most vehicle recoveries there are no arrests or witnesses. It is very important that deputies who recover stolen vehicles dust for latent fingerprints. If patrol deputies don't dust for prints, no one else will. The majority of the time fingerprints are the only means of identifying the person who took the car. Without latent prints the suspect is free to continue stealing vehicles and they usually will. It is dirty and time consuming to dust for latent prints, but it only takes one good hit from a print to catch a thief.

Vehicle Searches for Evidence:

The deputy recovering the stolen vehicle should check the interior of the vehicle for papers or other dated items that might link someone to the vehicle during the time it was stolen. Also the trunk of the vehicle should be checked for items of evidence that the perpetrator may have left behind.

Inspect the windows, doors, locks and ignition of the vehicle for signs of tampering. By examining these areas, deputies can often determine if the perpetrator was an experienced thief or a novice.

Phase II Sign Off

COMMUNITY ORIENTATION / GEOGRAPHIC LOCATIONS

During each phase of training, the trainee shall know the following locations within the agency's jurisdiction:

a. Hospital(s)
b. Firehouse(s)
c. Bars and "hot" spots
d. Schools
e. Community service organizations
f. Park and recreation areas
g. Hazardous material/priority locations (refineries, WMD potential targets, etc.)

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall know the names and locations of important types of roadways in the community or assigned area. These shall include:

a. Major arteries
b. "Through streets"
c. Dead-end streets
d. Freeways
e. Fire trails or other special access routes

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

COMMUNITY POLICING

The trainee shall be able to discuss and describe concepts related to Community Policing:

a. Explanation of Community Policing
b. Programs: DARE, SROs (West Valley), Neighborhood Watch, Community Meetings, etc.

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

SEARCHING BUILDINGS/AREAS

The trainee shall identify and explain the principles of a safe and effective search of a building that may contain a suspect. These principles shall minimally include:

a. Containment of the building
b. Containment of area(s) already searched
c. Utilization of a systematic method
d. Safe searching techniques
e. Appropriate use of canine or specialized assistance

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					ˆ Field Perform ˆ Role Play ˆ Written Test ˆ Verbal Test			ˆ Field Perform ˆ Role Play ˆ Written Test ˆ Verbal Test
Trainee								
Comments:								Case/Report No.:

HANDLING CRIMES IN PROGRESS

The trainee shall explain agency policy and factors to consider when responding to a crime in progress. These may include:

a. Proceeding directly to scene as quickly and silently as possible
b. Proceeding directly to scene utilizing emergency lights and/or siren
c. Proceeding to the location most likely to intercept fleeing suspects
d. Proceeding to scene and coordinating arrival and/or deployment with other units
e. Distance to location
f. Availability of assisting units
g. Nature of crime
h. Traffic and environmental conditions
i. Concern for possible lookouts
j. Watch for fleeing suspects
k. Parking and securing vehicle
l. Apprehension of suspect(s)
m. Broadcasting additional information
n. Securing the scene

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? ˆ Field Perform ˆ Role Play ˆ Written Test ˆ Verbal Test	REMEDIATED Name	Date	How Remediated? ˆ Field Perform ˆ Role Play ˆ Written Test ˆ Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

DOMESTIC VIOLENCE

The trainee shall explain the legal issues and a law enforcement officer's duties in response to a domestic violence situation to minimally include:

a. Difference between domestic violence and a domestic dispute
b. Impact of domestic violence on victims, children, and the batterers
c. Essential elements of Penal Code Sections 13700 and 13519
d. Duty to provide maximum protection to the victim from abuse (emergency protective order)
e. Provide safety to other persons and property
f. Verification and enforcement of court orders (restraining and stay-away orders)
g. Responsibility and authority with tenancy issues related to domestic violence
h. Determine if a crime has been committed and if arrest is mandatory
i. Completion of appropriate documentation and required reports
j. Making appropriate victim's assistance information referrals for medical aid, personal safety, community resources, legal options, and the District Attorney's Office
k. The safekeeping of firearms

Reference: Santa Clara County Law Enforcement Domestic Violence Protocol, General Order #17.09, Domestic Violence, Patrol Procedures #B1, Domestic Violence and #B1-1, Emergency Protective Restraining Orders

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall discuss mandatory custody arrest requirements.

Reference: Santa Clara County Law Enforcement Domestic Violence Protocol, General Order #17.09, Domestic Violence, Patrol Procedures #B1, Domestic Violence and #B1-1, Emergency Protective Restraining Orders

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the proper handling of cases of child abuse, neglect, or sexual exploitation of children, including:

a. Initial receipt and evaluation of information
b. Preliminary investigative procedures
c. Reporting laws
d. Follow-up investigative procedures
e. Referral to additional support agencies (CPS, Social Services, etc.)

Reference: Santa Clara County Law Enforcement Child Abuse Protocol, Patrol Procedure #B3, Child Abuse

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the proper handling of cases of elder abuse, neglect, or sexual or fiduciary exploitation, including:

a. Initial receipt and evaluation of information
b. Preliminary investigative procedures
c. Reporting laws
d. Follow-up investigative procedures
e. Referral to additional support agencies (Adult Protective Services, Public Guardian, etc.)

Reference: Santa Clara County Law Enforcement Elder and Dependent Adult Abuse Protocol, Patrol Procedure #B-2, Elder and Dependent Adult Abuse

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

HATE CRIMES

The trainee shall recognize indicators of hate-related crimes including:

a. Anti-religious symbols/slurs
b. Racial/sexual/ethnic slurs
c. Racist symbols
d. Hate group symbols
e. Anti-gay/lesbian slurs

Reference: Santa Clara County Police Chiefs' Association Policy Statement for Hate Crimes, General Order #17.07, Hate Crimes, Patrol Procedure #B9, Hate Crimes

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

MISSING PERSONS

The trainee shall review and explain state law (including statutory reporting requirements) and the agency's policies and procedures for handling missing persons, both adult and juvenile.

Reference: 784.5 PC; 14205(a) PC; 14205(b) PC; 14206(a)(1) PC; 14207 (a)-(c) PC

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

The trainee shall explain the agency's policy regarding search procedures for missing persons.

Reference: Patrol Procedure #B13, Missing Persons

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

CONTROL / SEARCHING OF PERSONS

The trainee shall be able to safely and effectively control (verbally and physically), one or more suspects, applying all officer safety tactics.

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall be able to demonstrate effective search techniques for both male and female suspects, including:

a. Constant alertness, including keeping hands in view
b. Maintaining control and position of advantage
c. Standing, kneeling, and prone position searches
d. Safeguarding of weapons

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

HANDCUFFING

The trainee shall identify the purposes for handcuffing. These purposes shall minimally include the temporary restraint of a suspect to prevent:

a. Attack
b. Escape
c. The destruction or concealment of evidence or contraband

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

The trainee shall discuss various handcuffing principles which should be met in order to reasonably guarantee the temporary restraint of a suspect. The principles shall minimally include:

a. Control of the suspect(s) and the handcuffs
b. Proper positioning of the suspect's hands, key outlets, and double locking mechanisms
c. Reasonable degree of tightness
d. Observation of restrained suspects
e. Other approved restraint devices (i.e., flex cuffs, hobbles, etc.)
f. Safe and controlled removal of handcuffs and other restraint devices

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

LEGAL RESPONSIBILITIES AND REQUIREMENTS WITH PRISONERS

The trainee shall review and explain the legal responsibilities for protecting prisoners.

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					Field Perform Role Play Written Test Verbal Test			Field Perform Role Play Written Test Verbal Test
Trainee								
Comments:								Case/Report No.:

The trainee shall review and explain local policy and the legal aspects pertaining to the rights and privileges of prisoners, including the constitutional rights of prisoners while in custody.

Reference: TM, D

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated?	REMEDIATED Name	Date	How Remediated?
F.T.O.					ˆ Field Perform ˆ Role Play ˆ Written Test ˆ Verbal Test			ˆ Field Perform ˆ Role Play ˆ Written Test ˆ Verbal Test
Trainee								
Comments:								Case/Report No.:

TRANSPORTATION OF PRISONERS

The trainee shall review and explain the agency's policy regarding the transportation of prisoners. This explanation shall minimally include:

a. Prisoners restrained with specialty devices (i.e., hobble, expectorant shields, etc.)
b. Sick, injured, mentally ill, physically challenged, or pregnant prisoners
c. Juveniles with/without adults
d. Females
e. Use of seat belts
f. A search of the area in which the prisoner is about to be placed prior to transportation
g. A search of the area where the prisoner has been following transportation
h. The proper positioning of the officer(s) and the prisoner(s) within the vehicle
i. Close and constant observation of the prisoner(s)

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

BOOKING PRISONERS

The trainee shall explain how to properly book a juvenile prisoner in conformance with agency policy, legal codes, and minimum jail standards, including:

a. Miranda advisement
b. Right to phone calls
c. What notifications are required
d. Secure/Non-secure detention of juveniles
e. Strip search of juveniles
f. Requirements pertaining to the confinement of a child under 16 years of age with an adult accused or convicted of a crime
g. Custody alternatives

PHASE III TRAINING MATERIAL

The following section contains material related to the third phase of the Field Training Program.

Property and Evidence

The Sheriff's Office strives to maintain property in the same condition as when it was received, and when appropriate, to preserve the evidentiary integrity of the property that is contraband or held for presentation in court. Every reasonable effort will be made to return property to its rightful owner, if appropriate.

Certain categories of property evidence must be processed in a special manner so as to ensure its evidentiary value is not jeopardized. Deputies should familiarize themselves with the appropriate gathering and preservation techniques.

Evidence will be booked into the evidence locker prior to deputies going off shift. Under no circumstance will evidence be kept in a personal locker, patrol vehicle or any other place.

Refer to General Order #17.01, Evidence and Property for specifics on evidence submission.

ATTACHMENT SUBMISSION PROCEDURE

I. GENERAL INFORMATION:

There is a distinct difference between what is considered evidence, which must be booked into the evidence locker **(G.O. #17.01)** in order to preserve the chain of custody, and what is considered an attachment to an event. Since attachments are merely informational documents/media which assist an investigator during the scope of his or her investigation, they do not need to be submitted through the same formal process as evidence.

The benefit to submitting non-evidentiary items as attachments instead of using the more formal evidentiary process allows the follow-up investigator to obtain and handle these items in an informal manner which subsequently streamlines the investigatory process.

II. PROCEDURE:

A. **Evidence**, as it relates to **original** videos, photographs or documents received from a victim, witness or business, or collected at the scene of an event, is evidence and should be booked into the evidence locker per General Order #17.01. A Deputy taking photos at a scene **shall book the CD into evidence**. Additionally, a **COPY** of photos taken at a scene **shall be submitted to the Investigations Division** as an Attachment.

B. **Attachments,** such as videos, photographs, copies of documents, CD's, DVD's, citations, or other types of material produced by employees of the Office of the Sheriff during an investigation **should** be submitted to the Investigations Division as an attachment to the incident report.

Examples of Attachments:

- JCR (Juvenile Contact Report)
- Medical Release Form

- Physiological Specimen/Venipuncture Form
- Admin Per Se Form
- Citations for Misdemeanor Offenses
- Loss Prevention Officers Report

- Copy of CHP 180 Form (Original to Records, copy to Investigations as an attachment
- DVD's produced by employees of the Office of the Sheriff
- CD's produced by employees of the Office of the Sheriff
- Photographs produced by employees of the Office of the Sheriff
- Copy of Credit Card statement (Original if available, should be booked as evidence)
- Copy of Phone Bills (Original if available, should be booked as evidence)
- Copy of Suicide Note (Original if available, should be booked as evidence)

II. Each Patrol Division has an Investigations Division tray in which all attachments shall be placed. Employees shall not send attachments to the Investigations Division via the Pony Mail System.

III. Original Photo Line-Up and Photo Line-Up Admonishment Form generated during an investigation shall be booked into evidence after completion. **Photo copies of the photo line-up and admonishment form shall be sent to the Detective Division as an attachment.**

A. Latent Fingerprint cards collected at a scene shall be booked into evidence as soon as practical to preserve the chain of custody.

Tactical Communication

One goal of peace officers should be to generate voluntary compliance without resorting to physical force. Tactical communication methods provide peace officers with a set of tactics that enable them to gain cooperation and generate the voluntary compliance of others in stressful situations. These skills can be beneficial in any contact which places the officer and community in conflict with one another.

Tactical communication is a strategic message delivered to a specific audience with the goal of generating voluntary compliance. It is made up of *what an officer says* coupled with *how the officer says it.*

The following table identifies the two primary benefits of using tactical communication.

Benefit to Officers	**Explanation**
Enhanced safety	• Provides techniques that reduce the likelihood of physical confrontation • Reduces injuries
Enhanced professionalism	• Permits officers to give more effective public service and improve community relations • Decreases: - complaints against officers, - internal affairs investigations, and

	- civil liability • Reduces personal and professional stress in officers

Tactical communication includes five primary techniques to generate voluntary compliance. Use of these techniques can help officers avoid the need to use physical force to gain compliance. The following table describes each of these tools.

Techniques	**Description**
Listening actively	• Officers should project that they are active listeners by following the steps for active listening, including: - being open and unbiased, - hearing, literally, what is being said, then - interpreting what was said, and finally, - acting appropriately.

Techniques	Description
Showing empathy	• Effective communication requires that officers have the ability to suppress their own egos and **empathize**. • Officers should project a sincere, empathetic attitude by: - treating the other person as the officer would want to be treated in the same circumstances, - developing a sense of what it might be like to see through the eyes of the other person and trying to construct a verbal way to relate to them, and - recognizing that people have a right to their own points of view.
Asking questions	• Officers must ask the right type of question to fit the situation and get the information they want. • Officers must recognize appropriate questioning strategies, including: - setting the context for questioning by explaining the purpose of the questioning and the direction it will be taking, - varying the questions, and - remembering to interview witnesses, not interrogate them.
Paraphrasing	• Paraphrasing means an officer puts the other person's meaning into the officer's own words.
Summarizing	• Summarizing creates a sense of decisiveness and authority. • Summarizing can be used to reconnect communication that is interrupted. • To summarize effectively, officers must restate what has been said: - accurately, - briefly, and - clearly.

Varying the type of questions used can help officers by:

- Helping to calm a person who is upset,
- Helping to lessen resistance (especially if the officer senses resistance starting during questioning), and
- Maintaining their professional presence. (Too many general questions may make the officer look uncertain and unprofessional).

Once peace officers are familiar with the basic tactical communication tools, these tools can be combined into formal processes designed to reduce the likelihood of physical confrontation. Tactical communication techniques can be used:

- For obtaining voluntary compliance, and
- When conducting vehicle stops.

A major goal of law enforcement is to generate voluntary compliance without resorting to physical force.

Mediation is redirecting a person's behavior by providing options through a personal appeal. Officers engage in mediation during the five step tactical communication process for obtaining voluntary compliance.

When using mediation, the officer describes how a subject's choices can have a personal impact on the individual's life. In any situation where a subject has something to gain or lose by the decision they make, officers have something they can use to try to redirect the subject's behavior.

Example: If a traffic violator refuses to sign a citation, the officer may choose to present such possible personal consequences as:

- time in jail or a criminal record, etc.,
- economic loss (e.g., cost of bail, loss of wages, tow charges, etc.),
- passengers having to walk home,
- loss of job,
- felony or misdemeanor charge instead of infraction, or
- other personal appeal (e.g., impact of the arrest on the family, embarrassment, name in the paper, etc.).

Along with presenting a subject with options and the possible consequences, officers should try to think ahead for the subject. It can be a very effective mediation technique for an officer to mirror thoughts or regrets that a subject may have 48-72 hours later.

Officers dealing with fully or partially noncompliant individuals are frequently subjected to verbal abuse. Trained peace officers should react to verbal abuse with the use of planned responses which lead to *deflection* and *redirection* of the abuse. They should also demonstrate respect, since disrespect can cause escalation.

Officers benefit from planned responses to verbal abuse because:

- The officer is not emotionally hooked by the abuse,

- The subject does not gain emotional control of the officer, and
- The officer presents a positive professional image to the public.

When verbal communication is not effective, peace officers must use the force option that is appropriate for the situation. The actions of the individual suspect will determine the type or amount of force applied by peace officers. An officer's selection of the force option or amount of force should be based on the amount or *degree of resistance* of the suspect as well as other relevant conditions or circumstances of the specific situation.

Civil Disputes/Violations of Court Orders

Patrol deputies will have to deal with numerous types of court orders while working in the Enforcement Bureau. They must become familiar with the different types of court orders that are issued and when an arrest is appropriate. Deputies must be able to differentiate between the listed sections when enforcing a court order.

- Willful disobedience of any process or order of court (166.4 PC)
- Violation of court order (273.6 PC)

Below are some of the court orders that deputies will be called upon to interpret and enforce:

Restraining Orders:

Most people are well aware that the courts have the power to determine who will have the right to possess or have custody over various kinds of accounts, houses, and minor children. Less well known is the fact that the courts also have the power, upon a proper factual showing, to order people to refrain (i.e., to "enjoin" them") from engaging in a wide variety of behavior.

In recent years, several new "acts" were passed into law that focused on human relationships: the Domestic Violence Prevention Act, the Family Law Act, and the Uniform Parentage Act. These new statutes have expanded the power of the courts to grant effective relief from many types of abusive and non-abusive behavior, particularly through the use of temporary restraining orders (TRO).

Traditionally, law enforcement has been reluctant to get involved in enforcing restraining orders on the theory that they were more of a civil dispute than anything criminal in nature.

However, over the last few years it has become better known that the violation of such court orders constitutes a crime. This fact, together with the increased public focus on child abuse, battered women, and battered elders, makes it vitally important for every law enforcement officer to have a good understanding of peace officers' powers and duties in this area. Indeed, recent data indicates that prompt and forceful intervention by law enforcement is very effective. These interventions do not only aid in resolving the conflict and the short-term, immediate problem. Law enforcement intervention can also help to break the longer-term cycle of abusive behavior, which often underlies these kinds of situations.

To better understand the statutes authorizing restraining orders, an explanation of some of the common terms is helpful. Below are some of these terms:

Order to Show Cause (OSC):

Whenever a plaintiff or victim petitions or applies to a court for a restraining order, the court will set the matter for a noticed hearing where both sides can be heard. The notice to the other side is called an order to show cause (OSC). An OSC is merely a court order to the other side (the defendant) commanding them to be present at the hearing and give reasons, i.e. "show cause", why the relief the plaintiff is seeking should not be granted.

Temporary Restraining Order (TRO):

In critical situations where “instant relief” is appropriate, a court may issue a temporary restraining order (TRO) at the same time as it issues the OSC. Such a restraining order is called “temporary” because it stays in effect only until the evidentiary hearing with the defendant takes place. Such a hearing must be scheduled promptly, usually within a week or two.

The law enforcement officer should realize that an order to show cause (OSC) becomes a temporary restraining order (TRO), if a judge has authorized it and the appropriate box on the form has been checked.

An example would be when a plaintiff goes to a judge with the necessary papers to seek a restraining order. If a proper showing has been made, the judge will issue an OSC, but if the relief the plaintiff wants is also granted temporarily at that time, pending the hearing, then the document becomes a combination OSC and TRO.

Ex Parte Order:

A temporary restraining order may often be obtained with or without notice to the other side. When it is obtained without notice, it is considered an “ex parte” order because one party obtained it only. Many of the family law statutes now provide for issuance of ex parte restraining or protective order.

Permanent Injunction:

An injunction is simply a writ or order of the court requiring a person to refrain from a particular act. When such an order is obtained after a full evidentiary hearing or “trial”, it is considered permanent. This means that it stays in effect indefinitely or until modified or dissolved. However, most restraining orders obtained under the statutes governing divorces, domestic laws, and harassment last a shorter specified time, such as one, two or three years.

Types of Restraining Orders:

Some of the various types of restraining orders that are authorized under statutes in the Civil Code and the Code of Civil Procedure are as follows:

- Restraining orders obtained as part of a divorce or annulment proceeding, either temporary or as part of the pending lawsuit, or as part of the final judgment decree.

- Pending lawsuits - interlocutory decrees.

- Under Family Code section 2045: A person, as part of any pending divorce or annulment lawsuit, (e.g., part of the interlocutory judgment or decree), can obtain an ex parte protective or restraining order which does any of six things:

    - Restrains the other party from transferring, mortgaging, hiding, or disposing of any real or personal property.
    - Enjoins one party from contacting, molesting, threatening, assaulting (sexually or otherwise), battering, disturbing, etc., the other party.
    - Excludes one party from the family dwelling or the dwelling of the other.
    - Determines temporary custody of minor children and visitation rights.
    - Determines temporary use, possession and control of real or personal property and the responsibility for debts.
    - Enjoins the party from any specific behavior necessary to accomplish items two and three above.

Any type of restraining order should state on its face the date it expires, and a copy of any such order is supposed to be served on any local law enforcement agency which has jurisdiction over the residence or other place that domestic violence might occur.

The knowing violation of any part of such a court order is a misdemeanor under 166.4 PC. The violation of those parts of such an order that relates to “battering” and “exclusion” are also specifically made a misdemeanor under 273.6 PC.

Final Judgments:

Once the pending lawsuit is resolved, a final judgment is entered. A final judgment in a divorce or annulment lawsuit may also include an “anti-battering” order issued under sections 6360, 6361, 63280, and 6388 Civil Code. Any such order should reflect its expiration date, which may not exceed one year from the date of the final judgment unless extended by the court after a noticed hearing. A copy should be sent to the appropriate law enforcement agencies, and a violation of any such order is a misdemeanor punishable under 273.6 PC.

Civil Harassment Prevention Orders (527.6 CCP):

Section 527.6 CCP covers many situations that do not fit under the Domestic Violence Prevention Act. This includes providing relief from non-criminal, non-violent behavior that causes another person (not limited to family or household members), substantial emotional distress (phone call, following, staking out, etc.).

527.6 CCP defines harassment as a “knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses such person, and which serves no legitimate purpose."

A person who files for an injunction can obtain a TRO, with or without notice under this section, but a hearing must be scheduled within 15 days or within 22 days by order of the court with a showing of good cause. An injunction that results from the hearing can stay in effect for up to three years, and can be renewed by filing a new petition.

A copy of any TRO or injunction issued under this statute is supposed to be served upon the appropriate law enforcement agency. The willful violation of any portion of a “harassment TRO” or injunction is specifically made a misdemeanor under 273.6 PC.

Obtaining a Restraining Order:

Virtually anyone can obtain a restraining order, injunction, or TRO by following the procedures set forth in the relevant statutes, particularly section of 527 of the Code of Civil Procedure. Most often however, a plaintiff or victim will do the following:

- Contact a lawyer for representation.
- Contact a community action group for assistance
- Contact the county clerk’s office and obtain forms and instructional material.
- Filing fees can be waived in many instances.

Enforcement of a Restraining Order:

Violation of a valid court order, judgment, or TRO by a named party who has been served with it, or is otherwise aware of its contents, always constitutes a misdemeanor under 166.4 PC. In addition, violations of orders relating to harassment, battering, and exclusion constitutes a misdemeanor under 273.6 PC.

Knowingly Violate Restraining Order (273.6 PC):

As indicated above, violations of protective orders relating to a battering and exclusion are specifically made a misdemeanor under 273.6 PC by the terms of 527.6(j) CCP.

In addition, all harassment prevention orders which are made enforceable under 273.6(a) PC, per 527.6 Code of Civil Procedure, which pertain to battering, threatening, assaulting, etc., or excluding some from the family dwelling or the dwelling of the other, is punishable by a fine of $1,000 or six months in jail, or both.

Penal Code section 273.6(b) states that violating any order obtained under 527.6 CCP (dealing with harassment) is also a misdemeanor. 273.6 (d) and (e) also provides that if the defendant already has a prior conviction for a violation of 527.6 CCP (harassment order), the defendant must be sentenced to up to one year in jail.

The enforcement responsibility for all orders issued pursuant to the provisions of 273.6 (a) and 273.6(b) PC is the "prosecuting agency of each county", per 273.6(f) PC.

There are numerous situations where a statute allows a deputy to make a warrantless arrest for a misdemeanor – assuming the arrest is supported by probable cause – even though the misdemeanor was **not** committed in his/her presence. Domestic violence is a mandatory arrest as written below.

Mandatory Arrests for Violations of Court Protective Orders:

An arrest is mandatory if you respond to a call alleging a violation of a domestic violence protective order, restraining order, probation protective order, harassment order, emergency protective order in stalking cases, or elder abuse protective and you have probable cause to believe (1) that the person against whom the order was issued had notice of the order and (2) that the person has violated that order. (Penal Code 836 (c).) This section also applies when a domestic violence protective order or restraining order has been issued by a court outside California.

Violating Any Type of Court Order (166.4 PC):

Section 166.4 PC makes it a misdemeanor for any person to willfully disobey or violate any lawful order of any court.

Section 166 PC covers every kind of court order. The deputy may make a valid misdemeanor arrest without a warrant, assuming that the violation occurs in his/her presence.

Traditionally, many law enforcement agencies have been reluctant to make arrests under 166.4 PC, preferring that this type of civil matter be handled via a civil contempt proceeding (1209 CCP). Civil contempt is certainly a viable alternative, so is 166 PC, and it should not be overlooked.

Often, the problem here does not lie in the clarity or applicability of section 166 PC, but rather with the difficulty of establishing that the terms of a non-assaultive or non-exclusion order are being violated in the deputy's presence. For example, the possible

violation of an order dealing with visitation rights or the payment of attorneys' fees is difficult to determine positively and therefore probably would be better enforced by means of a civil contempt proceeding.

Service or Knowledge:

Under either 166 PC or 273.6 PC, a violation of a protective order must be "willful" and/or "knowing" in order to constitute the misdemeanor. These words simply mean that the defendant must be aware of the terms or contents of the order at the time that the defendant violates them.

There are three common ways for a defendant to be aware of the contents of an order:

- The defendant was present at the hearing when the order was handed down (the order itself may indicate that the defendant was present); or
- The defendant was later "served" with a copy of it, by mail or in person. This information may also be indicated on the face of the order, or the defendant may admit it to deputies if they ask him/her; or
- Deputies read the contents to him/her, fact-to-face, from a copy that they obtained on-scene, or from a law enforcement agency.
  NOTE: If deputies use the last method, be sure to enter this fact in Records' file copy, so that if there is a future complaint, another officer can take immediate action without having to go through the same step.

Validity and Duration:

There can be no misdemeanor violation of a restraining order's terms unless the order is currently in effect. This can be checked by looking at a copy of the court order.

A valid order will have a "filed" stamp date from the court on the top of the front page. In many cases, the expiration date will also appear on the face of the order. However, even if this date is not filled in, the order is never the less valid and remains in effect for the periods mentioned earlier. Generally, for the "battering" and "exclusion" orders, those periods are:

- As set forth in the order for any pending dissolution or annulment proceedings under the Family Law Act (2040 and 6218 Family Code) and for TRO's under the other acts;
- One year from the date of the judgment for any such orders that are part of a final dissolution or annulment decree.
- One year under the Domestic Violence Prevention Act for orders obtained upon notice and hearing.
- Three years from the date of the injunction for harassment protection orders (527.6 CCP).

If the complaining party does not have a copy of the order at the scene, check with Sheriff's Office records section if not already done. The law enforcement agency that has jurisdiction over the defendant or over the property is supposed to be served with a copy of protective orders relating to assaultive behavior and exclusion from dwellings, and this

order is to be entered into the computer system. Such service is usually accomplished by mail, or by the plaintiff or the plaintiff's attorney bringing a copy to the agency.

Each law enforcement agency should have an organized system of accepting, filing, keeping track of, and updating such orders. Indeed, under 13710 PC, law enforcement agencies are required to "maintain a complete and systematic record of all protection orders, and proofs of service in effect."

NOTE: Sometimes, in an effort to keep their true location confidential, plaintiffs will serve several jurisdictions or agencies, some of which may have no connection to them or the lawsuit. Such copies should nevertheless be filed.

Deputies may check with any other law enforcement agencies to check the current validity, terms, service, etc. Better yet, is to check with the clerk of the court that issued the order. Valid orders may be enforced anywhere in the State and service on the Sheriff's Office is not required, if deputies have personally seen a copy of the order.

Remember: Deputies may make a valid, warrantless, misdemeanor arrest in these situations as long as:

- The order is currently in effect
- The Sheriff's Office was served or received a copy in some other manner, or the deputy has been shown a copy
- The defendant was or is now aware of its terms

It is a felony for a person, even if he/she has lawful custody, to take, detain, retain or conceal a child from someone else who has lawful custody. (277, 278 PC). Taking, detaining, concealing, or retaining a minor child in order to deprive another person of his/her visitation rights in a custody order is also a felony violation (278.5 PC).

OTHER CIVIL ISSUES

Repossession Disputes:

A default on a conditional sales contract will cause a repossession. A conditional sales contract exists when an article is purchased on credit, is physically in the possession of the buyer, but the title of the item remains with the seller until the contract is paid in full. People who call for peace officers will probably want to use them as a "lever" on the other party involved. Remember, the peace officer is there just to keep the peace.

Seller's Right to Repossess:

1812.2 CC gives the seller under a conditional or installment contract the right to retake property in the event of a buyer's default. Generally, where goods are sold under a conditional sales contract, title remains with the seller and possession with the buyer. This type of contract usually contains specific clauses giving the seller the right to repossess.

The United States Supreme Court ruled in 1972 that a notice and hearing are required before a seller can repossess property. However, the usual practice of the seller is to have the buyer waive his/her right to notice and hearing in the contract of sale, and such waivers are valid and binding. Therefore, deputies are likely to encounter irate buyers who have had no notice of any repossession proceedings.

Unauthorized Entry of Property (602.5 PC):

"Every person other than a public officer or employee acting within the course and scope of their employment in performance of a duty imposed by law, who enters or remains in any non-commercial dwelling house, apartment, or other such place without consent of the owner, his agent, or the person in lawful possession thereof, is guilty of a misdemeanor."

Enforcement:

Determine who has the legal interest in the property and the premises through a deed lease, or rental agreement, or rent receipts. If there is joint ownership between the disputants, there is no trespass.

When the disputants are not legally married, but have lived together on the premises, the court may determine that the legal interest in the property lies only with one party. Such as when only one party is paying the rent. If the rent-paying party refuses to allow the non-paying to enter and retrieve possessions, deputies have no recourse except to encourage the latter to seek redress through the civil court. If the non-paying party is allowed to enter and retrieve possessions, deputies may "preserve the peace" by standing by to ensure an orderly transaction. If the disputants seek legal advice from deputies, refer them to an attorney or to legal aid.

Buyer's Rights:

The buyer has the right to "object" to the repossessor taking the property. This objection may be oral or by conduct, however, it must be made before the repossessor has

possession. For example, if the repossessor gets into an automobile but does not move it before the buyer objects, the repossessor is considered as not yet having possession. Therefore, he may not legally repossess the car. The buyer's spouse has the same privilege to object as the buyer does.

In the event repossession is complete and there is additional personal property involved, i.e., clothing tools, etc., inside an automobile, the buyer has the right to retain that other property, provided it is not an integral part of the repossessed property.

However, the buyer has no right to remove an automobile radio or other items that are attached to the vehicle even if the buyer claims he/she purchased it separately (fixture law).

If the repossessor takes unattached property contained in a repossessed item, the repossessor is responsible for that property to the buyer; the buyer has a right to recover it on demand. Also, the buyer may demand and get a receipt for attached personal property and may likewise recover such property or value at a later time.

A 1971 California court case stated if the repossessor later refuses to return or disclaims knowing the existence of such personal property, the buyer may maintain a civil action to recover the value of such property.

Third Party Rights:

Where the buyer has given a third party or person permission to use the property or maintain possession, i.e., dominion and control, such third party then stands in the shoes of the buyer. As against the repossessor, this third person may exercise the rights and privileges of the buyer.

If the property, when discovered, is in the possession of a bailee, for example, in a commercial parking lot where an attendant is on duty or in a check stand, the repossessor has a right to take possession. The bailee has and keeps possession rights until redeemed by the buyer.

Remember the following points about repossessions:

- Deputies will not take it upon themselves to try to determine if there has been a notice and hearing or a waiver of notice and hearing.
- Do not try to interpret the contract or get involved in any manner in private repossessions, except to keep the peace.
- A person who makes a good-faith repossession without complying with the notice and hearing requirements is subject to civil liability, but not criminal liability.
- Assuming that there has been a waiver of notice and hearing, the repossessor may retake property wherever he/she finds it, within limits. The repossessor does have the right to go onto privately owned land to retake. For example, the repossessor may retake an automobile from a:
  - Driveway or furniture from an open porch. However, in no event is the repossessor authorized to enter any building, or an enclosure without permission (1159-1161 CCP and 418, 602, and 603 PC).
- As a rule, repossession is complete if the repossessor has already taken possession and the buyer has to pursue or chase after the repossessor in order to object or to complain. In order to have complete possession, the repossessor must exercise complete dominion and control over the property.
  - <u>Example:</u> If the repossessor has already moved an automobile from a driveway and into the street, he has complete possession and a right to retain possession against the buyer's objections.
  - A Deputy may be called upon to exercise his/her good judgment as to whether the movement has been sufficient to give possession to the repossessor. If the movement was insufficient, the deputy should advise the repossessor to seek civil remedy.
- The repossessor is required to conduct himself/herself in a peaceful manner at all times. As with any other person, the repossessor cannot commit an assault or battery, or cause a breach of the peace.

<u>The Three Groups Which May Repossess Property:</u>

- The first group is the seller and his full-time employees (7522 B&P). Part-time employees may not be used for repossession purposes. Members of this first group do not need a State license.
- The second group is the bank or finance company that has purchased the debt from the seller. If the buyer defaults on the payments, a full-time employee of the financing company may repossess the property. Members of this second group also do not need a State license.
- The third group includes private repossessors and <u>are required</u> to have a State license (7500 - 7583 B&P). This group is also required to have a license posted at the principal place of business (7532 B&P). Any person who violates these provisions guilty of a misdemeanor (7560 B&P).

<u>Notification:</u>

The repossessor is required to immediately notify the local law enforcement agency by the most expeditious means available, i.e., fax or verbally, about the repossession. Their possessor must also notify the local law enforcement agency in writing within 24 hours of repossession.

Deputy's Responsibilities and Duties:

The deputy's responsibility at the scene of a repossession dispute is to keep the peace. This is strictly a civil matter and in no event are deputies authorized to give legal advice. Deputies will direct the parties to contact their respective attorneys for such advice.

At the scene of a repossession dispute, first ascertain the identity of the repossessor. This person will usually have company identification, a private license, a copy of the contract, or a document describing the property to be repossessed.

Next, identify the other disputing party. If this person is the buyer, buyer's spouse, or third person in lawful possession, deputies should inquire whether or not this person objects to repossession. If the person does object, then the repossessor cannot take the property.

Occasionally, if a crime is committed in a deputy's presence during the dispute, he/she will have to take some positive action. The most common crimes arising at repossession disputes are assault, battery, disturbing the peace, and malicious mischief.

A repossessor will occasionally break a lock on a garage to retake property. In this event, deputies should bear in mind the "intent" of the repossessor when deciding what crime may have occurred. For example, the intent to steal or commit some other felony is normally not present.

Buyers often want to report repossessed property as stolen. This frequently happens in the case of automobiles and motorcycles. For that reason, prior to initiating a stolen vehicle report, deputies should inquire as to whom had title and whether or not the buyer is delinquent on any debt payments.

Deputies should also check with S/O Records and County Communications prior to taking a report on these cases to determine if in fact the vehicle was repossessed. If a deputy may reasonably conclude that the property has been repossessed, the buyer should be referred to the titleholder.

In those instances where the repossessor has not gained possession, deputies should then advise him/her to seek civil remedy. The remedy consists of a "claim and delivery" action and the issuance by the court of a writ of possession (509-521 CCP). An officer of the court will serve such a writ. If deputies are called to assist a court officer, they will simply stand by and give only such assistance as needed to prevent the commission of a crime.

Landlord/Tenant Disputes:

In general, when a landlord and tenant enter into a contract, oral or written, it is one which gives the tenant temporary possession and use of the landlord's property for a specified amount of money for a specific period of time, and, in turn, the tenant agrees to return the property to the landlord at a future time. Generally, rents are paid in advance and the landlord gives the tenant a receipt for the period covered.

If the tenant is contemplating moving, he/she usually gives the landlord advance notice of their intention based on the period in which the tenant pays rent. That is if the tenant pays by the day, week, or month, notice with this amount of "lead time" is given.

Law Violations:

The deputy should try to avoid arrests and achieve a lasting solution to the dispute by explaining to the parties what conduct is not lawful and by suggesting alternative solutions that are lawful. Effective handling of landlord/tenant disputes often requires an understanding of applicable penal code provisions.

Unlawful Conduct by Landlord:

Tenant lock-out (418 PC): forcible entry and detainer law reads, "every person using or procuring, encouraging, or assisting another to use, any force or violence in entering upon or detaining any lands or other possessions of another, except in the manner allowed by law, is guilty of a misdemeanor."

Very often, when a tenant is behind in the rent, the landlord will jam or change the tenant's door lock in order to prevent the tenant's further use of the dwelling until the rent is paid. This lockout procedure is considered a "use of force" and it is therefore a misdemeanor prohibited by 418 PC.

Seizure of Tenant's Property:

It is not unusual for a landlord to seize a tenant's possessions in payment for past-due rent. The seizure of a tenant's property is a misdemeanor also prohibited by 418 PC.

Generally, a landlord may not take physical possession of the tenant's property unless the landlord first obtains a court order allowing him/her to do so (1861a CC).

A court order is needed even though by statute a landlord is given a lien against the tenant's property on the premises for the value of the unpaid rent, and also for the costs of enforcing the lien.

Furthermore, even with a court order, the lien may not be enforced against property necessary to the tenant's livelihood or any necessary household items (refer to 1861a CC) for a complete breakdown).

Removal of Doors and Windows:

If the landlord removes the doors and windows of the tenant's dwelling in an attempt to evict the tenant, or in any other way destroys the tenant's property, then the landlord may be guilty of 594 PC.

Even though the landlord may thereby be destroying his/her own property, the courts have held that, since a tenant has a property interest in the premises, any such acts of destruction by the landlord constitute malicious mischief against the tenant.

Trespass by Landlord:

A landlord will often enter the tenant's premises without permission from the tenant. If the entry is reasonable, for example, to repair a leaking water pipe, or to investigate smoke, it is not considered a trespass.

As of January 1, 2003 a landlord must now give the tenant reasonable notice in writing of the landlord's intent to enter. Entry must be during normal business hours, unless the tenant otherwise consents. These written notice and business-hours-only requirements do not apply to cases of emergency, or when the tenant has abandoned or surrendered the premises.

Twenty-four hours notice is presumed reasonable absent evidence to the contrary. The written notice may be served in any of the following ways:

- Personal delivery to the tenant
- Left with someone of suitable age and discretion at the premises
- Left on, near, or under the usual entry door in a manner that a reasonable person would discover the notice
- Mailed to the tenant. A notice mailed at least six days before an intended entry is presumed reasonable notice absent evidence to the contrary.

In addition, if the tenant has consented by lease to his/her landlord's entry at will, then such entry is not a trespass. However, a landlord will often enter his/her tenant's premises without prior permission in order to harass the tenant or to "snoop around". This conduct is considered to be a trespass constituting a misdemeanor under 602.5 PC.

Even though the landlord may have proper legal grounds for evicting the tenant, it is unlawful for the landlord to use any of the methods discussed above in an attempt to force the tenant to vacate the premises. Rather, the landlord must bring a civil suit. The process to have a tenant legally evicted is called an "unlawful detainer" action.

Civil Laws in Landlord/Tenant Disputes:

If deputies have knowledge of the relevant civil law that may be involved in the typical landlord/tenant dispute, they may be better able to provide referral advice and suggest a permanent solution.

Example: If a landlord has locked the tenant out for non-payment of rent, deputies could briefly explain to the landlord how he/she could legally evict the tenant. Simply telling the landlord that lockouts are unlawful might get the tenant back into the room or apartment again, but that will not resolve the landlord's problem.

Many times a deputy will merely inform the parties that their dispute is a civil matter and leave. However, if the deputy understands basic legal principles, the dispute can often be resolved by informing the parties of their legal rights and obligations. A permanent solution to the dispute will both eliminate recalls and the possibility of a subsequent dispute leading to violence.

Eviction:

The best legal way for a landlord to evict a tenant is by bringing an "unlawful detainer" action in court. There are several steps in this proceeding:

If the tenant has violated any of the conditions of the lease or rental agreement, e.g., failure to pay the rent when it comes due, keeping a pet when this act is specifically prohibited, etc., the landlord must give the tenant a three (3) day written notice to either correct the condition or move. This must be done prior to bring an action in court to evict the tenant.

This means, for example, that if the tenant who is behind in the rent pays the total rent due within the three-day period, the landlord cannot have the tenant evicted. Three-day notice forms are available at any large stationery store. However, to be effective, such a form must be filled-out and served on the tenant in the legally correct manner.

In addition, a landlord has the right to terminate a month-to-month tenancy for almost any reason, even if the tenant has not violated any provisions of the signed rental agreement.

Effective January 1, 2003 until January 1, 2006, a landlord must provide a month-to-month periodic tenant with an additional 30 days notice to terminate the tenancy if the tenant has lived in the dwelling for one year or more. Thus, the notice requirement is now a total of 60 days, instead of 30 days.

To do this, the landlord must first serve the tenant with a written notice instructing the tenant to vacate within the 30 or 60 day time period appropriate to the given situation. The landlord must then bring an "unlawful detainer" action against the tenant.

There are certain situations where the 60-day notice is not required. First, it does not apply if the landlord enters into a fixed-term lease, such as a one-year lease agreement. Second, a 30-day notice is sufficient for tenants who have lived in the property for less than one year. Third, landlords selling their properties may give a 30-day notice if all of the following six conditions are met:

- The owner has entered into a contract to sell the dwelling or unit to a bona fide purchaser for value
- The buyer is a natural person(s)
- The buyer in good faith intends to live in the property for at least one year after termination of the tenancy
- The termination notice is given within 120 days of opening escrow
- The owner has established an escrow with a licensed escrow officer, or a licensed real estate broker; and
- The dwelling or unit is alienable separate from the title to any other dwelling unit.

This sequence of events and outlined procedures are the best legal way for a landlord to evict a tenant.

Landlord's Obligation:

Landlords have a general legal obligation to keep the premises they rent in a general fit condition for human occupancy and to repair all defects that make the premises

uninhabitable. This means that the landlord must provide an apartment that has: A structure that is weatherproof, waterproof, and rodent-proof, a workable plumbing system, one working toilet, bathtub, and bathroom sink, one working kitchen sink, adequate heating, safe electrical wiring, and adequate garbage and trash storage and removal facilities.

The landlord cannot waive these requirements by placing a burden to repair these facilities on the tenant as part of the conditions of the lease.

What the Tenant Can Do:

If the landlord fails to perform the responsibilities of keeping the dwelling in good repair, the tenant should inform the landlord of the problem in writing. If the landlord fails or refuses to correct the problem after being notified of the defect, the tenant has several alternatives.

If the defective condition is a violation of the housing code, the tenant should consider reporting the violation to the housing enforcement authorities. They will investigate the defect and compel the landlord to correct it. If the problem is one that is not handled by the housing enforcement authority, the tenant should consider calling the bureau of sanitation for help. If all else fails, the tenant should see an attorney.

Proper Handling of Landlord/Tenant Disputes:

A deputy's objective, when confronted with a landlord and a tenant dispute, is not to make or encourage an arrest, but to try to achieve a lasting solution to the conflict by explaining to the parties what conduct is unlawful and by suggesting alternative solutions that are lawful. They should always follow the law.

If a tenant's complaint is that the landlord has locked him/her out, seized property, removed the doors or windows to the premises, interfered with the use of the tenant's utilities, or unreasonably trespassed on the premises, a deputy can often successfully resolve the dispute by:

- Briefly explaining to the landlord that he/she has probably committed a misdemeanor violation by the landlord's acts or actions.
- If the tenant has a defective facility, the deputy should advise him/her to explore the various legal alternatives open to the tenant.

Very often the landlord is unaware that his/her conduct is unlawful. In such a case, a simple explanation that the landlord's self-help measures are unlawful will often be enough to satisfy them. If, however, the landlord is headstrong and uncooperative, deputies can explain to them that the tenant can initiate criminal proceedings. Generally, this tactic regenerates the landlord's attitude toward cooperation. This is the goal as a peace officer in the field.

While an arrest should not normally be encouraged, deputies should ultimately take whatever police action is necessary under the circumstances.

NOTE: However, when a crime is found to have occurred, most offenses related to landlord and tenant disputes are misdemeanors. Consequently, deputies may not arrest unless the offense occurred in his/her presence. Deputies should advise the appropriate party of the private person's arrest requirements and procedures.

Bomb Threats/Possible Explosive Devices

Reference: Penal Code Sections 148.1, 422, 422.6, 12301, 12303, 12303.1, 12303.2, 12303.3, and 12303.6, General Order #17.06, Bomb Threats and Explosives

When deputies are dispatched to the scene of a possible bomb threat or explosive device, certain safety precautions and procedures must be followed to facilitate a safe resolution and proper notification.

Response to the Scene:

The assigned deputy will respond to the scene Code Two unless otherwise directed that an emergency response (Code Three) is necessary. The field supervisor will also be notified of the detail and may direct other patrol units to respond based on the nature of the threat, availability of other units, and the facility involved.

Radio Transmissions:

The assigned unit, and all other units in the area of a bomb threat, will discontinue all radio transmissions and/or cellular telephone use, within one block of the scene. This will reduce the likelihood of electrical blasting cap detonation and/or the explosive device may be constructed to allow for detonation through the use of a remote radio signal. All communications at the scene of a bomb threat will be accomplished by regular telephone until a determination is made that radio and cellular transmissions will not activate the device.

Responsibility of Initially Assigned Units:

Deputies assigned to respond to the scene of a bomb threat will not discuss the reason for their presence with employees or the public. Deputies will discuss the bomb threat only with the person in charge of the facility, the reporting party, and the individual that received the threat unless it is necessary to contact other persons to obtain information related to the threat. The contacting of non-involved parties may lead to a panic situation, which must be avoided. The assigned deputy will obtain all facts and information related to the threat as soon as possible. Necessary information includes, but is not limited to:

- Time of detonation, if stated
- Area where the alleged bomb was placed
- Motive or reason for placing the bomb
- Identification of the group or individual caller
- Description of the bomb and type of explosives used
- Prior history of bomb threats

In addition, the assigned deputy will inform the owner/manager/person in-charge that they must make the decision as to the seriousness of the threat and what action is to be taken. However, deputies may suggest the following alternatives:

- Total evacuation and search of the premises
- Partial evacuation and search
- No evacuation, but conduct a search

- Disregard the threat

The assigned deputy will emphasize that the evacuation and/or search is a management decision and should be based on available information. The owner/manager/person in-charge will be advised that, if requested, deputies will assist in conducting a search and will dispose of any explosive device found.

Evacuation:

When the owner/manager/person in-charge decides to evacuate the involved facility, the deputy in command of the scene will request that all personal property such as packages, briefcases, boxes, lunch pails, and other property be removed by each employee upon departure. In addition, a request will be made for employees to unplug or turn off all typewriters, copy machines, and electrical equipment prior to departure. Consideration should also be given to turning off lines that supply gas to the facility.

People leaving the facility will be instructed to evacuate a minimum distance of 300 feet, but will be requested to remain at evacuation areas so that police personnel can summon them to identify unclaimed packages and suspicious objects as necessary. Once evacuation has begun, the deputy in charge of the scene will ensure that the following tasks are performed:

- Assist in orderly evacuation
- Prevent unauthorized persons from entering the restricted area
- Protect the scene from damage by the public

When an evacuation is in progress, assigned deputies should observe the area closely, looking for anyone exhibiting unusual interest in the proceedings. The perpetrator of a bomb hoax may derive intense satisfaction from the excitement at the scene, much in the same manner that an arsonist does at a fire. Deputies should look for persons who insist on volunteering their aid or anyone who exhibits unusual knowledge of what is going on, or persons acting suspicious.

Search Procedures:

When a search is requested and additional deputies are required, the deputy in charge of the scene, will notify the patrol supervisor of the request, stating the number of additional deputies that will be required and estimate the length of time the search will take.

In cases where civilian management does not have a search team to perform the search, deputies will request to be accompanied by civilian employees who are familiar with the area to be searched. Janitors and supervisors are familiar with the building and can readily identify foreign objects or areas that have been disturbed. It is also extremely helpful to have a complete set of keys to all locks.

When a search is to be conducted, the searching deputies should search the following areas in order:

- Outside the building, to include the roof
- Public access areas in building
- Limited access areas in building (individual rooms or offices)
- Utility areas
- Individual rooms inside the building

Searchers should pay particular attention to vulnerable target areas during the search. Such areas may include the following examples: flammable storage areas, boiler rooms, machinery rooms, power equipment areas, critical structure areas in the building, and communication centers.

Time Factor:

If a time of detonation has been given and during the course of the search nothing suspicious is discovered, a recommended standard procedure is to clear the target area of all searchers fifteen minutes prior to the time of detonation. The target should not be reentered for at least fifteen minutes after the stated detonation time. If a detonation time was not given, the search should continue until the supervising deputy at the scene concludes that the search should be discontinued.

Action Upon Locating a Suspicious Object or Explosive:

If a suspicious object or the alleged bomb is found, do not touch or move it. The field supervisor should immediately be notified and request members of the bomb squad to be dispatched to the scene. If an explosive device or suspicious object is found, the search for more devices should continue, keeping in mind the time factor mentioned above.

Evacuation When Suspicious Object is Found:

A general evacuation of the entire facility may or may not be in order, depending on the size of the building and the size of the found object. The primary consideration will, of course, be the safety of the building occupants. (Terrorists will often detonate a small bomb, drawing emergency personnel and spectators into the area, and then a short time later a secondary device will be detonated.)

Removal of Suspicious Objects or Actual Devices:

Under normal circumstances, all improvised explosive devices, suspected bombs, suspicious objectives and recovered explosives will be removed and destroyed only by trained bomb disposal personnel. (While it might appear that some bombs are simple in design the explosives can be rigged to detonate if disturbed in any manner. It is always better to move people than to move a bomb.)

Statement and Cancellation of Evacuation/Search:

Due to civil liability, only the deputy in charge of the scene should make statements regarding the incident. This should be done in front of other witnesses. No deputy will sign any statements given to him or her by a representative of the property. When no explosive device(s) is found, the deputy in charge of the scene may make a statement to that effect. However, no deputy will state that the target facility is clear and safe to be reoccupied. The deputy in charge will explain to the person in charge of the facility that the decision to reoccupy can only be made by him/her. The Sheriff's Office will not be involved in the decision to reoccupy the facility because of liability issues.

Documenting the Incident:

An Incident Report will be written in all instances where there is a report of a bomb threat or an actual or simulated explosive type device is located. The Incident Report should include the following information:

- The exact words used by the caller
- Background noise
- Voice characteristics (sex, age, accent)
- Organization or group that caller claims to represent
- What actions were taken
- Possible suspects and reason (recently fired, contract dispute, etc.)
- If call was received on taped line, obtain original and book into evidence
- Name and badge number of all personnel at the scene

Hazardous Material Spills

References:

CVC Section 2454
North American Emergency Response Guidebook
General Order #17.10, Weapons of Mass Destruction
Patrol Procedures #B37, Clandestine Laboratory Investigations, #B38, Response to Biological Hazard Threats, #B39, Hazardous Material (HAZMAT) Incidents

Definition of Hazardous Material:

All substances that are dangerous by reason of their toxicity or potential for violent reaction (fire or explosion).

They include all of the following:

- Explosives
- Gases
- Flammable liquids
- Flammable solids
- Oxidizing substances
- Toxic Materials
- Radioactive materials
- Corrosive materials

Scene Management and Responsibility:

When the spill is on public property:

- Hazardous material spills and/or incidents will be under the control of the Sheriff's Office when the occurrence is on a highway or roadway in a contract city (2454 VC).
- When the incident occurs on an unincorporated roadway or state highway, the California Highway Patrol (2454 VC) will have jurisdiction.
- The local fire department will be contacted for all incidents to provide hazardous materials team support.

When the spill is on private property:

- Patrol personnel will respond and evaluate the scene.
- The fire department that has jurisdiction will be contacted for the appropriate response will become the on-scene commander.
- HAZMAT team response will be requested by the fire department.

- The property owner is responsible for the hazardous spill clean up and removal. When the property owner or his agent is not available, the County/City may clean up and bill the owner for the cost.

Reporting Procedures:

The deputy assigned to the detail will complete an Incident Report on those incidents that are within the Sheriff's Office jurisdiction. The field supervisor should also be notified as soon as practical in all such matters.

Point of Origin:

Unincorporated Areas		Contract City	
On Roadway	Off Roadway	On Roadway	Off Roadway
C.H.P.	Fire Dep.	Sheriff’s Office	Fire Dep.

Fish and Game Violations

Refer to Patrol Order B28 for specific details.

Marijuana Law Violations – Detention and Arrest

Refer to Patrol Procedure #B11, Arrests for 11357(b) H&S for specifics on this topic.

Suggested Chemical Tests for Detection:

SUBSTANCE:	RECOMMENDED TEST:
ALCOHOL	BLOOD, BREATH
OPIATES (Heroin and Morphine)	URINE, BLOOD
AMPHETAMINES (Stimulants)	URINE, BLOOD
TRANQUILIZERS (Except Neprobromate)	URINE, BLOOD
NEPROBROMATE (Equanil, Miltown)	BLOOD
COCAINE	URINE, BLOOD
PCP	URINE, BLOOD

When the incident involves the use of a combination of controlled substances, or the deputy is unable to determine the specific substance, a blood specimen may be obtained and submitted for analysis as evidence.

Recovering evidence from a suspect's body constitutes a search and seizure. Blood draws from a suspects are considered bodily intrusion searches and must be authorized by a warrant or court order, unless the following circumstances exist:

1. There is probable cause to arrest the suspect for a crime in which the existence of alcohol or drugs in the bloodstream would be relevant in a legal proceeding;
2. There is probable cause to believe the search would result in the discovery of evidence of a crime;
3. The blood is drawn by trained medical personnel in accordance with accepted medical practices;
4. The arrest is effected contemporaneously with the crime;
5. Delay in obtaining the blood sample would result in the loss of evidence.

Felonies:

A felony, without more, is not sufficient reason to seize a blood specimen. Blood samples may be obtained in felony cases where alcohol or drug intoxication is an element of the offense, i.e., 23153(a) CVC or where there is reasonable cause to believe the arrestee is under the influence of alcohol and/or drugs and this may be relevant to the legal proceeding.

Misdemeanors:

Blood samples may be obtained in misdemeanor cases where alcohol or drug intoxication is an element of the offense, i.e., 11550 H/S, 23152(a) CVC. Consent is not required where the submission of a blood, breath, or urine specimen is subject to the implied consent law. Absent physical resistance, a blood, breath, or urine specimen will be taken in all implied consent cases.

Uncooperative Subjects:

Refer to Sheriff's Office General Order #17.11- Bodily Intrusion Search Procedure.

Specific Chemical Test Procedures:

Deputies will adhere to the following additional procedures when intending to obtain any of the following biological specimens for a chemical test:

- Blood Test: Deputies intending to subject a suspect to a blood test will make a reasonable effort to determine if the suspect is a hemophiliac or using anticoagulants under the direction of a physician. When it is determined that a suspect is a hemophiliac or using anticoagulants, such a suspect is exempt from the blood test. A blood test may be administered when the person is unconscious or in a condition rendering such person incapable of refusing to submit. It is not necessary to obtain the permission of relatives or any other person.

- Urine Test: Is not used for DUI or alcohol related incidents. A urine sample is acceptable if a blood sample is unobtainable in cases involving a controlled substance.

- Breath Tests: Intoxilyzer certified officer must operate the breath analysis machine or a qualified laboratory technician must be called to administer the test, (most laboratory technicians are not qualified).

METHODS OF INGESTION:	ONSET
SMOKING	3-5 Seconds
INJECTION (I.V.)	5-10 Seconds
INHALING	5-15 Seconds
INSUFFLATION (Snorting)	2-3 Minutes
APPLIED	2-3 Minutes
ORAL	20-30 Minutes

COCAINE/METHAMPHETAMINE (CNS STIMULANTS):

Representatives:

Methamphetamine (desoxyn), Amphetamine (dexedrine and benzedrine), Methylphenidate (Ritalin).

These drugs are central nervous system stimulants (CNS) which speed up breathing and heart rate, and also raise blood pressure. CNS stimulants can cause a number of health problems within an individual. Impaired judgment, insomnia, and transient psychotic episodes are common symptom of this drug. Paranoia can also be present with large dosages and/or prolonged use of the drug.

Cocaine has been used as a local anesthetic by ear, nose, and throat specialists, but is being replaced by other drugs. Ritalin is prescribed to individuals with Attention Deficit Disorder (A.D.D.) to improve the individual's concentration.

Cocaine, Methamphetamine and other CNS stimulants are found in a number of forms, i.e., pills, powder, rock, and liquid (speedball - mixture of cocaine and heroin).

When Cocaine/Methamphetamine or other CNS stimulants are introduced into the body by mouth, nose (snorting), injection, or smoking, the individual may exhibit one or more of the following symptoms. These symptoms are variables and do not exist in every person. Objective/Subjective symptoms and their onset are strongly based on a person's tolerance, amount ingested, and the quality of the substance.

Objective Symptoms:

- Dilated pupils
  - 6.0 mm or above
  - May be below 6.0 mm, but should be fixed with a minimal response (.5 mm) under controlled conditions.
  - Addicts or chronic users may show a non-reactive pupil response (3.0 mm) due to a damaged optic nerve, which controls dilation and constriction of the pupil.
  - Pupils dilate within 5 to 15 minutes after substance is introduced into the body and will usually last between three to six hours, but can be longer.
- Vigorous behavior (rapid and excited speech/moves fast)
- Nervousness
- Irritability
- Rapid pulse rate (110+ beats per minute)
- Rapid respiration (approximately 25 breaths per minute)

Subjective Symptoms:

- Rush
- Alertness
- Energetic (senses energy)

PHENCYCLIDINE (PCP):

PCP is also known as Angel Dust, Dust, KJ, and a dozen other pseudonyms and is sold as pills, powder, and liquid. It is sprinkled on marijuana cigarettes (Sherms, Super Kools) or parsley (Lenos).

PCP is a deleriant with effects resembling stimulants, depressants, anesthetics, and hallucinogens, depending on dosage. The drug primarily affects the brain and the central nervous system.

PCP is normally found in cigarettes (hand-rolled joints) and commonly smoked as joints in the Bay Area. A cigarette normally contains approximately 1/10th of a gram. When

PCP is introduced into the body by mouth, injection, or smoking, the individual may exhibit one or more of the following:

Objective Symptoms:

Normally occurs approximately 10-15 minutes after introduction into the body.

- Horizontal (normally less than 20 degrees) and vertical; gaze nystagmus.
- Strabismus (nonconvergence)
- Blank stare
- Droopy eyelids (sleepy look or hooded)
- Muscular rigidity (wide rigid gait/robotic)
- Bizarre behavior
- Sweating (increased body heat)
- Poor coordination
- Non-responsive
- High pulse rate (normally above 120 beats per minute)

SUBJECTIVE SYMPTOMS:

- Rush
- Numb feelings
- Warm/flush
- Hallucinate/delusions

All of the above Objective/Subjective symptoms and their onset are strongly based on a person's tolerance, amount ingested, and the quality of the substance.

HEROIN (OPIATE):

- Representative: Opium and opiates derivatives are heroin, codeine, and morphine.

- Synthetic: Methadone, meperidine (Demerol), hydromorphone (dilaudid) J, oxycodon (percodan), pentazocine (talwin), and propoxyphene (Darvon).

Heroin is a narcotic and acts on the central parasympathetic nervous system to slow down the body systems, reduce sensitivity to pain, and to induce sleep. Heroin has no medical use in the United States, but other opium derivatives or a synthetic substitute are prescribed to relieve pain, coughing, diarrhea, and as a pre-anesthetic medication.

Heroin comes in the form of powder or as a substance that resembles tar. "Tar Heroin" is commonly used in the Bay Area while "China White" is more prominent on the East Coast. When heroin is introduced into the body by injection (most common method), mouth, nose (snorting), or smoking, the individual may exhibit one or more of the following:

Objective Symptoms:

- Constricted pupils 3.0 mm or below
- May be above 3.0, but should be fixed with minimal response (.5 mm) under controlled conditions. Pupil constriction will normally occur in approximately 15 minutes with 4 mg to 6mg of heroin and last four to six hours.
- Puncture wounds (injection sites)
- Droopy eyelids (hooded)
- Sedation
- Slow, shallow breathing
- Slow reflexes
- Slurred speech
- Thirst due to dryness in mouth (heroin commonly dehydrates the body

Subjective Symptoms:

- Euphoria
- Relaxed
- Nausea
- Upset stomach (may result in vomiting)

All of the subjective symptoms are variables and do not exist in every person. Objective/subjective symptoms and their onset are strongly based on their tolerance, amount ingested, and the quality of the substance.

CANNABINOIDS (MARIJUANA):

- Representatives: Trade/Street names include Marinol, Dranabinol, THC, pot, grass, joint, reefer, Ganja Acapulco Gold, Sinsamilla, Thai Sticks, Hash, and Hash Oil.

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing mood and perception altering effects it produces. The active chemical in Marijuana is Delta-9-Tetrahydracannabinol (THC).

Marijuana has 70% more cancer causing agents than cigarettes. Four marijuana cigarettes are equivalent to one pack of cigarettes. When Marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.

The active chemical, THC, is stored in body fat and is slowly released over time. Marijuana smoking has long-term effects on performance. Combining alcohol, or other depressant drugs, and marijuana can produce a multiple effect, increasing the impairment effect of both the depressant and marijuana.

Objective Symptoms:

- Reddened eyes (possible hooded eyelids)
- Slowed speech
- Elevated pulse rate
- Non-convergence (strabismus)
- Eyes near normal or slightly dilated
- Distinctive odor on clothing
- Divided attention impairment
- Body tremors
- Disoriented
- Eyelid tremors possible
- Relaxed attitude

Signs and Symptoms/Regular Use of Marijuana:

- Delayed decision making
- Diminished concentration
- Impaired short-term memory loss, interfering with learning
- Impaired signal detection, (ability to detect a brief flash of light) a risk for users who are operating machinery.
- Impaired tracking and visual distance measurements

All the subjective symptoms are variables and do not exist in every person. Objective/Subjective symptoms and their onset are strongly based on their tolerance, amount ingested, and the quality of the substance.

ALCOHOL:

- Representatives: Beer, wine, and hard liquor

The chronic consumption of alcoholic beverages over time may result in the following hazards: Fatal liver disease, kidney disease, ulcers, pancreatitis, and cancer of the mouth, tongue, pharynx, esophagus, rectum, breasts, and malignant melanoma. There can also be a decreased sexual functioning.

Up to 54% of all birth defects are alcohol related due to spontaneous abortion and mortality. Up to 10% of people who drink alcoholic beverages become physically and/or mentally dependent on this substance and can be termed “alcoholic.”

The human body metabolizes alcohol at the rate of .02 BAC per hour, which is the equivalent of one drink an hour (one-12 oz. glass of beer, or one-6 oz. glass of wine, or one-1 oz. glass of hard liquor).

Objective Symptoms:

- Odor of alcoholic beverage
  - Beer
  - Wine
  - Hard liquor
- Horizontal gaze nystagmus
- Vertical gaze nystagmus when the blood alcohol level is .20 or above.
- Thick and slurred speech
- Impaired coordination
- Flushed face
- Slow reflexes
- Drowsiness
- Non-convergence (Strabismus)
- Possible elevated pulse rate

ROHYPNOL ("date rape" drug):

- Representatives: Street names: Roofies, ropies, circles, R-2, roaches

- Method of Use: Oral. Usually with alcohol or other drugs

- Duration of Effect: When taken orally effects begin within 30 minutes and peak within 2 hours.

- Possible Effects: Decreased blood pressure, memory impairment, drowsiness, and confusion. Physiological effects similar to Valium, although 10 times more potent.

- Facts: Produced and sold legally in Latin America and Europe. In countries where the drug is legal, it is used as a short-term treatment for insomnia and pre-anesthetic medication. This drug is smuggled into the United States and is being increasingly found in California, Texas, and Florida. These small white pills are sold for as little as $1.50 each. The word "ROCHE" and the number "1" or "2" is etched into one side of the pill.

NARCOTICS AND DANGEROUS DRUG LAWS:

- Seconal, Nembutal, Tuinal and Amyutal (11377 H&S)
- Amphetamines (11377 H&S)
- LSD (11377 H&S)
- Marijuana (11357a and 11357b H&S)
- Cultivation of marijuana (11358 H &S)
- Peyote (11350 H&S)
- Heroin (11350 H&S)
- Cocaine (11350 H&S)
- Paraphernalia Possession, of an opium pipe or device, instrument used for unlawful injecting or smoking a controlled substance (H&S 11364(a) SUSPENDED UNTIL UNTIL 1/2015)
- Being present in place where controlled substances are used (11365 H&S)
- Inhalation of toluene (381 PC)
- Possession of 30 or more hypodermic needle (B&P 4145 previously known as 4140 B&P)
- Under influence of certain drugs (11550 H&S)

News Media Relations

Deputies will occasionally come in contact with representatives from the various news media. These persons should be treated in a professional manner with no favoritism shown toward a particular media person. They are not allowed to interfere with the performance of a deputy's job, they are subject to all laws, and cannot enter crime scenes or cross police lines until they are allowed access by an officer in charge of the scene.

Deputies must realize that representatives from the news media have the right to report or photograph anything they observe at the scene as long as they are there legally. 409.5 PC deals with unauthorized entry into disaster areas, etc., but specifically allows authorized members of the media into these areas (409.5(d) PC). The media assumes the risk and thus prevents civil liability on the part of the Sheriff's Office.

The Court of Appeals made it clear that safety can not be the basis for excluding access: "Safety is not a reason to exclude press members from a disaster site, because the statute 409.5(d), provides a specific exception for members of the media, in situations already determined to be unsafe. This means that members of the press must be accommodated with whatever limited access to the site may be afforded without interference."

Regarding media access at crime scenes, the Court of Appeal commented: "The legislative goal is to provide the maximum possible press access. Authorized news media are allowed to photograph or report from within police lines at an accommodating distance from the immediate crime scene area. Media members do not have access rights to any immediate crime investigation, or police SWAT team locations, when public safety officers or investigators, believe a crime has been committed."

The opinion of the State Attorney General is: "Officers shall, if circumstances permit, warn reporters and/or press photographers of any dangers, but the presence of danger should not prohibit the reporter and/or photographer from entering a particular area, and they shall be responsible for their own safety in all cases including major fires, disasters or other catastrophic events. Media representatives should not be denied access to dangerous areas solely because of the possibility of their injury or death. For example, if a building collapsed because of structural failure and is closed to the public because it is inherently unsafe and may collapse further, media can enter the building at their own risk."

The State Attorney General also made the following recommendations for allowing or denying access to imminently dangerous areas:

- Media personnel can be prohibited from entering potentially hazardous areas (e.g., getting close to a burning fuel tank that may explode), but enforcement agencies must allow them (media) to enter dangerous areas (e.g., scenes of riots, earthquakes, or hurricanes) at their own risk.
- Media representatives should be advised of the danger and be allowed to decide whether to enter. Officers are not responsible or liable for media personnel who enter dangerous areas.
- Law enforcement personnel have no authority to invite media personnel to enter such areas.
- Law enforcement agencies are not required to provide escorts, bulletproof vests, helmets, gas masks, or other safety equipment.
- If, under unusual conditions a team negotiating hostage releases invites media representatives, some protection may be needed.
- While that concern for safety is understandable, media personnel have long chosen to accept physical danger as part of their role in covering important stories, whether it be war, civil unrest, terrorist actions, natural disasters, or crisis situations involving law enforcement agencies.

As a general rule the media should be referred to the Sheriff's Office Public Information Officer for a press release. Deputies should refrain from providing statements to them unless approval is received from a command officer or the Public Information Officer.

Animals – Vicious, Sick, Injured or Dead

A deputy is often directed to handle a report of a vicious, sick, injured or dead animals. During normal business hours these types of calls should be directed to Animal Control or other appropriate agency that is responsible for handling such calls. Due to budget restraints Animal Control may ask that a deputy respond and advise if they are needed.

Vicious Animals:

Deputies will be dispatched on reports of vicious animals that are roaming an area that may endanger the public. A deputy that locates such an animal should use extreme caution and attempt to confine the animal for pickup by animal control or other appropriate agency.

Sick or Injured Animals:

Animal Control or other appropriate agencies will respond to pick up sick or injured stray animals that are confined and not wandering in an area. A deputy that locates such an animal should use CAUTION and avoid handling the animal. Animal Control will respond to some injured wild animal calls. For other injured wild animals, deputies should attempt (through County Communications) to contact a wildlife rescue service.

Dead Animals:

Dead animals should be removed to an area that will prevent the carcass from becoming a traffic hazard. Animal Control or another appropriate agency should be notified to respond to the location for picking up the carcass. Generally these pickups will occur during normal business hours and are not considered a priority detail.

Dispatching of Violent, Sick or Injured Animal:

- Firearm: An animal may be dispatched if it falls under the criteria set forth under the General Order for the Use of Firearms policy. Refer to the following two pages of drawings for recommended Point of Entry and Point of Exit for the dispatching of various types of animals using a firearm.

  Deputies should also ensure that there is no likelihood of a bullet ricocheting and causing injury to others during the process of dispatching an animal. It is recommended that all citizens be removed from the immediate area prior to the dispatching of the animal.

  If time allows the deputy should notify County Communications and the field supervisor prior to dispatching the animal. After dispatching the animal the deputy will notify the field supervisor, complete a Firearms Use Report and an Employee's Reports.

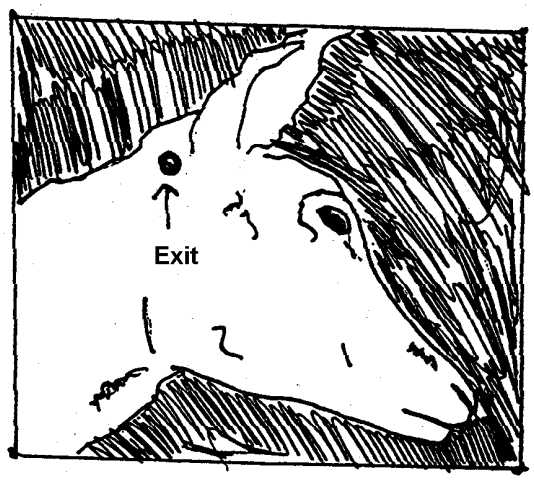
- Other means: It is not required that a deputy use his/her firearm to dispatch an animal. Deputies may want to consider other alternatives when making the decision to dispatch an animal. There may be times when other means are more practical (small animal in a residential area, near a freeway, under a house). Patrol

cars are equipped with an axe and rope and the car itself may be considered as well.

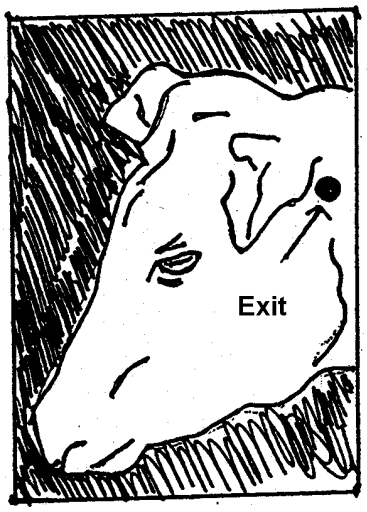
Note: Deputies are not required to dispatch animals. The surrounding circumstances, availability of Animal Control, the area and the nearby (viewing) public need to be taken into consideration.

Horse

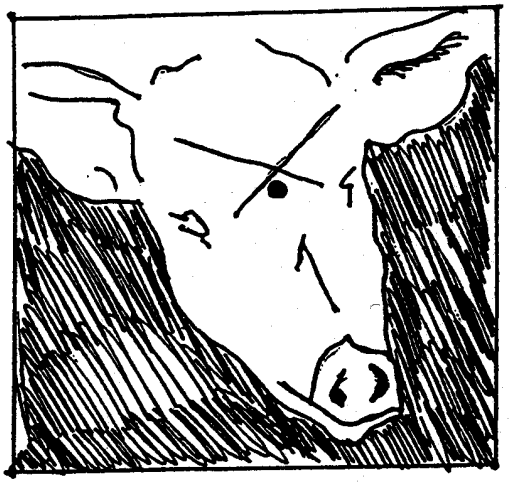
Deer

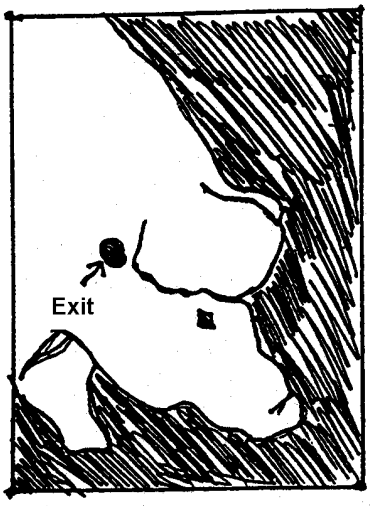


Cow or Canine



Swine





Dispersal of Party Disturbances

Initial Steps:

- One of the most important initial steps to cover is to contact the Reporting Party (R/P), if one is available.
- Determine if R/P's peace is disturbed and/or nature of complaint.
- Does R/P desire prosecution?
- Advise R/P of his responsibilities for seeking prosecution.
- Advise R/P of the intended action at this point.

Contact the person giving the party or person in charge. Preferably this should be an adult as this is the most crucial part of successfully quieting or dispersing a large party disturbance. Advise this person of the following:

- Tell person of the complaint and any violations noted.
- Ask for his/her cooperation in quelling the disturbance without further police intervention.
- Explain that further police actions will be necessary if there is a return call on the disturbance.
- Provide the responsible person with a "Party Card" and explain that a second call of a similar nature could result in a charge being levied against him/her for the time that the deputies are at the scene. This is in addition to any criminal charges that may be filed in this matter. Record who was talked to in case a second call is received or prosecution is needed.

A party beyond control of the responsible is considered an emergency situation, i.e., persons damaging the residence or numerous criminal violations are occurring. The following should be noted:

- Assess the situation and estimate the number of persons attending the party.
- Determine the number of deputies needed and whether the blocking of streets in the area is necessary to avoid further pedestrian and vehicular traffic from entering area. Remember: Allow an exit route for the pedestrians and vehicular traffic. Do not start dispersing them without a route for them to exit.

Useful Codes for Handling Party Disturbances:

Penal Code:

415(2)	Loud and Unreasonable Noise.
415(3)	Offensive language in a public place likely to provoke an immediate violent reaction.
602.5	Unauthorized entry into property
602 (m)	Trespass with a vehicle
374.4	Littering
594	Vandalism
404	This includes the use of force or violence or any threat to use such force or violence, if accomplished by the immediate power of execution, by two or more persons acting together.

Alcohol Violations:

25662(a) BP	Minor drinking or in possession of alcohol in a public place or a place open to the public.
25658(a) BP	Any person who sells, furnishes, or gives or causes to be sold, furnished, or given away any alcoholic beverages to any person under 21 years of age.
25608(a) BP	Every person who possesses, consumes, sells, gives or delivers to any person any alcoholic beverage in or on any schoolhouse or any grounds thereof.
647(f) PC	Under influence in a public place to the extent that person is unable to care for their own safety or the safety of others, or interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.

Vehicle Code Violations:

22502(a)	Parked more than 18” from right-hand curb
22514	Parked within 15 feet of a fire hydrant
22500	Parking in / on intersection, crosswalk, sidewalk, illegally parked with no evidence of registration; etc.
23109	Speed contest, racing
23152	DUI - public property or private property
23136(a)	Minor driving with BAC of .01-.04 (see DUI investigation)
23140(a)	Minor with BAC of .05-.07 (see DUI investigation)

Death Cases – Notifications and Definitions

Reference:

Government Code Section 27491, 27491.3
Patrol Procedure #B20, Death Cases – Notifications and Definitions

A peace officer cannot search a dead person (27491.3 Government Code). This is the Coroner's responsibility. The following are the types of death cases that the Sheriff's Office will normally be dispatched on to handle:

Attended Death:

An apparent natural mortality in which a physician has attended to the deceased in the 20 days preceding death, and the physician can be contacted and will agree to sign a death certificate with the Coroner's approval (Government Code 27491). An Incident Report is not necessary in these types of cases, but deputies must indicate the Coroner's release number on their Daily Activity Log.

Unattended Death:

An apparent natural mortality in which there is no attending physician or when an attending physician refuses to sign a death certificate. Deaths of a suspicious nature will be treated as an unattended death unless the circumstances dictate something different. An Incident Report is necessary.

Suicide:

A death in which the mortality is apparently self-inflicted. An Incident Report is necessary.

Homicide:

Any mortality caused by a person or persons. An Incident Report is necessary.

The deputy at the scene of a death case will assume command, pending arrival of a supervisor, and will be responsible for the following:

- Preservation of the Scene:
  - Exclude everyone from the area.
  - Protect the scene from self and fellow deputies.

- Separate Witnesses and Obtain Names, Addresses, and Phone Numbers:
  - List names, addresses and phone numbers of all persons who have entered the scene, both present and absent.
  - Paramedics, fire department personnel, relatives, and others.
  - Obtain recent medical or psychological history.
  - Obtain physician's name, address, and phone number.

- Advise the Patrol Supervisor of the Following:

- Type of death and circumstances.
- Photos are required in all but attended deaths. Depending on type of death case, the photos may be taken by the deputy, patrol supervisor, or the evidence technicians.
- The Patrol supervisor will determine whether this is a case that will require notification of the homicide investigators and/or when to notify coroner for removal of the deceased. Deputies are not to notify the homicide investigators or coroner without first obtaining the field supervisors approval.

It is not the intention or desire for the Sheriff's Office to suppress or restrain lawful activity. The Sheriff's Office will extend whatever resources are necessary to protect the rights of any person or group to conduct a peaceful and lawful demonstration within the jurisdiction of the Sheriff's Office. However, unlawful activity will not be condoned and will be promptly handled by the Sheriff's Office. The Sheriff's Office will take appropriate legal steps to discourage unlawful conduct whenever it occurs.

Sheriff's Office Response to Demonstrations:

Demonstrations are often highly emotional incidents. Deputies will strive to remain objective in order to maintain effectiveness.

Equality of Treatment:

Deputies will treat demonstrators, onlookers, or counter demonstrators with equal treatment.

Response to Violent Conduct:

Where a demonstrator uses physical violence upon another person or property, deputies should promptly make an arrest unless the supervising officer at the scene concludes that making the arrest would divert limited manpower or be unnecessarily risky in reducing the ability of members to perform their duties most effectively.

Response to Other Illegal Conduct:

Arrests will occasionally have to be made because of a demonstrator's nonviolent but nevertheless illegal conduct: for example, illegal obstruction of the streets or of a building entrance. In such situations the on scene supervisor will decide if such arrests are to be made.

News Media Relations at These Scenes:

Section 409.5 of the Penal Code authorizes officers to close disaster scenes such as earthquakes or fires to the public. Subsection (d), however, allows duly authorized representatives of any new service, newspaper, or radio or television station or network to enter closed areas.

Onlookers at the Scene of a Demonstration, Civil Disturbance or Other Incident:

Onlookers may remain in the vicinity as long as the presence of these persons does not interfere with the deputies' duties or create a safety concern for the deputy, person detained or onlooker. They must, however, maintain a reasonable distance when monitoring police activities depending on the circumstances.

Onlookers have the right to record the incident, and the recording device (camera, video camera, tape recorder, and any film or tape from a recording device) cannot be seized by a deputy at the scene except under authority of a search warrant. If the immediate

circumstances lead the deputy to believe that the recording contains crucial evidence, the deputy may ask the citizen to voluntarily surrender the recording material.

First Deputy at Scene:

The first deputy at the scene of a disturbance should observe the situation from a distance and evaluate it before taking action. If the situation demands, the deputy will notify the field supervisor.

Order to Disperse:

A dispersal order must be given before a person can be guilty of remaining at a place of a riot, rout, or unlawful assembly.

Response to Labor Disputes

Deputies responding to labor disputes should keep in mind that strikes and picketing are not violations of the law. It is the illegal acts that sometimes arise from such activities that concern the Sheriff's Office. The effectiveness of the Sheriff's Office in labor disputes is maintained by remaining impartial regarding the parties and issues involved and by taking appropriate action whenever criminal violations are observed and reported.

Deputies will not normally be deployed to strike scenes. However, when deployment becomes necessary the field supervisor or a patrol administrator will also respond and take charge of the situation.

Deputies will need to be familiar with the following Penal Code sections:

- 552 Peace officer, use of road
- 552.1 Exceptions, union activities
- 553 Definitions
- 554 Posting of certain property against trespassing or loitering.
- 555.1 Tearing down, deface or destroy any posted signs

Aircraft Crashes – Duties and Responsibilities

The handling of an aircraft crash is a rare occasion for a beat deputy. The Federal Aviation Administration (FAA) and the National Transportation Safety Board (NTSB) have the responsibility of investigating these types of incidents. However, deputies must be ever alert for their own safety and for the safety of others when dispatched to such an incident. Deputies should treat these types of incidents in the same manner as they would treat any other major incident that could have potentially dangerous hazardous material spills, explosions, or fires.

Initial Arrival at Scene:

The first deputy to arrive at the scene must immediately assess the situation for the following:

- Exact location of the accident
- Best route for other emergency personnel to access the area
- The number and types of additional emergency personnel that may be needed to treat the injured, put out any fires, contain hazardous waste spills, or crowd and traffic control matters.
- Exact number of injured persons and the extent of their injuries
- Try to account for all occupants of the aircraft (at scene, hospital, etc.)
- Try to determine whether the aircraft is carrying any hazardous material that may prove hazardous to rescuers or others in the area.
- Other structures that may need to be checked for possible victims (aircraft into residence, shopping center, school, etc.).

Notification:

Once the situation has stabilized deputies must notify the field supervisor and apprise him/her of the situation. The field supervisor will make the determination as to when to notify the FAA and the NTSB, who have jurisdiction in all plane crashes. Once notified, these agencies will dispatch specialized investigators to the scene to conduct the investigation. It may take an extended time period for these investigators to arrive, so preservation of the crash site, which can be quite large, must be done as soon as possible to avoid contamination from bystanders, other emergency personnel, the news media, etc.

Secondary Responsibilities:

Deputies should do the following after the situation has stabilized and proper notification has been made:

- Try to obtain positive identification from each occupant of the aircraft.
- Note any signs of impairment that were observed from the pilot (drugs, alcohol, etc.). This may prove beneficial later to the FAA and NTSB investigators.
- Any contraband that is observed within the aircraft or in the possession of the occupants (narcotics, endangered animals, etc.).
- The year, make, model, and aircraft identification number (usually on the tail or fuselage) should be recorded. This number should be checked through the FAA for any current wants prior to the arrival of FAA or NTSB.
- The pilot's logbook should be located and held until turned over to the FAA and NTSB investigators.

Investigation:

Inquiry into the cause of the accident is the responsibility of the FAA and the NTSB. It is not the deputy's responsibility to conduct an investigation, but often times there will be a large amount of information directed to that deputy from others at the scene prior to the arrival of these investigators. Also it may be daylight when the investigating deputy arrives at the scene, which may enable them to see evidence or other items much better than the investigators, who may not arrive until darkness.

These investigators will handle the notification of the coroner's investigator for the removal of any dead bodies.

Documentation:

The investigating deputy will be required to complete an Incident Report on the aircraft crash. This report should include the necessary identifiers from the pilot, passengers, and witnesses, as will as any statements that these persons provided to deputies about the circumstances of the accident. The report should also document any investigation or observations that deputies made while at the scene.

The investigating deputy will provide the FAA and NTSB investigators with any known information once they arrive on the scene. The Sheriff's Office is available to assist the investigators with any needed manpower, etc., should they request such aid. However, the field supervisor will be notified for approval of any such aid request before committing any of the Office's resources to them.

News Media Relations:

It is not uncommon for the media to respond to the scene of an aircraft crash. Representatives of the news media should be treated with respect, but will not be allowed to enter the crash scene area until the FAA or NTSB investigators approves of such action. There are no restrictions of the media in photographing any portion of the crime scene, so long as they are not in the crime scene or interfering with the investigation. Deputies should avoid making any comments regarding these incidents to the news media unless a command officer approves it. The media should be referred to the Public Information Officer.

Fugitive from Justice (1551.1 PC)

Along with local warrants, deputies will occasionally encounter subjects that have out-of-state warrants. The out-of-state warrant is bookable but not as a warrant. It is an on-view crime in California to have an out-of-state warrant with charges that have a punishment of death or imprisonment of more than one year. Follow these steps when dealing with this type of warrant:

1. Through County Communications, confirm the warrant with the originating agency and make sure that agency will extradite the subject.
2. Confirm that the original charges have a punishment of death or imprisonment exceeding one year (this can be done when confirming the warrant).
3. Book the subject for an on-view charge of 1551.1 PC and complete a Probable Cause Affidavit.
4. Complete an Incident Report outlining the details of the event (reason for contact, statements from the subject, etc.).

The Civil/Warrants Unit handles all follow-up on out-of-state warrants.

Gang Awareness

Peace officers need to have an understanding of the general dynamics of gangs in order to assess and respond to possible gang-related criminal activity in their specific jurisdictions.

Gang Dynamics

Introduction

The California Department of Justice has reported that the number of street gang members is on the rise. Gangs are recruiting new members at a younger age. Their weapons arsenals are expanding to include high-powered, large caliber handguns, shotguns, automatic and semiautomatic rifles. All of this has created a growing challenge for peace officers, schools, and communities.

Definition

A criminal street gang is a group of three or more persons who:

- have a common name, identifying sign, or symbol,
- have members who individually or collectively engage in a pattern of criminal gang activity, and
- have, as one of its primary activities, committed one or more specified criminal acts.

(*Penal Code Section 186.22(f)*)

Criminal street gangs also commonly claim a turf, territory, or neighborhood. Their criminal activities in certain neighborhoods often contribute to the deterioration of the community.

Types of gangs

Gangs often form based on ethnicity and/or geographical area. They can include:

- street gangs (e.g., Hispanic, black, Asian, white, etc)
- outlaw motorcycle gangs, (e.g., Hell's Angels)
- prison gangs, (e.g., Aryan Brotherhood, Mexican Mafia), and
- organized crime gangs.

Indicators of Gang Membership

Introduction

In some instances a suspect will admit being a member of a gang during a field contact or in a Mirandized statement. In most instances, however, the officer's own observations and other sources of information will provide indications of gang membership.

Gang association

Regular association with known gang members may also indicate gang membership. Common gang-controlled locations/hangouts include, but are not limited to, specific:

- cafes,
- clubhouses,
- nightclubs,
- restaurants,
- street corners/neighborhoods, or
- member residences.

Suspected gang members may also be observed at gang functions and events such as:

- sports events,
- funerals,
- concerts,
- fairs,
- high school events,
- political events (protest marches, anti-police rallies)
- holiday events,
- court trials, or
- gang-sponsored charity events. (e.g., toy run sponsored by the Hells Angels)

Gang-Related Communications

There are a number of ways one gang member may convey information or identity to another. Being aware of the "languages" used in gang communications will aid peace officers in more effectively monitoring gang activity within their jurisdictions.

Graffiti are drawings or writings that are written on surfaces so that they can be seen and/or read by the public. Graffiti are the gang "newspapers of the streets."

Graffiti may be used to communicate:

- boundaries or neighborhoods claimed by a specific gang,
- specific locations (e.g., businesses, residence, park, etc.) claimed by a specific gang,
- which members within a gang make up the active portion of the group,
- new recruits and order of importance of a particular gang member,
- threats or challenges toward specific individuals or other gangs, or
- past or pending gang conflicts, etc.

A **logo** is a descriptive emblem or insignia used to identify the gang. A logo could consist of names, numbers and/or symbols. The main body of writing within graffiti usually contains that gang's logo.

The **moniker**, which is the nickname or street name of the author or creator of the graffiti, is usually near the logo. The size of the logo in relation to the size of the author's moniker may be an indication of the type of gang involved.

Tattoos are the most common way to communicate gang affiliation. The use of designated tattoos is another way in which information may be communicated by gang members.

Tattoos can be used to communicate:

- a gang member's specific moniker.
- a subset or clique within a gang which may be represented by:

- specific street names,
- "ES" for east side, or
- "SS" for south side.

- a threat toward a rival gang or individuals (e.g., an image of guard towers may indicate a threat to law enforcement officers)
- types of crimes the member has been involved in or the propensity for violence (e.g., “211" indicating robbery)
- regional affiliation (e.g., an area code, use of the number 14, a form of numeric 14, Norte, or Norteno to indicate northern California)
- an aspect of a gang member’s personality or character, such as

- “lok” for crazy
- “oso” for bear
- “payso” for clown

Gang-Related Criminal Activity

An important part of a peace officer’s responsibilities is determining whether a crime under investigation is gang-related. Officers need to be aware that individual gangs may specialize in a particular type of criminal activity.

Penal Code Section 186.22(f) designates that any ongoing organized group of three or more individuals that has the commission of one or more specified criminal acts as a primary activity is considered a criminal street gang.

Some indicators that a crime may be gang-related include:

- the victim/suspect is a known gang member,
- type of crime is one that is often gang-related, (e.g. drive-by shooting)
- number of suspects, (e.g., eight suspects assaulting one victim)
- suspect descriptions, (e.g., gang-related attire)
- location of crime, (e.g., near a gang hangout, within disputed territory)
- victim or witness opinions, (e.g., recognition of gang-related slogans, hand signs)

Known or suspected gang-related criminal activity should be accurately and thoroughly documented. Along with the specifics of the crime, officers should document their *findings*, *observations*, and *rationale* for believing that the crime was related to gang activity.

Phase III Sign Off Material

COMMUNITY ORIENTATION / GEOGRAPHIC LOCATIONS

During each phase of training, the trainee shall know the following locations within the agency's jurisdiction:

a. Hospital(s)
b. Firehouse(s)
c. Bars and "hot" spots
d. Schools
e. Community service organizations
f. Park and recreation areas
g. Hazardous material/priority locations (refineries, WMD potential targets, etc.)

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

During each phase of training, the trainee shall know the names and locations of important types of roadways in the community or assigned area. These shall include:

a. Major arteries
b. "Through streets"
c. Dead-end streets
d. Freeways
e. Fire trails or other special access routes

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

HAZARDOUS OCCURRENCES/MAJOR DISASTERS

The trainee shall review and explain the responsibilities and actions required of an agency whose jurisdiction is the scene of a hazardous material incident, disaster, potential disaster, or chemical spill (including ICS – Incident Command System and OES – Officer of Emergency Services).

Reference: Patrol Procedures #B38, Response to Biological Hazard Threats, #B39, Hazardous Material Incidents

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain responsibilities and considerations of a first responder to a hazardous materials incident, including:

a. Recognition
b. Safety/Isolation/Area containment
c. Notification to proper agencies
d. Basic first responder limitations

Reference: Patrol Procedures #B38, Response to Biological Hazard Threats, #B39, Hazardous Material Incidents

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

BOMBS/EXPLOSIVE DEVICES

The trainee shall review and explain the agency's policy and procedures for handling bomb threats and explosives situations.

Reference: General Order #17.06, Bomb Threats and Explosives

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain tactical considerations upon arrival at the scene of a suspected or actual explosive device. These considerations shall minimally include:

a. Hazards of using the police radio and/or cellular phone
b. Request for a technician or E.O.D.
c. Isolation of the device and the area
d. Evacuation of civilian personnel

e. Possibility that more than one explosive device exists

Reference: General Order #17.06, Bomb Threats and Explosives

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

AIRCRAFT CRASHES

The trainee shall review and explain the agency's policy on aircraft crashes.

Reference: TM

	INSTRUCTED Name	Date	COMPETENCY DEMONSTRATED Name	Date	How Demonstrated? Field Perform Role Play Written Test Verbal Test	REMEDIATED Name	Date	How Remediated? Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

SICK, INJURED, OR DECEASED PERSONS

The trainee shall review and explain California law and department procedures concerning death investigations that must be handled by the medical examiner:

a. Apparent homicide, suicide, or occurring under suspicious circumstances
b. Resulting from the use of dangerous or narcotic drugs
c. The death of any person who is incarcerated in any jail, correctional facility, or who is in police custody
d. Apparently accidental or following an injury
e. By disease, injury, or toxic agent during or arising from employment
f. While not under the care of a physician during the period immediately previous to death
g. Death related to disease that might constitute a threat to public health.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall read, understand and competently discuss General Order #17.01, Evidence and Property.

Reference: See General Order

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

TACTICAL COMMUNICATION

The trainee shall discuss how tactical communication involves both professional demeanor and words (verbal and non-verbal cues).

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall identify the benefits of tactical communication including:

a. Enhanced safety (reduces likelihood of physical confrontation and injury)
b. Enhanced professionalism (decreases citizen complaints, civil liability, personal, and professional stress)

Reference:

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

HANDLING DISPUTES

The trainee shall explain an officer's basic responsibilities at the scene of a dispute. These responsibilities shall minimally include:

a. Remaining impartial
b. Preserving the peace
c. Determining whether or not a crime has been committed
d. Conducting an investigation if a crime has been committed
e. Providing safety to individuals and property
f. Suggesting solutions to the problem
g. Offering names of referral agencies
h. Considering arrest as a viable alternative if a crime has been committed

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the inherent dangers to an officer who enters the home of a family involved in a dispute.

The trainee shall explain the advantages and disadvantages of separating parties in a dispute and gathering information from them individually.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

CIVIL DISPUTES (including Landlord/Tenant and Labor)

The trainee shall review and explain the agency's policy on handling landlord-tenant disputes.

Reference: TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain agency policy and procedures relative to typical policing problems that occur during labor-management disputes. These problems shall minimally include:

a. Obstruction of ingress or egress
b. Blocking of sidewalks and roadways
c. Outside agitators
d. Violence and vandalism

Reference: TM, d

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

REPOSSESSIONS

The trainee shall explain the general rules that pertain to the repossession of items. These rules shall minimally include:

a. What property is subject to repossession
b. Who may make a repossession
c. To what lengths a repossessor may go
d. When a repossession is complete

Reference:

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

LOST, FOUND, AND RECOVERED PROPERTY

The trainee shall review and explain California law and department policies and procedures concerning the disposition of property other than evidence including:

a. Property recovered by trainee
b. Property found by citizen
c. Property (real or personal) of injured, ill, or deceased persons
d. How Law Enforcement Data Systems (LEDS) can assist in determining property status.

Reference: General Orders #17.01, Evidence and Property, #17.05, Bicycle Reports, TM, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	ˆ Field Perform ˆ Role Play ˆ Written Test ˆ Verbal Test	Name	Date	ˆ Field Perform ˆ Role Play ˆ Written Test ˆ Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

NEWS MEDIA RELATIONS

The trainee shall discuss the most common law enforcement practices as to who may release information to the news media and the notification procedures utilized.

Reference: General Order #24.00, Media Relations, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

HOSTAGE/BARRICADED SUSPECT

The trainee shall explain and/or demonstrate tactical considerations in dealing with hostage/barricaded suspect situations, including:

a. Safe approach
b. Containment of the scene
c. Requesting the appropriate assistance (i.e., hostage negotiator, specialized unit(s), etc.)
d. Evacuation
e. Communication/negotiation with the suspect

Reference: Patrol Procedure #BB31, Hostage/Barricaded Subject Situations, TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform	Name	Date	Field Perform
F.T.O.					Role Play			Role Play
					Written Test			Written Test
Trainee					Verbal Test			Verbal Test
Comments:								Case/Report No.:

SNIPER ATTACK

The trainee shall explain those steps which should be immediately taken when confronted with a “set-up”, ambush, or sniper situation including:

a. Cover/Concealment
b. Calling for assistance
c. Isolating and clearing
d. Determining possible location of assailants

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

ANIMAL CONTROL

The trainee shall explain the agency’s policy and procedures when confronted with different types of animal control situations. These types of situations shall minimally include:

a. Injured animals
b. Dead animals
c. Rabid animals
d. Noisy animals
e. Stray animals
f. Wild animals
g. Nuisances created by unsanitary keeping of animals
h. Protective custody of animals
i. Animal bites

Reference: Patrol Procedures #B28, Fish and Game Violations, #B32, Vicious, Sick, Injured and Dead Animals, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall explain the agency's policy and procedures when it is determined that a vicious, dangerous, or injured animal must be killed/destroyed. This explanation shall minimally include:

a. Whom to notify prior to killing the animal
b. Who may shoot the animal
c. What report should be completed following the shooting of the animal
d. How disposal of the dead animal is handled

Reference: Patrol Procedures #B28, Fish and Game Violations, #B32, Vicious, Sick, Injured and Dead Animals, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall read, discuss and competently demonstrate knowledge on the following codes:

a. 25602 BP Sales to intoxicated person
b. 25608 BP Possession on school grounds
c. 25658(a) BP Provide alcohol to minor
d. 25662 BP Minor in possession
e. 25665 BP Sales to minor
f. 4140 BP Possession of syringe
g. 4324 BP Forged prescription

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall read, discuss and competently demonstrate knowledge on the following codes:

a. 246 PC Shoot at inhabited dwelling
b. 247 PC Same, unoccupied
c. 246.3 PC Discharge firearm in negligent manner
d. 653k PC Switchblade
e. 12020 PC Dangerous weapons
f. 12021 PC Felon possess firearm
g. 12025 PC Concealed firearm
h. 12031 PC Loaded firearm

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

GANG AWARENESS

The trainee shall discuss the characteristics of gangs and the importance of recognizing gangs in terms of officer safety and the investigation of criminal activity.

Reference: TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall identify types of gangs that represent law enforcement concerns, including:

a. Street gangs
b. Motorcycle gangs
c. Prison gangs
d. Cult/Ritualistic gangs

Reference: TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall identify methods that gangs use to distinguish their members from members of other gangs, including.

a. Tattoos
b. Attire and accessories
c. Use of monikers
d. Use of hand signs

Reference: TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall identify gang graffiti factors significant to law enforcement, including:

a. Identifying individuals and/or a specific gang
b. Identifying gang boundaries
c. Indications of pending and/or past gang conflicts

Reference: TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall discuss types of criminal activities as those commonly engaged in by gangs, including:

a. Sale and use of narcotics
b. Physical violence
c. Auto theft/burglary from vehicles

Reference: TM

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

The trainee shall read, discuss and competently demonstrate knowledge on the following General Orders and Field Enforcement Bureau Patrol Procedures during Phase III:

General Orders:

General Order #17.00, Crimes Scene Protection
General Order #17.01, Evidence and Property
General Order #17.05, Bicycle Reports
General Order #17.06, Bomb Threats and Explosives
General Order #17.10, Weapons of Mass Destruction

Field Enforcement Bureau Patrol Procedures:

#B14	Dispersal of Party Disturbances
#B15	Bicycles: Stolen, Found and Recovered
#B20	Death Cases – Notifications and Definitions
#B20-1	Assisting the Coroner's Office (Vehicle Death Cases)
#B23	Aircraft Crashes
#B25	Bomb Threats and Evacuation Procedures
#B26	Use of Force, Entering Buildings
#B27	Tampered Consumer Products
#B28	Fish and Game Violations
#B31	Hostage/Barricaded Subject Situations
#B32	Viscous, Sick, Injured or Dead Animals
#B34	"Stop Stick" Tire Deflating Device
#B37	Clandestine Laboratory Investigations
#B38	Response to Biological Hazard Threats
#B39	Hazardous Material (HAZMAT) Incidents

Miscellaneous:

#A2-5	Operations Desk
#A2-5.1	Operations Desk Reports
#B8	Traffic Collision Reporting

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Phase III Sign Off Sheet

The material required in the Phase III portion of the Field Training Manual has been explained and/or demonstrated to the trainee during this portion of training and the trainee has demonstrated competence in all items signed off.

Acknowledgement of FTO that the above training was provided to the trainee.

FTO_____ Date_____

Acknowledgment of the trainee that he/she was provided this training and understands the material that was presented by the FTO.

Trainee_____ Date_____

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Phase IV (Optional)

This fourth section of the Field Training Manual is composed of optional training that a trainee may or may not receive, depending on the assignments during the Field Training Program.

TRAFFIC INVESTIGATIONS

Traffic Accident – Responsibilities, Duties and Reporting: The trainee will know and competently discuss the following items:

a. The CHP Collision Investigation Manual (CIM) defines an ***accident*** as an unintended event that produces damage or injury. The word ***"injury"*** includes ***"fatal injury"***. The words ***accident*** and ***collision*** are interchangeable for reporting purposes.
b. Importance and proper way to construct a flare pattern at the scene of an accident.
c. Importance of immediately evaluating the scene and calling for additional assistance.
d. When to immediately remove vehicles involved in an accident and when it is not necessary.
e. Various duties at an accident scene:
    1. Know and understand Office procedures as they relate to vehicle accidents.
    2. Laying out safe and effective flare patterns.
    3. Requesting necessary assistance.
    4. Protecting involved persons and property.
    5. Removal of vehicles and debris that can cause additional accidents.
    6. Traffic control
    7. Obtaining necessary information for the report.
    8. When a vehicle involved in an accident must be towed from the scene.
    9. Specific procedures to be followed during a hit and run investigation.
    10. When photographs of accident scenes are necessary.

Reference: CHP Collision Investigations Manual, D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.:

TRANSIT PATROL (VALLEY TRANSIT AUTHORITY)

Transit Patrol – Responsibilities, Duties and Operations: The trainee will know and competently discuss the following items:

a. Contractual obligations and philosophy of working Transit Patrol.
b. Trainee will be shown:
    1. Equipment storage
    2. Report form storage
    3. Photocopy machine and operation
    4. New reports, mail and “pony” box
    5. Provided with transit map showing location of transit facilities.
    6. Transit patrol vehicle parking
    7. Operation of transit radio
c. Field Tour:
    1. Transit office
    2. Transit mall
    3. Downtown Information Center
    4. South line park ‘n ride via light rail
    5. Light rail main yard
    6. Chaboya and Cerone Yards
    7. Other facilities (time permitting)
d. Training:
    1. 640 PC (Subsections a – f)
    2. Role/authority of fare inspectors and limits
    3. Officer safety in confined areas of buses and light rail vehicles (LRV).
    4. Proper completion of Activity Sheet.
    5. Cash run escorts – responsibilities and limitations
    6. Operation of Ticket Vending Machines
e. Bus and light rail:
    1. Locate park ‘n ride lots on transit map
    2. Definition of time points
    3. 243(3) PC
    4. Alarm card log/reporting on Activity Report
    5. Information necessary to process a bus disposition of any report.
    6. Handling of vandalism reports when there are no suspects.
    7. Handling of photographs taken as evidence.
    8. Transit District Ordinance (nuisance) at bus stops or LRV stations
    9. Understanding of Transit Event Numbers and how to obtain them.

Reference: D

	INSTRUCTED		COMPETENCY DEMONSTRATED		How Demonstrated?	REMEDIATED		How Remediated?
	Name	Date	Name	Date	Field Perform Role Play Written Test Verbal Test	Name	Date	Field Perform Role Play Written Test Verbal Test
F.T.O.								
Trainee								
Comments:								Case/Report No.: