



**CODE OF ETHICS
GENERAL ORDER #1.00**

Adopted: 07/07/2010
Replaces: G.O. #1011

Reviewed: 02/22/2010

As a Law Enforcement Officer, my fundamental duty is to serve all persons; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement.

**LAURIE SMITH
SHERIFF**



**MISSION STATEMENT
GENERAL ORDER #1.01**

Adopted: 07/07/2010
Replaces: G.O. #1012

Reviewed: 02/22/2010

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

A handwritten signature in cursive script that reads "Laurie Smith".

**LAURIE SMITH
SHERIFF**



CORE VALUES
GENERAL ORDER #1.02

Adopted: 07/07/2010

Replaces:

Reviewed: 02/22/2010

- Our principal mission is protection of life and property.
- Our employees are our most valued asset.
- 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 and respect.
- 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 handwritten signature in cursive script that reads "Laurie Smith".

LAURIE SMITH
SHERIFF



MAINTENANCE OF GENERAL ORDERS AND DIRECTIVES
GENERAL ORDER #2.00

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #2.00 dated 04/15/2008

Reviewed: 02/22/2010

POLICY

General Orders will be issued to set the standard of operation, and administrative functions of the Sheriff's Office for all personnel. Divisional and unit directives and procedures will be issued to personnel affected by those directives and procedures. Reference to "deputy" in these General Orders refers to all sworn members and transportation officers of the Sheriff's Office.

PROCEDURE

A. ISSUING OF GENERAL ORDERS

1. General Orders are available to all employees electronically. Support Services Division will provide a CD version of the General Orders to any employee desiring a copy.
2. Each employee shall be responsible for understanding and abiding by the General Orders.
3. Whenever a new General Order is added to the Sheriff's Office General Orders or a change is made to an existing order, the signed order will be forwarded by the Sheriff to the Support Services Division, who shall distribute the order to all personnel. The Support Services Division shall maintain the original signed Orders in an historical file.
4. Supervisors shall review all new or revised General Orders with their personnel.
5. Employees shall not disclose the contents of the General Orders to the public Any request for copies of our General Orders or the release of any General Order will be handled by the Sheriff's Office PIO.

B. REVIEW OF GENERAL ORDERS


1. General Orders will be reviewed and updated under the direction of the Assistant Sheriff, Administrative Services Bureau.
2. General Orders will be reviewed on an annual basis by the command staff. Command staff members are encouraged to solicit recommendations for revisions of General Orders from members of their command.
3. All commands of the Sheriff's Office shall be responsible for an annual review of the General Orders. This review, to be coordinated by the Support Services Division, will commence on January 1 of each calendar year for a thirty-day period. At the conclusion of the review period, all commands shall submit their recommendations to the Support Services Division, including drafts of recommended changes. Support Services will provide copies of the recommendations to the members of the command staff for their review.
4. Following review by the commanders, the recommendations will be reviewed by the Support Services Division and recommended revisions will be submitted to the Sheriff for final review and adoption.

C. REVISION OF GENERAL ORDERS

1. Revisions of the General Orders are encouraged at any time and are not restricted to the period of annual review.
2. Recommended revisions or additions to the General Orders shall be submitted through the Commander, Administrative Services Bureau to the command staff.
3. The employee submitting the proposed revisions or additions to the General Orders will prepare a written draft and submit it to the Assistant Sheriff, Administrative Services Bureau, via the chain of command, for consideration.
4. Prior to submitting the draft General Order to the Sheriff, the Assistant Sheriff, Administrative Services Bureau, will submit the draft to the Support Services Division to revise it for consistency with existing orders and drafting style, and to obtain additional review, if requested.
5. When the revision or addition has been approved by the command staff, a final draft will be completed and submitted to the Sheriff for final review.

D. DIVISIONAL AND UNIT DIRECTIVES AND PROCEDURES

1. Divisional and unit directives and procedures are the responsibility of the division captain and are to be updated as needed.
2. Divisional and unit directives and procedures shall be submitted to the appropriate Bureau Assistant Sheriff for approval. The Bureau Assistant Sheriff shall ensure that the directives or procedures are in compliance with all General Orders prior to being issued.
3. When the Assistant Sheriff has reviewed and approved the directive or procedure, he or she shall direct the distribution of copies. The signed original shall be maintained by the Bureau in an historical file.
4. Divisional and unit directives and procedures shall be issued to the following:
 - a. All personnel assigned to the division or unit.
 - b. The Sheriff, the Undersheriff, and the Assistant Sheriffs
 - c. The division captains within the same bureau as the division issuing the procedures.
 - d. Support Services Division.



**LAURIE SMITH
SHERIFF**



**WRITTEN COMMUNICATIONS SYSTEM
GENERAL ORDER #2.01**

Adopted: 07/07/2010
Replaces: G.O. 2.01 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

PROCEDURE

A. SHERIFF'S OFFICE GENERAL ORDERS

Sheriff's Office General Orders contain written directives issued by the Sheriff establishing permanent policy or procedures, or both, and generally affect the entire Sheriff's Office. They are the most authoritative directives issued and remain in effect until amended, superseded or rescinded. Sheriff's Office General Orders generally contains two sections: policy and procedures.

1. Policy section. The Policy Section states the Sheriff's Office's principles and overall plan and embraces its goals, philosophy and acceptable procedures.
2. Procedure section. The Procedure Section establishes a uniform process to accomplish tasks, consistent with Sheriff's Office policy.
3. Indexing. Sheriff's Office General Orders are indexed by section and order number, such as 5.01. The section number relates to a general subject category and the order number is sequential.
4. Publishing. The Support Services Division is responsible for coordinating the publication of Sheriff's Office General Orders and shall maintain additional copies for employees.

B. SHERIFF'S OFFICE BULLETINS

Sheriff's Office Bulletins contain directives and information issued by the Sheriff which are distributed Sheriff's Office-wide. Sheriff's Office Bulletins may contain training information,

general information, crime information, special orders, event orders or deployments, and may supplement or amend Sheriff's Office General Orders.

1. Indexing. Sheriff's Office Bulletins are indexed by year and sequentially numbered, such as 2010-12.
2. Responsibilities. Every member shall maintain a working knowledge of Sheriff's Office Bulletins and comply with their provisions. Every Division, division section, company and unit shall maintain at least one set of Sheriff's Office Bulletins accessible to its members.
3. Preparation of Sheriff's Office bulletins. The Support Services Division is responsible for coordinating the publication of Sheriff's Office Bulletins and shall maintain additional copies for members.

C. DIVISION PROCEDURES.

Division Procedures contain permanent directives issued by a division. They are directed to all units within a Division and remain in effect until amended, superseded or rescinded. Division Procedures shall not conflict with established Sheriff's Office policies or procedures and/or General Orders.

1. Approval and indexing. Division Procedures shall be approved and indexed by the appropriate captain. Copies shall be forwarded to the Support Services Division.
2. Responsibilities. All units shall maintain Division Procedures that are directed to them and have them always accessible to their members. Division Procedures shall be placed in a binder with an index. Members shall comply with their provisions.

D. DIVISION BULLETINS

Division Bulletins contain directives or information issued by a division.

1. Responsibilities. Every unit receiving Division Bulletins shall maintain them and have them accessible to its assigned members. Members shall comply with their provisions.

E. UNIT PROCEDURES

Unit Procedures contain permanent directives issued by commanding officers or their superiors. They establish directives that apply to specific unit functions and shall not conflict with established Sheriff's Office policies or procedures. Unit Procedures may be directed within a

unit or may be directed by authority to several units within a Division. They remain in effect until amended, superseded or rescinded.

1. Approval and indexing. Unit Procedures shall be approved and indexed by the appropriate lieutenant. Copies shall be forwarded to the Support Services Division.
2. Responsibilities. All units shall maintain Unit Procedures issued by their commanding officers and have them always accessible to their members. Unit Procedures shall be placed in a binder with an index and shall be designated as the Unit Procedures Manual. Members shall comply with their provisions.

F. PERSONNEL ORDERS

Personnel Orders are issued by the Sheriff to announce various personnel changes in the Sheriff's Office.

G. SHERIFF'S OFFICE MEMORANDA

Memoranda are internal written communications used to inform, inquire or direct. Memoranda directed to subordinates in directive terms have the effect of an order. Memoranda shall be routed through the chain of command. A memorandum routed upward through the chain of command shall be addressed to the commanding officer of the employee preparing it.

I. SHERIFF'S OFFICE MANUALS

Sheriff's Office Manuals contain policies and procedures of a specialized nature which may be comprehensive extensions of existing Sheriff's Office General Orders. Each unit shall maintain manuals as required and its members are responsible for complying with the provisions of Sheriff's Office Manuals applicable to their duties.



**LAURIE SMITH
SHERIFF**



**EMPLOYEE SUGGESTIONS
GENERAL ORDER #2.02**

Adopted: 5/22/13

Replaces: G.O. #2.02 dated 07/07/2010

Reviewed: 5/21/13

POLICY

Employees are encouraged to reference the County’s website for the “Employee Suggestion Program” to submit ideas, concerns and suggestions. Employees may submit suggestions to their immediate supervisor, any other supervisor either within or outside the employee’s chain of command or directly to the Personnel Manager who acts as the department’s representative to the County’s Employee Suggestion Program. Suggestions will be reviewed by division captains or the Personnel Manager and forwarded in a timely manner to their Assistant Sheriff with recommendations. Each suggestion will be evaluated.

**LAURIE SMITH
SHERIFF**



**CHAIN OF AUTHORITY
GENERAL ORDER #3.00**

Adopted: 07/07/2010
Replaces: G.O. #3.00 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Sheriff is the chief administrator and executive officer of the Sheriff's Office. In the absence of the Sheriff, there will be a chain of command.

PROCEDURE

A. SHERIFF

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

B. UNDERSHERIFF

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

C. ASSISTANT SHERIFF/DIRECTOR, ADMINISTRATIVE SERVICES

The Assistant Sheriff and the Director of Sheriff's Administrative Services, are appointed by the Sheriff. The Assistant Sheriff are major executives of the Sheriff's Office and command the activities of the bureaus and divisions in accordance with the policies prescribed by the Sheriff. It is their duty to aid, advise and cooperate with the Sheriff in general administrative matters and in determining matters of policy. The Assistant Sheriff assume the responsibilities of the Sheriff when the Undersheriff and Sheriff are absent from duty. The Director of Administrative Services is a major non-sworn executive of the Sheriff's Office and supervises the fiscal services, records, information systems, and tow program functions. The Director of Administrative Services reports to the Undersheriff. It is her or his duty to aid, advise and cooperate with the Sheriff in general administrative matters and in determining matters of policy.

D. CAPTAINS

Captains are commanding officers of a division or commanding officers of a sub-divisional function. Captains are assigned to assist the Sheriff, the Undersheriff, and the Assistant Sheriff in the performance of their duties and responsibilities. Captains carry out Sheriff's Office policies and administer and supervise the work of various divisions. Division commanding officers establish procedures for their respective commands.

E. LIEUTENANTS

Lieutenants command a division function. Lieutenants may be assigned to command a division, unit or detail. Lieutenants are staff officers and assist the division commanding officer in his or her duties. As unit commanders, they administer and supervise the work of various units within the division.

F. SERGEANTS/SUPERVISORY OFFICERS

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

G. CHAIN OF COMMAND

The chain of command for the Santa Clara County Sheriff s Office will be as follows:

1. Sheriff
2. Undersheriff

3. Assistant Sheriff, Field Services Bureau
4. Assistant Sheriff, Services Bureau
5. Captain
6. Lieutenant/Civilian Managers
7. Sergeant/Civilian Supervisors
8. Deputy/Correctional Officers/Civilian Employees

Personnel who are assigned to act in capacities above their rank will, for the duration of that assignment, possess the authority of the rank designated.

All communications within the Sheriff's Office, whether moving upward or downward, will be through official channels through the chain of command. Nothing in this order shall prevent a member from contacting personnel outside of the chain of command on matters of a personal nature or in an emergency. When communications are directed to personnel more than one level above or below the initiating level, it will be forwarded through each rank in the chain of command. In communications regarding suggestions and/or recommendations traveling upward through the chain of command, each level may attach a recommendation regarding that communication.



LAURIE SMITH
SHERIFF

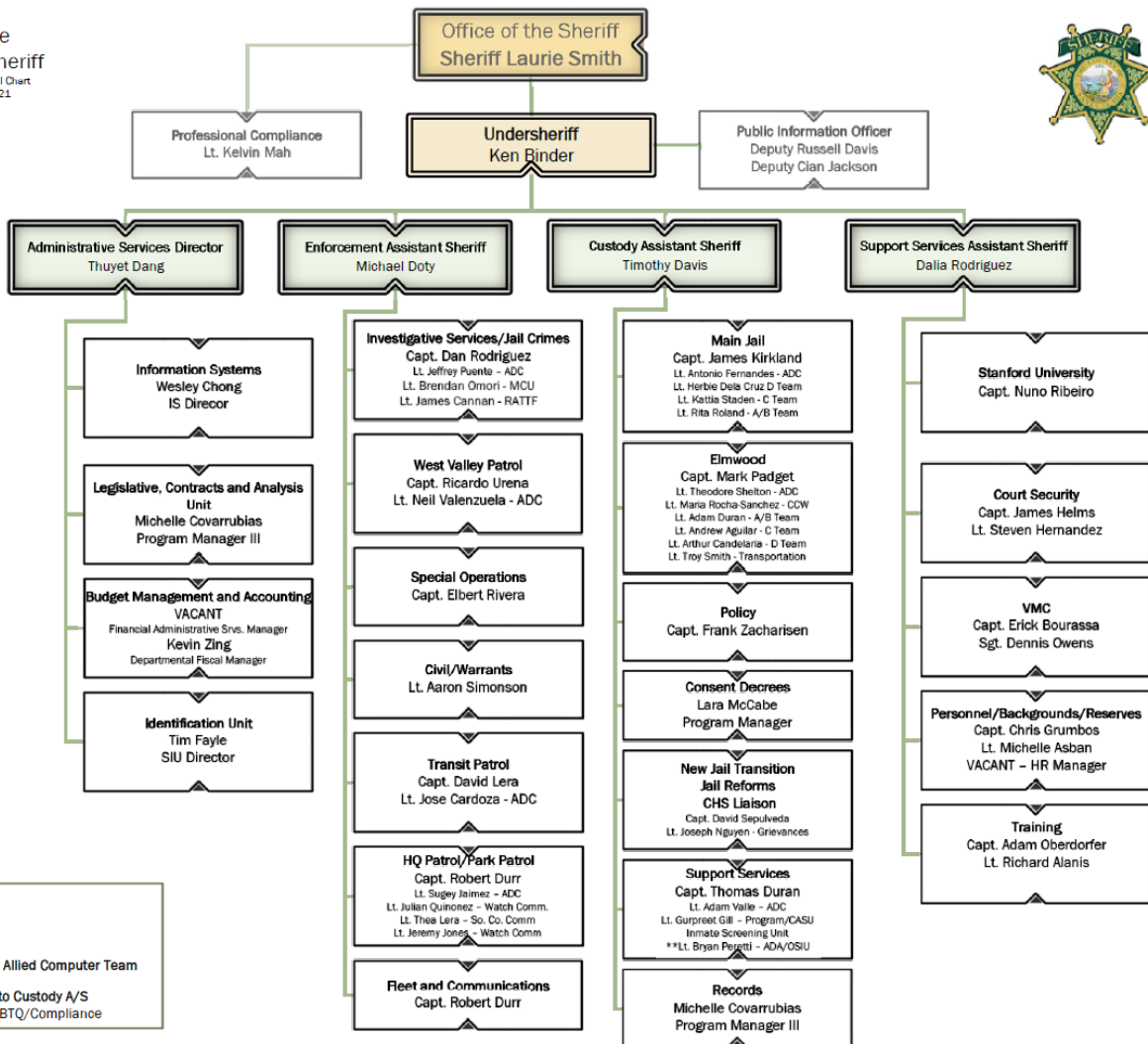


ORGANIZATION CHART GENERAL ORDER #3.01

Adopted: 07/07/2010
Replaces: G.O. #3.01 dated 01/10/02

Updated: 07/08/2021
Reviewed: 07/08/2021

Office
Of the Sheriff
Organizational Chart
6/04/2021



*Safe
*Human Trafficking
*Notario Fraud
*Narcotics
*Regional Enforcement Allied Computer Team

**ADA - Direct Report to Custody A/S
OSIU : MSD/PREA/LGBTQ/Compliance



**WATCH COMMANDER AUTHORITY
GENERAL ORDER #3.02**

Adopted: 07/07/2010
Replaces: G.O. #3.02 dated 4/15/08

Updated: 01/01/2021
Reviewed: 01/01/2021

POLICY:

Watch Commanders will oversee all departmental operations and will coordinate activities of all departmental units, in the absence of departmental command staff.

PROCEDURE:

A. GENERAL RESPONSIBILITIES AND REPORTING FOR DUTY.

1. The Watch Commanders assigned to patrol will be under the direct command of, and report directly to, the Headquarter Patrol Captain, or person designated by the Undersheriff. Watch Commanders assigned to the Custody Bureau will be under the direct command of, and report directly to, the facility Captain of the facility they are assigned.
2. The Watch Commanders shall take such action(s) as may be necessary to assure efficient and effective operation of the department, in the absence of command staff.
3. The Watch Commanders will coordinate departmental activities involving more than one division or bureau, in the absence of command staff.
4. The Watch Commanders will perform direct inspection duties of operational functions and personnel performance in their areas of assigned responsibility.
5. The Watch Commanders will wear a full and complete regulation Sheriff's Office uniform while on duty.

6. The Watch Commanders will work those days and hours as directed by their assigned Captain with emphasis on providing managerial oversight of operations during peak non-business hours.

B. INSPECTION AND REPORTING DUTIES

1. The Watch Commanders are responsible for the inspection of all aspects of the Office of the Sheriff. This oversight will assure that all divisions are in compliance with departmental general orders, established divisional policies and operating procedures.
2. Any unusual circumstance(s) will be described in a separate memorandum.
 - (a). Distribution shall be as listed in section c (below).

C. REPORT WRITING AND REPORTING DUTY

1. DAILY ACTIVITY LOG
 - (a) The Watch Commanders assigned to patrol will submit a daily activity log at the conclusion of each assigned tour of duty.
 - (b) The daily activity log will contain, but is not limited to, the following items:
 - (1) The inspections performed, squad meetings attended, and any notable activities which occurred during the assigned tour of duty.
 - (2) Any activities that are pending or anticipated.
 - (3) Communications and requests from outside agencies.
 - (4) Correspondence and information that other members of the department's staff should be made aware of.
 - (5) Major incidents.
 - (6) Noteworthy issues.
2. MAJOR INCIDENTS
 - (a) The Watch Commanders shall be responsible for advising division captains of important incidents or information occurring on the

watch pertaining to their division(s). As appropriate, the Watch Commanders shall also notify the appropriate Bureau Assistant Sheriff of such incidents. Such notification(s) shall be made in a timely manner.

3. DISTRIBUTION OF REPORTS

- (a) The Watch Commanders' daily activity log will be completed and distributed via the Sheriff's Office computer program.
- (b) Any Watch Commander's single-incident-specific memorandum(s) and associated report(s), will be distributed as follows:
 - (1) Sheriff
 - (2) Undersheriff
 - (3) Respective Bureau Assistant Sheriff
 - (4) Involved Division Captains

D. EMERGENCY SITUATIONS

- 1. Upon being advised of the existence of a problem or an emergency situation within Sheriff's Office jurisdiction, the watch commanders are authorized to take action to rectify the situation.
 - (a) The Watch Commanders are authorized to obtain, or mobilize needed staff to resolve the situation.
 - (b) The Watch Commanders will make, or direct to be made, the appropriate notifications during such emergencies.
 - (c) The Watch Commanders may request activation of any special team through the appropriate activation process.

2. CHAIN OF COMMAND

- (a) The ranking supervisors of each division will advise the Watch Commanders of any event that exceeds their authority, ability to handle, are newsworthy or involve personnel issues and the Watch Commanders will decide what course of action should be taken to resolve the problem.

- (1) Sergeants or supervisors will not consult an off-duty command staff member without first contacting the Watch Commander, if one is on-duty. If the Sergeant or Supervisor is unable to contact the on-duty Watch Commander, after utilizing all available resources, they shall contact their division's command staff.
- (2) All personnel shall submit any problems to their Sergeant or immediate supervisor; he/she will determine if the issue should be brought to the attention of the Watch Commander. The exception to this will be when the sergeant or the immediate supervisor is not available. The field unit or subordinate should contact the operations desk, in an effort to access either the supervisor or the Watch Commander.

E. ADDITIONAL DUTIES OF THE WATCH COMMANDERS

1. Additional administrative duties may be assigned to the Watch Commanders at the discretion of the Sheriff or Undersheriff or with the Undersheriff's approval. These duties may also involve a modification of their shift assignment.
2. Shift adjustments, modifications, personal leave requests and or vacation requests must be made through their appropriate Division Captain.



**LAURIE SMITH
SHERIFF**



**SAFETY COMMITTEE
GENERAL ORDER #4.02**

Adopted: 07/07/2010
Replaces: G.O. #4.02 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

All operations of the Sheriff's Office shall be conducted with the utmost concern for its personnel, equipment, vehicles, and facilities. The reduction of losses due to injuries to employees and damage to county property is an essential part of an efficient operation. Therefore, the practice of safety and the prevention of accidents in the workplace shall be the responsibility of all members of this agency. The safety committee will assist the Sheriff's Office to respond to safety needs.

PROCEDURE

A. SAFETY COMMITTEE

1. A Sheriff's Office safety committee will be chosen, established and maintained for the following purposes.
 - a. The development of safety policies and procedures.
 - b. The investigation or review of accidents.
 - c. The preparation and submission of periodic reports regarding accidents and safety program activities.
 - d. The investigation for unsafe conditions of county facilities under the control of the Sheriff.
 - e. The development of constructive action in regard to unsafe conditions which must be corrected.

- f. The development of recommendations to the Sheriff's command staff for possible solutions, corrective action, and general information. This will include a fiscal impact statement with concern to the recommendation.
- g. The development of methods to raise the level of safety consciousness among Sheriff's Office employees.

B. SAFETY PROGRAM

- 1. The safety committee shall coordinate the safety program.
- 2. The safety program shall consist of a multi-faceted, pro-active approach to ensure a safe work environment, and reduce the number of on-the-job injuries and vehicle accidents. The primary emphasis is prevention.
- 3. Program minutes will be taken and forwarded to the Sheriff.
- 4. Program components.
 - a. **Safety awareness and training.** The purpose of this component is to provide for a pro-active means of promoting safe work habits. This shall be accomplished by raising the level of safety awareness through a variety of methods, which may include: evacuation drills, safety announcements, injury prevention posters, safety publications, officer safeguard and work site briefings.
 - b. **Safety inspections.** The purpose of the safety inspections component is to identify areas with potential safety hazards and, more importantly, to provide a means through which those hazards can be mitigated.
 - c. **Occupational injury.** The safety committee should review on-the-job injuries as a means of preventing further reoccurrence of the same type of incident. Prevention is promoted through enacting policy and guidelines for vehicular collision and injury reduction.
 - d. **Safety awards.** The purpose of this component is to recognize and reward employees and division leaders who maintain well-founded safety records.

C. SAFETY COMMITTEE

- 1. Chairperson: The person designated by the Sheriff to be the "safety officer" of the Sheriff's Office.
- 2. Building operations/evidence room employee selected by the Chairperson.

3. One sworn personnel - appointed by the Sheriff.
4. One non-sworn - labor representative chosen by Local 521 (S.E.I.U.).
5. One non-sworn – labor representative chosen by CEMA.
6. One sworn personnel - labor representative chosen by the DSA.
7. One non-sworn - chosen by vote of co-workers [same class as employee].
8. One sworn personnel – labor representative chosen by the county’s CPOA.

D. INVESTIGATIONS

1. The safety committee shall conduct investigations of all accidents which occur in this agency's operations which it deems necessary, and shall make recommendations concerning safety hazards and conditions.
2. The safety committee will function in an advisory capacity.
3. The discovery or reporting of flagrant, dangerous situations will be referred to appropriate outside agencies. The outside agency may include the District Attorney's Office or the Grand Jury. In the event of an industrial accident, Cal. O.S.H.A. or Workers' Compensation may also be contacted.
4. An industrial accident or an employee injury will be handled at the divisional level. The H.I.P. coordinator, in compliance with the labor agreements, will address issues such as scheduled time off, modified work/duty assignments, benefits, and the procedures for a grievance and/or arbitration.



**LAURIE SMITH
SHERIFF**



**DISASTER SERVICE WORKERS
GENERAL ORDER # 4.04**

Adopted: 05/10/2010

Replaces: New

Updated:

Revised:

PURPOSE

To establish guidelines for Disaster Service Worker (DSW) procedures in the event of a catastrophic event; to provide effective and efficient operations during planned and unplanned circumstances either man-made, natural disasters, and/or special events requiring personnel resources beyond normal capacity. The purpose is to provide guidance to disaster service workers assigned to the Sheriff's Office for reporting and assignments as designated by the department.

During unusual occurrences and special operations activities law enforcement functions are not the same as those performed in normal operations. The Sheriff's Office is most concerned with those extraordinary, catastrophic perils to life and property that go beyond the capabilities of existing on-duty resources. Therefore it is the intent of the Sheriff's Office to direct and assign personnel toward this catastrophic or extraordinary event.

This General Order is not intended to replace the County Policy titled: County Employees Serving as Disaster Service Workers, but is intended to serve as a supporting document to provide direction and guidance to Sheriff's Office employees.

POLICY

Under California law, **all public employees** are designated as Disaster Service Workers (DSW). This includes all sworn and non-sworn members of the Sheriff's Office. In the event of a catastrophic event, **non-sworn County employees** may be expected to fulfill emergency action assignments including but not limited to an earthquake, flood, pandemic or other disaster. As DSW's, they may be assigned to assist in any disaster service activity that promotes the protection of public health and safety and preservation of lives and property.

California Government Code, Section 3100

It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power

of the state in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

PROCEDURE

A. In the event of a disaster or unusual occurrence requiring a full commitment of the agency's resources and personnel, all sworn and non-sworn members of the Sheriff's Office and its emergency services volunteers shall make themselves available for mobilization to help carry out this agency's responsibilities. Described below is the mobilization plan for the Sheriff's Office.

B. **INITIATION OF MOBILIZATION PLAN:** The Sheriff, or the Undersheriff have the final authority to effect the Emergency Mobilization Plan, and the division Captains will assess the emergency staffing needs and deploy enforcement personnel as needed (in compliance with General Order #4.0 Emergency Mobilization Plan), **or** one of the following criteria exists, as the result of a disaster or unusual occurrence, impacting Santa Clara County *requiring an automatic mobilization of the agency's resources:*

1. Communications systems are disrupted and do not adequately allow for the efficient deployment of agency resources.
2. Alerting and warning systems do not adequately allow for the recall of agency members.

C. All divisions of the department will reduce or stop non-essential services. All agency resources will be committed to either the emergency response and recovery efforts or to the continuity of agency essential services.

D. Employees being mobilized may be deployed in either their normal role or in another appropriate emergency assignment as deemed necessary by the Departmental Operational Center (DOC), Incident Commander or Continuity of Operations Plan (COOP).

EMPLOYEE RESPONSIBILITIES

Employees should maintain 72-hours of personal preparedness for their family should an unusual or catastrophic event occur. Employees are encouraged to access the County website under the "Be Aware Prepare" link to learn more on preparing their household for a catastrophic disaster (<http://www.sccgov.org/portal/site/scc>)

Per County policy all County Employees are required to view the eleven-minute Disaster Service Worker video on the Employee portal of the County website (sccgovatwork). All employees should maintain a "go-bag" with personal supplies, toiletries and work clothes should they have to sleep at a shelter between operational periods.

ON DUTY -When a disaster or unusual occurrence impacts Santa Clara County, and the mobilization plan has been activated, all on-duty employees shall remain at their duty stations

until relieved or reassigned.

OFF DUTY -When a disaster or unusual occurrence impacts Santa Clara County and the departmental mobilization plan is activated, all off-duty employees will immediately secure their family and will report to the Sheriff's Office. All days off and vacations are cancelled. The entire department will go to a 12 hour shift schedule, days (0700-1900) and nights (1900-0700).

Employees could receive notification via the Alert SCC system on the activation of the Emergency Mobilization Plan. All Sheriff's Office personnel (sworn and non-sworn) will report to their normal duty station. Other County employee's may be reporting to other areas.

After an employee is notified through the Alert SCC system of the emergency mobilization, the employee should immediately call their duty station for assignment. All sworn and non-sworn employees will report to the Sheriff's Office. If their duty station is not in-service or inoperable the employee should contact Sheriff's Operations for assignment.

If telephone service is inoperative, tune to the AM radio station KSJX (1500 kHz) for emergency public information, including mobilization announcements. If local television service is operational they could be Emergency Broadcast System announcements.

If telephone service is inoperative, and the member is unable to confirm a mobilization announcement, members are to report to their normal duty station. If conditions prevent members from being able to reach their normal duty station, then members should report to the nearest Sheriff's Office facility at:

Sheriff's Headquarters- 55 W. Younger Ave. San Jose.
West Valley Sub Station- 1601 S. De Anza Blvd. Saratoga.
South County Sub Station- 80 W. Highland Ave. San Martin.

Employees unable to reach Santa Clara County will report to the police/fire department nearest to the disaster area and be made available to accompany mutual aid resources deploying into the disaster area.

Employees with assigned vehicles with mobile radios shall establish contact with County Communications or with the Department Operations Center.

Members of special response groups are to remain with their regular assignments unless otherwise directed by their group leaders at the time of the mobilization.

INCIDENT REVIEW – After Action Report

1. After any unusual occurrence, planned or unplanned, the Sheriff's designee with access to the incident information will complete an After Action Report. The focus of an After Action Report is to evaluate performance, to provide a framework for improvement and document the types of essential functions need to be reevaluated.
2. The Sheriff's designee assigned to complete the After Action Report will solicit input from all personnel who were involved in the incident to complete a thorough and

accurate accounting of events.

3. The Sheriff's designee will provide a copy of the After Action Report and a debriefing of the incident to the Sheriff and Sheriff's Office Command Staff for review.

DSW COORDINATOR DUTIES:

The DSW coordinator will be appointed by the Sheriff's Administrative Division. The Coordinator is responsible for attending the DSW meetings and serving the DSW Working Group, who were appointed by the County Executive. Duties may include, but are not limited to; conducting meetings, distributing information and maintaining personal contact information.

The DSW Coordinator will be responsible for identifying which of four categories employees will be placed into as DSWs, when activated:

- (Red) DSW - First responders: includes County employees with direct life-saving or life-sustaining duties. Includes Fire, Law, EMS personnel.
- (Yellow) DSW COOP: Includes County employees who are assigned to their Department Essential Functions.
- (Blue) DSW EOC Participants: Includes County Employees that respond to the County Emergency Operations Center.
- (Green) DSW - Support: Includes all County employees not included in the other categories.

The DSW Coordinator, or their designee will review and adapt this policy yearly or as needed.

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**RESERVE PROGRAM
GENERAL ORDER #5.00**

Adopted: 07/07/2010

Replaces: G.O. #5.00 dated 1/10/02

Reviewed: 02/22/2010

POLICY

The Reserves shall be a voluntary unit of citizens, operating in accordance to law who shall supplement, but not replace or be used in lieu of, regular members of the Sheriff's Office. In performance of such work, they shall be governed by the applicable General Orders of the Sheriff's Office and the Reserve General Orders. The Reserves shall abide by the rules and regulations laid down by the Sheriff or her or his duly appointed representatives. Reserves shall be authorized to work in all areas and functions of the Sheriff's Office in accordance to law and agreements made between the Reserve Coordinator and the Sheriff's Office division commanders and as authorized by State law.


The purpose of the Reserves shall be to cooperate with and to assist the legally constituted Sheriff's Office of the County of Santa Clara, State of California, under the orders and direction of the Sheriff, in the enforcement of law and order during any and all emergencies declared to exist within the County of Santa Clara by the Sheriff; to render volunteer service as Peace Officers upon occasions when, in the opinion of the Sheriff, such augmentation to the regular department is essential to the public welfare and safety; to exercise Peace Officer powers at any time when circumstances make it expedient and necessary to preserve order and/or protect life and property. In order to maintain an active, trained and experienced Reserve organization, members of the Reserve shall be assigned duties commensurate with their qualifications, training and experience on an on-going basis irrespective of any critical need of the Sheriff's Office.

PROCEDURE

- A. The Reserve shall be noncommercial, nonsectarian and nonpartisan. No commercial enterprise and no candidate for public office shall be endorsed by it. Neither the name of the Reserve nor the names of any of its officers in their official capacities shall be used in connection with a commercial concern or with any partisan interest or for any other purpose than the work of the Reserve organization.

- B.** The Reserve may cooperate with other organizations and agencies active in law enforcement or related activity with approval of the Reserve Coordinator, provided that the representative makes no commitments that bind the Reserve without prior authorization.
- C.** No member of the Reserve shall be called into service or assigned to duty which would in any way tend to knowingly involve him or her in controversy arising from or in the event of labor disputes or strikes. In the event of a strike of County employees, members of the Reserve will be expected to honor all previous commitments to duty. Members of the Reserve shall not be assigned to other than normal Reserve duties during labor disputes or strikes. It may be necessary to cross union picket lines to report for duty, as will also be the case for regular deputies.
- D.** The services of the Reserve will not be used in any manner that would circumvent increasing the number of regular deputies of the Sheriff's Office to proper strength according to population or other reason; nor shall the services of individual Reserves be used to the detriment of the regular members of the Sheriffs Office.
- E.** Application for entrance to the Reserve shall be restricted to individuals of good reputation that meet the following criteria:
- 1.** Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship a minimum of one year prior to submitting the application.
 - 2.** Possess a high school diploma or GED certificate.
 - 3.** No felony convictions (some misdemeanor crimes involving theft or moral turpitude may be grounds for disqualification).
 - 4.** Minimum age twenty years, six months. Applicants must be 21 years old at time of appointment.
 - 5.** In good health including the requirement to be/have:
 - a.** Proportional in height and weight.
 - b.** Vision of no less than 20/100 in either eye and correctable to 20/20 in both eyes with normal vision function, acuity and color perception.
 - c.** Normal hearing in both ears.
 - 6.** Free of conflicts with armed private security employment.

7. Not working in any capacity relating to the retail sale of or dispensing over the counter of alcoholic beverages in premises wherein no person under 21 years of age is allowed.
 8. Not working in a firm engaged in gambling or card playing, except as authorized by the Sheriff.
 9. Possession of a valid California Drivers License, with not more than three convictions for moving violations in the last three years, nor more than one moving violation in the past one year.
- F.** All applicants shall be required to successfully pass all requirements prior to being sworn-in as a member of the Reserve.
- G.** The Santa Clara County Sheriff's Reserves shall consist of the number of members as authorized by the Sheriff.



**LAURIE SMITH
SHERIFF**



SHERIFF'S COMMUNITY VOLUNTEER PROGRAM GENERAL ORDER # 5.01

Adopted: 07/07/2010
Replaces: G.O. 5.01 dated 3/31/01

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Sheriff's Office recognizes the necessity of operating a department-wide volunteer program designed to supplement our existing service capability. The individual volunteer is not a replacement or an alternative to established employee positions, but shall be developed as a means to fulfill certain unusual or focused service requirements.

PURPOSE

The purpose of the volunteer program is to supplement existing staff in an effort to provide additional service which admittedly could not be fulfilled without the assistance of volunteers. As community requests for law enforcement response/service continue to increase, citizen volunteers have been recruited to handle certain tasks. While these tasks are generally considered low risk, they are often very critical to the overall operation of the Sheriff's Office. While performing their assigned duties, Sheriff's Office Volunteers shall not (1) involve themselves in any type of enforcement action, (2) carry weapons of any kind, or (3) participate in arrests or custodial detentions. All Sheriff's Office Volunteers shall receive a task-specific orientation prior to commencing work, and shall receive additional training from the Sheriff's Office Supervisor at the assigned job-site.

PROCEDURE

A. INITIAL INTERVIEW

The Community Services Division of the Sheriff's Office shall have overall responsibility for recruiting and selecting the individual volunteers, and shall have the additional responsibility of coordinating the program itself. Every Volunteer Applicant shall complete an "application for consideration" and be processed through the following procedure:

- (1) Once the Volunteer Applicant has completed the application for consideration, they shall participate in a face-to-face interview with the coordinator of the Volunteer Program. During this initial interview, the coordinator shall review the completed application, explain the selection and training process to the applicant, and attempt to assess the following factors:
 - a. The nature of the volunteer's motivation.
 - b. The volunteer's ability to work with others.
 - c. The volunteer's maturity level and demeanor.
 - d. The volunteer's time constraints/availability.
 - e. The volunteer's skills relative to our current need.
 - f. The volunteer's ability to work within our current organizational structure.
 - g. The volunteer's ability to pass a standard background check.
 - h. The volunteer's ability to work through the orientation and training process.
 - i. The volunteer's understanding of public agency confidentiality.
 - j. The volunteer's previous work history relative to reliability.

(2) In addition to assessing the Volunteer Applicant during this initial interview, the Volunteer Coordinator shall specifically advise the applicant of the County Ordinance relating to the liability and health insurance coverage available to public agency volunteers.

B. APPLICATION

Upon acceptance by the Volunteer Coordinator of the Volunteer Applicant's "application for consideration," the candidate is provided with a standard Sheriff's Office "Volunteer Application Packet." In order to receive this application packet, the candidate must be at least 18 years of age, possess no Felony convictions, and be eligible to receive a valid California Driver's License. Upon completion of the paperwork contained within the "Volunteer Application Packet", the Sheriff's Office Reserve Division will immediately begin processing the application by conducting a thorough background investigation.

C. SCREENING AND SELECTION

The following procedure shall be followed whenever the Sheriff's Office Reserve Division receives a completed applicant packet from the Volunteer Coordinator. The Volunteer Coordinator is ultimately responsible for arranging the background investigation of all volunteer applicants through the Sheriff's Office Personnel and Training Division. However, depending on immediate need and potential assignment, background investigations may be conducted by the Sheriff's Office Reserve Unit Coordinator, or other designated unit. Notwithstanding this expedited process, all applicants shall receive a thorough background investigation which shall include a record's check, a criminal history check, a warrant check, a financial history check, and a Department of Motor Vehicles check. No volunteer shall be allowed to work within the structure of the Santa Clara County Sheriff's Office unless they been subject to this process.

D. APPLICANT ACCEPTANCE/REJECTION NOTIFICATION

When a Volunteer Candidate has successfully completed all phases of the hiring process, the Volunteer Coordinator will notify the Candidate as soon as practical of their ability to attend the next Volunteer Program Training session. Once this training has been completed, the Volunteer Candidate's name shall be added to the "placement availability list" which shall be maintained by the Volunteer Coordinator working within the Sheriff's Office Reserve Division. If an when an assignment arises which fits the qualified Volunteer's skill sets, the Volunteer Coordinator shall immediately notify the Volunteer Candidate of their placement. At this point the Volunteer Candidate shall be welcomed into the Sheriff's Office as a new volunteer. Any Volunteer Applicant who has been rejected as a Volunteer Candidate shall be notified in writing of this determination by mail as soon as practical.

E. TRAINING

The Volunteer Candidate training/orientation shall include, but not be limited to, the following:

- (1) An overview of the structure of the Sheriff's Office
- (2) An overview of the policies, procedures, and general orders applicable to the Sheriff's Office with specific emphasis on the Volunteer Program.
- (3) An orientation of all Sheriff's Office facilities.
- (4) Familiarization with the Santa Clara County Sexual Harassment Policy.

F. ASSIGNMENTS

1. Administration Division

- a. Weed and Seed Area Coordinator: Volunteers may act as the program coordinators for the "Weed and Seed" area and as liaisons for the grant area with the other community partners in the "Weed and Seed" program.

- b. Data Entry: Volunteers may assist in maintaining all data related to the Community Volunteer Program.
- c. General Clerical: Volunteers may assist the Reserves Division Sergeant, secretary, and Community Policing Deputies with updating of files, data entry and general office duties.
- d. CVP Coordinator Assistant: Volunteers may assist the Community Services Sergeant in developing and maintaining the CVP program, as well as perform CVP assignment schedules, oversee monthly meetings and over seeing the CVP monthly newsletter.
- e. Other Duties as Assigned: The Community Services Sergeant may assign a volunteer or volunteers to an assignment not listed in this General Order upon approval of the Division Commander.

2. Community Services Division

- a. Community Service Requests: Volunteers may schedule and coordinate community requests for Sheriff's Office personnel. This may include parades, crime prevention presentations, National Night Out, the County Fair, and other types of events.
- b. Other Duties as Assigned: The Community Services Sergeant may assign a volunteer or volunteers to an assignment not listed in this General Order upon approval of the Division Commander.

3. Mobile Command Post Team

- a. Mobile Command Post Drivers: Volunteers may be assigned as on-call drivers for the Mobile Command Post Vehicle. Their on call status will be on a volunteer basis only. Drivers of the Mobile Command Post Vehicle will be required to attend a training course in the operation and set-up of the vehicle. The ideal candidate for the team should have prior experience driving a large vehicle of similar configuration.
- b. Mobile Command Post Support: Volunteers may be assigned as support personnel for the Mobile Command Post. They will also be placed on an on-call status voluntarily. Their responsibilities will include the assistance of set-up of the vehicle, transportation of any additional supplies to and from the Command Post, and other miscellaneous duties.

- c. Other Duties as Assigned: The Community Services Sergeant may assign a volunteer or volunteers to an assignment not listed in this General Order upon approval of the Division Commander.

4. **Operation Lifesaver Team**

- a. Operation Life Saver Team Administrator: Volunteers may act as a liaison with the Special Operations Unit to coordinate the installation and maintenance of the Operation Life Saver bracelets and may also over see the scheduling of the installation and maintenance of the bracelets as well as preserve the maintenance logs.
- b. Operation Live Saver Team Member: Volunteers may work on the Operation Live Saver Team. These members will respond to local residences to install and maintain the tracking bracelets and may also be on the search team to be utilized when a program participant is reported lost.
- c. Other Duties as Assigned: The Community Services Sergeant may assign a volunteer or volunteers to an assignment not listed in this General Order upon approval of the Division Commander.

5. **Patrol Division**

- a. Community Patrol: Volunteers may perform both vehicle and foot patrols in the community we serve. A minimum of *two* members will perform the patrols. Single member patrols are *strictly* prohibited. While on patrol members will be able to communicate with County Communications via a mobile radio or cellular telephone. If the Volunteer observes any suspicious person/activity while on patrol, the proper action would be to keep the situation under observation and contact County Communications to advise them of the situation.
- b. Graffiti Abatement: Volunteers will act as a liaison between the Sheriff's Office and the County Graffiti Abatement Program to ensure that graffiti is reported and removed in a timely manner. Volunteers may respond to reports of graffiti in the community as well as report any "on-view" graffiti they observe. Once the CVP volunteer locates the graffiti, they will photograph and document the event. The incident will then be forwarded to the Graffiti Abatement volunteer who will advise County Graffiti Abatement.
- c. Vacation House Checks: Volunteers may be assigned to the Vacation Check Program, or supplemental Patrol Checks of residences in Santa Clara County. After completing a vacation/patrol check, it will be the responsibility of the volunteer to complete the vacation/patrol check form and turn it in to the

Volunteer Coordinator's Office. Below is the recommended procedure for performing the patrol check:

- Drive by the residence slowly and visually assess the residence.
 - Park across the street, one to two residences away, continuing to visually assess the residence. The CVP Volunteers should be looking for open windows, doors, or vehicles that are not associated to the address.
 - If the residence appears normal, the CVP Volunteer should park in front or in the driveway of the residence.
 - Advise County Communications of the patrol/ vacation check.
 - Exit the vehicle and proceed to the front of the residence. Look for signs of forced entry, while maintaining visual contact with your partner. NEVER separate from your partner.
 - The CVP program was created to augment the Sheriff's Office and act as extra eyes and ears in the community, ***NOT*** to take any enforcement actions. Keeping this in mind one reoccurring theme is recognized; "Be suspicious, but do not get involved, merely observe".
- d. Vehicle Abatement: Volunteers may report and mark abandoned or nuisance vehicles. Volunteers may be notified of abandoned vehicle, or may "on-view" suspicious unoccupied, or obviously abandoned vehicles that directly effect the quality of life or create a public nuisance to the community. Once a vehicle has been marked, volunteers will relay the information to the appropriate patrol division.
- e. Patrol Procedures:
- Be alert at ALL times
 - Do not rationalize.
 - Use good, sound judgment and never place yourself in a hazardous situation.
 - Avoid "tunnel vision".
 - Constantly scan your surroundings; be vigilant of everything around you.
 - Be alert of subjects running out of or away from businesses.
 - Pay attention to any activity inside businesses.
 - Look for suspicious persons around businesses.

G. VEHICLE PROCEDURES

1. Standards: Volunteers shall possess a valid California Driver's License at time of appointment and must be able to obtain a County Driver's License within 30 days.. Volunteers shall not have any restrictions on driving privileges and/or any prior serious convictions involving a motor vehicle.

2. Requirements for Driving a County Vehicle:
 - Volunteers shall use designated departmental vehicles.
 - Mileage shall be recorded prior to and at the completion of each shift.
 - Vehicles shall be refilled at the end of each shift.
 - Volunteers shall obey all traffic laws including safety belt laws while using the vehicle.
 - Smoking is not permitted in any County vehicle and vehicles must be kept clean
 - Mechanical problems that arise shall be immediately reported to the Assistant Coordinator, the Reserve Coordinator, or the Division Commander.
 - Volunteers shall immediately notify the on-duty Patrol Division Supervisor of any traffic collision, no matter how minor and submit a completed County Traffic Accident form to the Reserve Coordinator.



**LAURIE SMITH
SHERIFF**



**SHERIFF'S OFFICE BADGES AND IDENTIFICATION CARDS
GENERAL ORDER #6.00**

Adopted: 07/07/2010
Replaces: G.O. #6.00 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

PROCEDURE

A. ISSUANCE OF BADGES

1. All Sheriff's Office sworn staff members shall be issued a Sheriff's Office badge with a banner designating the appropriate rank along with an assigned PIN (Personal Identification Number) or badge number for identification purposes.
2. The Support Services Division shall be responsible for the issuance and control of all Sheriff's Office badges.
3. All badges shall be issued in a numerically ascending order, by department date of appointment using the following sequences:
 - a. Badge numbers 1000-3999 for duly appointed Deputy Sheriffs of all ranks.
 - b. Badge numbers 4001-6999 for duly appointed Sheriff's Correctional Officers.
 - c. Badge numbers 8001-8999 for Extra-help Deputy Sheriffs, Special Duty Officers and members of any task force operating under the authority of the Sheriff.
 - d. Badge numbers 9001-9999 for duly appointed Reserve Deputy Sheriffs.
4. White metal badges will be issued to the ranks of Deputy Sheriff, Sergeant,

Reserve Deputy Sheriff, and Extra-help Deputy Sheriff.

5. Yellow metal badges will be issued to the ranks of Lieutenant, Captain, Assistant Sheriff, Undersheriff, and Sheriff.

B. ISSUANCE OF SHERIFF'S OFFICE IDENTIFICATION CARDS

1. All regular and part-time employees of the Office of the Sheriff will be issued department identification cards.
2. Sheriff's Office Reserve Deputies, volunteers, interns, and other occupants of the Sheriff's Office Headquarters building employed by other agencies will also be issued Sheriff's Office identification cards.
3. The Sheriff's Support Services Division will be responsible for the issuance and control of all department identification cards.

All staff shall be issued a white card with a dark green border on the top with gold lettering within. See "Retirement Policy" of the General Orders for details of retirement identification card issuance.

- b. Each identification card shall be imprinted with the member's name and rank or classification, expiration date and signature of the Sheriff on the front. Identifying information and the bearer's signature and right index fingerprint shall be displayed on the back of the card.

C. DISPLAY OF BADGES AND IDENTIFICATION CARDS

1. The badge will be displayed in the following manner:
 - a. Uniformed Personnel - Uniformed personnel, while on duty, will wear the issued badge on the outermost garment over the left breast to be plainly visible at all times.
 - b. Non-uniformed Personnel - Plainclothes personnel, while on duty, will carry the badge. When engaged in any duties where official recognition is necessary, the badge will be clearly displayed.
2. Employees or other occupants must have their Sheriff's Office identification cards prominently displayed in a plastic holder about their person while inside the security perimeter of the Sheriff's Headquarters building.

3. While in the course of their official duties, members of this department are required to provide their names and badge numbers to any member of the public upon request.
4. Sheriff's Office badges and identification cards are issued as a means of official identification only and are not to be used for unofficial purposes.

D. FLAT BADGES

1. If a sworn staff member of the Sheriff's Office wishes to purchase his or her own flat badge, an authorization for such purchase must be obtained from the Sheriff's Support Services Division.
2. If a member purchases a flat badge, it must be of the same design and bear the same rank as the member's duty badge. It is the responsibility of the member to insure that the flat badge displays the member's current rank. The flat badge shall be mounted in a leather case with a pocket for the member's Sheriff's Identification card. The case shall be made in such a manner as to allow the cover flap to be folded back and tucked into a pocket thus displaying the badge in plain view. Flat badges are not authorized for use with the uniform.
3. Retired sworn staff members may be issued a retirement flat badge. See "Retirement Policy", for details and exceptions.

E. LOST OR STOLEN BADGES AND/OR IDENTIFICATION CARDS

1. If any member loses his or her department issued badge, they must:
 - a. Submit an Employee's Report describing the circumstances surrounding the loss via the chain of command.
 - b. Notify their immediate supervisor as soon as possible, but no later than their next work day.
 - c. Provide a copy of their Employee's Report to the Sheriff's Support Services Division, who shall issue a loaner badge and order a replacement. A copy of the report shall be placed in the employee's personnel file.
 - d. Members who lose their badge off-duty will be responsible for replacement costs.

2. If any member has his or her badge stolen, they must:
 - a. Contact the police agency having jurisdiction where the theft occurred and have an incident report completed, reflecting the nature and circumstances of the theft.
 - b. Submit an Employee's Report describing the circumstances surrounding the theft, referencing the police agency's report by number.
 - c. Notify their immediate supervisor as soon as possible, but no later than their next work day.
 - d. Provide a copy of their Employee's Report to Sheriff's Support Services Division, who shall issue a loaner badge and order a replacement. A copy of the report shall be placed in the employee's personnel file.

3. If any member has his or her Sheriff's Office identification card lost or stolen, they must:
 - a. Submit an Employee's Report describing the circumstances surrounding the loss via the chain of command.
 - b. Notify their immediate supervisor as soon as possible, but no later than their next work day.
 - c. Provide a copy of their Employee's Report to the Sheriff's Support Services Division, who shall issue a replacement. A copy of the report shall be placed in the employee's personnel file.

F. RETURN OF BADGES AND IDENTIFICATION CARDS

1. Members shall return their assigned badges and/or identification cards to the Sheriff's Support Services Division upon:
 - a. Resignation
 - b. Termination
 - c. Retirement
 - d. Promotion

1. Upon promotion to permanent position of higher rank, the employee shall be issued a new badge and/or identification card that reflects his or her new classification.
2. If the employee does not opt to purchase their old badge (see section F below), the rank banner can be changed to reflect the new rank. In those cases, the Sheriff's Support Services Division will issue a loaner badge and arrange to have the banner on the existing badge changed to the new rank.

e. Administrative Leave and/or Suspension of Peace Officer Powers

Exception: Sworn staff members placed on routine administrative leave after an officer involved shooting where no misconduct is alleged will not be required to surrender their badge and identification card.

2. Sheriff's Office badge numbers will be "retired" and will not be reissued upon any member's resignation, termination, or retirement.

G. PURCHASING BADGES

1. Regular Sheriff's Deputies of all ranks and Sheriff's Correctional Officers may be allowed to purchase their Sheriff's Office issued badge upon written request only under the following circumstances:
 - a. Upon promotion to a higher rank in the Sheriff's Office.
 - b. Upon an honorable service or disability retirement, excluding a non-industrial disability retirement.
2. Reserve Deputy Sheriffs may be allowed to purchase their Sheriff's Office issued badge upon written request only under the following circumstances:
 - a. Upon promotion to a full time Deputy Sheriff position with our department.
 - b. Upon an honorable retirement (or medical retirement if such disability was incurred while in the course of duties with our department), with:
 1. At least ten years of service.
 2. Fulfillment of their hours of service obligations in a competent manner on a consistent basis.

3. The review and recommended approval of the Reserve Coordinator.
3. Any sworn staff member who resigns or is terminated will not be allowed to purchase his or her badge.
4. All badge purchases, including any exceptions to the above badge purchase criteria, must be approved by the Undersheriff or his designee (executive level review).



**LAURIE SMITH
SHERIFF**



**PUBLICATION AND USE OF SHERIFF'S OFFICE NAME AND LOGO
GENERAL ORDER #6.01**

Adopted: 07/07/2010

Replaces: G.O.#6.01 dated 4/15/08

Updated:

Reviewed: 02/22/2010

PROCEDURE

All material bearing the name of the Sheriff or the Sheriff's Office or bearing the identifying logos of the Sheriff's Office shall be reviewed for conformity to policy by the affected division captain before distribution.

All material for publication in journals, magazines or newspapers that identifies the author as a member of the Sheriff's Office shall be reviewed by the writer's division commanding officer for conformity to policy. The finalized draft will be forwarded to the Sheriff for review before submission for publication.

Nothing in this order is intended to prohibit the submission of materials for publication. This order does not apply to material in which the author specifically states that the views expressed are personal and do not necessarily represent the policy or policies of the Santa Clara County Sheriff's Office.

No employee shall use Sheriff's Office letterhead stationary for personal correspondence. Correspondence on Sheriff's Office letterhead will utilize office stationary, not a computer generated letter format. The following is the format for Sheriff's Office correspondence:

(see next page)

Date

(4 spaces)

Name and address

(2 spaces)

Dear _____:

(2 spaces)

[Body of letter]

(2 spaces)

Sincerely,

(2 spaces)

LAURIE SMITH, Sheriff

(4 spaces)

By: [Name of person signing letter]

(2 spaces)

LS:[initials of person drafting letter (in UPPER case)]:[initials of person typing letter (in lower case) initials in type size 10 or smaller]



**LAURIE SMITH
SHERIFF**



**RESPONSIBILITY FOR COUNTY PROPERTY
GENERAL ORDER #7.00**

Adopted: 07/07/2010
Replaces: G.O. #7.00 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Sheriff's Office may issue certain equipment to their personnel that remains the property of the Sheriff's Office. All employees of the Sheriff's Office shall maintain the property issued to them in a responsible manner.

PROCEDURE

- A. The Sheriff's Office may issue certain equipment to employees that remains the property of the Sheriff's Office. Such equipment for sworn personnel includes, but is not limited to: the Sheriff's badge, identification card, firearm, belt, handcuffs, handcuff case, holster, ammunition holders, protective vest, key strap, keys, baton, baton holder, chemical agent, chemical agent holder, laptop computer, hat-piece, pack set radio, pager, crowd control helmet and bag, rain gear, and cellular phone.
- B. The Sheriff's Office may issue certain equipment to non-sworn personnel that remains the property of the Sheriff's Office.
- C. The Support Services Division will conduct an annual self-audit of Sheriff's Office fixed assets assigned to Sheriff's Office personnel. Employees shall respond to the self-audit in an accurate and timely manner.
- D. When an employee loses issued equipment, damages issued equipment or uniforms beyond repair, or recovers issued equipment, he or she will submit an Employee's Report (ER) to his or her division captain, via the chain of command, describing the property and the circumstances under which it was lost, stolen, damaged, or recovered, and whether the employee requests reimbursement. The division captain will forward the report to the Support Services Division, with a recommendation regarding replacement of the lost, stolen or damaged item. If the report describes recovered property, the property

also will be forwarded to the Support Services Division. If a crime report has been prepared by the Sheriff's Office or by another agency, a copy will be attached to the ER.

- E.** When an employee requests reimbursement for damaged equipment or uniform, the employee will present the damaged item to the Support Services Division, which will retain and dispose of the item. The Human Resources Division will determine whether the item is damaged beyond repair before it will authorize reimbursement. Once the Support Services Division has determined that the item is damaged beyond repair, the employee seeking reimbursement must purchase the replacement item and forward the original receipt and the ER requesting reimbursement to the personnel manager at the Support Services Division for approval and processing.
- F.** The Support Services Division will arrange for replacement items to be issued to the employee. If the property was lost or stolen through no fault of the employee, the Sheriff's Office shall indemnify the employee. If the property was lost or damaged beyond repair because of carelessness or negligence, the employee may be subject to disciplinary action. It is the responsibility of the Human Resources Division to make a determination of whether or not the employee was careless or negligent.
- G.** If lost or stolen issued equipment is subsequently recovered in serviceable condition, the employee must return any reissued property to the Support Services Division and keep the recovered property. If the employee has purchased the reissued property, the employee may apply for reimbursement from the Human Resources Division, which will determine whether reimbursement will be provided and what will be the amount of any reimbursement provided.
- H.** While this order primarily addresses equipment that is issued to Sheriff's personnel, it does not negate the responsibility for all Sheriff's employees to maintain and properly care for all County equipment that is used in the normal day to day operation of the Sheriff's Office. When equipment is damaged, missing or in need of repair, the employee noticing the problem shall immediately notify their supervisor as well as document the problem on an Employee's Report.



LAURIE SMITH
SHERIFF



**USE OF COUNTY FUNDS, CREDIT CARDS, AND CELLULAR PHONES
GENERAL ORDER #7.01**

Adopted: 07/07/2010

Replaces: G.O. #7.01 dated 1/10/02

Reviewed: 02/22/2010

POLICY

All employees and volunteers of the Sheriff's Office shall use advanced County funds, County credit cards, and County cellular phones for official Sheriff's Office business only and will make a full and complete accounting of their use.

PROCEDURE

A. ADVANCED COUNTY FUNDS

1. All persons receiving advanced County funds for prisoner transportation, conventions, training, meetings, or any other purpose, will make a full and complete accounting for these funds to the Support Services Division on or before the second business day following their return. This accounting includes the filing of travel expense sheets, and turning in all receipts, vouchers, and unexpended funds.
2. Any person receiving advanced County funds is responsible for notifying the Support Services Division of any cancellation of the planned expenditure. Upon cancellation, all funds shall be returned to the Support Services Division without delay.
3. Any person receiving advanced County funds for use in the investigation of criminal cases shall, on or before the second business day following their expenditure, prepare a receipt noting the reason for the expenditure, the case number, and the amount. All funds over the amount of the expenditure will be returned at that time. A copy of the receipt also shall be provided to the person's supervisor.

B. CREDIT CARD USE

1. Credit cards are intended for emergency use only and prior to use, permission must be obtained by the employee from his or her immediate supervisor; however, an employee may use a Sheriff's Office credit card with permission of his or her immediate supervisor when operating a vehicle out-of-county or when operating a vehicle as part of an emergency operation acknowledged by the appropriate command staff.
2. Upon completion of his or her shift, any employee having received permission for emergency use of a credit card shall submit, via memorandum through the chain-of-command to the appropriate Commander, the reasons for such emergency use.
3. All employees are expected to exercise good judgment in the use of Sheriff's Office credit cards, and every effort should be made to obtain only that amount of fuel reasonably required to reach a County-source fuel supply.
4. County credit cards shall not be used for personal business or personal use for any reason.

C. COUNTY CELLULAR PHONE USE

1. Cellular telephone calls on County cellular phones should be limited to circumstances when reasonable and timely access to conventional telephone services is not available.
2. Personal telephone calls from County cellular phones should only be made when necessary. Any employee making a personal call from a cellular telephone must reimburse the Sheriff's Office for the call. This reimbursement will be based on the information provided on the monthly telephone bills for the phone. Checks for reimbursement shall be paid to Santa Clara County and shall be routed to the Administrative Services Division.
3. All personnel utilizing cell phones while operating any Sheriff's Office vehicle, whether the cell phone is department issued or personal shall utilize a hands-free communication device. For the purpose of this order, hands-free devices are defined as speaker-phone, earpiece or headset.



**LAURIE SMITH
SHERIFF**



**USE OF SHERIFF'S OFFICE COMPUTERS
GENERAL ORDER #7.02**

Adopted: 07/07/2010
Replaces: Order dated 01/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Employees of the Sheriff's Office shall adhere to the guidelines set forth in the County "CLARAnet User Responsibility Statement" as well as the County policies on Internet and E-Mail use. Employees of the Sheriff's Office shall observe all laws, agreements, and policies regarding the confidentiality of information obtained by use of Sheriff's Office computers and computer equipment.

PROCEDURE

A. USE OF COMPUTERS AND COMPUTER EQUIPMENT

1. This Order is applicable to the use of computers and computer equipment owned or operated by the County of Santa Clara that have access to any of the systems operated by the Sheriff's Office for law enforcement or other official Sheriff's Office purpose.
2. The Sheriff's Office Director of Information Systems is the system data and security administrator for the Sheriff's Office. The Director of Information Systems is responsible for issuing all Sheriff's Office computers and computer equipment.
3. Only personnel of the Information Systems Division are authorized to move or relocate desktop computers and associated computer equipment.
4. Computers will only contain software and menus authorized and installed by the Information Systems Division or their designee. An employee who wishes to add or delete software or to have the standard menu altered for any reason shall obtain

approval from his or her division captain and shall submit a request form to the Director of Information Systems for action.

5. Purchases of any Sheriff's Office computers, computer equipment, and software must be authorized and approved by the Director of Information Systems.
6. Sheriff's Office employees will respect the confidentiality and sensitivity of information held in Sheriff's Office computers and will only disclose information to persons who have a legitimate need for it and who are authorized to receive it.
7. Periodic physical audits and virus scans of computer equipment may be conducted by the Director of Information Systems.
8. Games shall not be operated on County owned equipment.
9. Remote access to Sheriff's Office computing equipment must be authorized in advance by the Director of Information Systems.
10. No dialup modems may be attached to County owned equipment without authorization from the Director of Information Services.
11. Notwithstanding the procedures established by this Order, a division captain may request authorization to maintain a non-network-supported data system with a custom architecture. A division captain who wishes to maintain such a system will obtain approval from his or her Bureau Assistant Sheriff. The division captain shall assume responsibility for monitoring, maintaining, and supporting such a system, including file backup and recovery as well as determining the uses and procedures for that system.

B. RESPONSIBILITIES FOR LAPTOP COMPUTERS

1. Each laptop user is responsible for:
 - a. Completing a training course on the laptop computer before using it.
 - b. Following the training course's prescribed care and use for the laptop.
 - c. Getting upgrades installed as they become available.
 - d. Not adding personal software.
 - e. Promptly notifying Information Systems of non-working software or hardware.

- a. Inventory maintenance – Annual:
 - 1. Ensuring that all laptops/desk top computers are accounted for during the Department Annual Inventory.
 - 2. Conducting periodic inventories of all divisions computer inventory for physical accountability.
- b. Fixed asset disposal:
 - 1. Ensuring that the Fixed Asset Transfer Sheet(s) are filled out properly with the proper “to” and “from” information including condition code.
 - 2. Making arrangements to pick up property to be disposed of.
 - 3. Taking the necessary steps to prepare property for disposal, if applicable to that particular item.
 - 4. Taking the property to Property Disposal and distributing the paperwork to the proper parties.
- c. Returns and exchanges through Patrol Operations:
 - 1. Issuing spare laptops to Patrol Deputies when their assigned laptop is turned in for repair.
 - 2. Ensuring that the proper paperwork is completed for the exchange of laptops.
 - 3. Maintaining a spare (loaner) pool of laptops for repair exchange only in a secured location within Patrol Operations’ work area. In addition, Patrol Operations will be responsible for the accurate completion of Issuance of a Loaner Laptop paperwork. See attached form.

C. USE OF THE SANTA CLARA COUNTY WIDE AREA NETWORK (“CLARAnet”)

- 1. Santa Clara County maintains a computer wide-area-network for electronic communication within the various County departments. This network, known as “CLARAnet,” includes the County electronic mail system.

2. Sheriff's Office personnel who are authorized to use CLARAnet shall review and sign the County "Employee/Contractor Responsibility Statement" prior to using the network. All Sheriff's Office personnel shall obey the guidelines set forth in the County "CLARAnet User Responsibility Statement". This includes, but is not limited to, the use of the Internet and the use of E-Mail.
3. The Sheriff's Office may initiate disciplinary action for inappropriate or offensive use of the systems. Inappropriate or offensive use of the systems includes, but is not limited to: sexually explicit images, messages, or preferences; ethnic or racial slurs; religious messages; betting pools; chain letters.
4. Sheriff's Office personnel using the network shall log off from the system upon completion of use.
5. Sheriff's Office personnel using the network shall not access or attempt to access systems or data to which the user is not authorized. No Sheriff's Office employee shall use the network, its system, or its data for:
 - a. personal profit for himself or herself or for any other person;
 - b. unlawful or illegal activities;
 - c. creation or dissemination of harassing or demeaning statements towards any individual or group as defined in the Merit System Rules, the County Policy on Sexual Harassment, or any other relevant Sheriff's Office Order or procedure, or County ordinance, code, or policy.
6. Sheriff's Office personnel using the network should protect the security of their individual password.
7. All Internet access at the Sheriff's Office is logged and monitored at the County firewall.

D. INTERNET USE FROM SHERIFF'S OFFICE COMPUTERS

1. Access to the Internet is provided as a business tool, however, its reasonable, incidental use for personal purposes is acceptable, so long as such use does not interfere with performance of work duties or the operation of County information systems.
2. No Sheriff's Office employee shall use the network, its system, or its data for:
 - a. personal profit for himself or herself or for any other person;

- b. unlawful or illegal activities;
- c. creation or dissemination of harassing or demeaning statements towards any individual or group as defined in the Merit System Rules, the County Policy on Sexual Harassment, or any other relevant Sheriff's Office Order or procedure, or County ordinance, code, or policy.

E. E-MAIL USE FROM SHERIFF'S OFFICE COMPUTERS

1. Access to E-Mail is provided as a business tool, however, its reasonable, incidental use for personal purposes is acceptable, so long as such use does not interfere with performance of work duties or the operation of County information systems.
2. No Sheriff's Office employee shall use E-Mail, its system, or its data for:
 - a. personal profit for himself or herself or for any other person;
 - b. unlawful or illegal activities;
 - d. creation or dissemination of harassing or demeaning statements towards any individual or group as defined in the Merit System Rules, the County Policy on Sexual Harassment, or any other relevant Sheriff's Office Order or procedure, or County ordinance, code, or policy.
3. County electronic mail systems and messages are not private. They remain the property of the County of Santa Clara. The County reserves the right to monitor the use of its electronic mail systems.
4. The Sheriff's Office may initiate disciplinary action for inappropriate or offensive use of the systems. Inappropriate or offensive use of the systems includes, but is not limited to: sexually explicit images, messages, or preferences; ethnic or racial slurs; religious messages; betting pools; chain letters.



**LAURIE SMITH
SHERIFF**



**EMPLOYEE TRANSFERS
GENERAL ORDER #8.00**

Adopted: 07/07/2010
Replaces: G.O. 8.00 dated 12/01/2009

Updated:
Reviewed: 02/22/2010

POLICY

The Sheriff recognizes the needs of the department, as well as the needs of the community and the individual employee when considering the transfer of badge personnel. In making transfer decisions, the Sheriff's Office shall primarily consider seniority. If not seniority based, the Sheriff's Office may consider the needs of the department and other merit based factors, including but not limited to, the employee's performance, productivity, career development and technical skills. Merit, as used in this General Order, is defined as work performance that enhances the department and public safety in the community. Employees' assignment preferences may be considered as well. Assignment to and continued retention in any division, unit, assignment, or team shall be based on merit and performance. This policy applies to Sheriff's deputies and sergeants only. The Sheriff reserves the right of final approval on all transfers.

It is recognized that experience in a number of organizational units and specialized assignments is desirable for a deputy's or a sergeant's career development. It is intended that deputies and sergeants have the opportunity to apply and be selected for such specialized assignments. However, the Sheriff's Office retains all rights, powers, and authority granted to it by Memorandum of Understanding or which it has pursuant to law or other provisions by the County Charter and Merit System Rules. These rights include, but are not limited to: the needs of the Department; the right to direct the work force; the right to increase, decrease, or reassign the work force; the right to hire, promote, demote, discharge or discipline for cause; the right to reclassify employees; the right to provide merit increases; the right to assign employees overtime and special work requirements; and the right to determine the necessary merits, mission, and organization of any service or activity of the County, any County department, agency, or unit.

If a deputy or sergeant is removed from a special team or assignment or is transferred for punitive reasons and it results in a reduction or loss of salary, any request for an administrative appeal will be granted. "Salary" does not include assignment differentials.

PROCEDURE

A. ANNUAL DIVISION TRANSFERS

1. The Transfer Committee will meet once per year during the first part of November.
2. The Sheriff's Office Personnel and Training Division will post a "Transfer Notice" approximately sixty days prior to the date of the annual Transfer Board meeting.
3. The Personnel and Training Division must receive all annual transfer requests by the first Wednesday in October.
4. Transfers will take effect on the same day that the department's annual shift assignment schedule takes effect, unless otherwise specified.
5. Transfer requests will remain on file for one year from the date of receipt or until the next annual transfer and may be used for interim transfers. Any employee who does not wish to be considered for interim transfers should rescind their request in writing and submit it to the Personnel and Training Division.
6. The Transfer Committee shall consist of all Sheriff's Office Captains, the Lieutenant from Civil/Warrant Division, HR Manager and three representatives from the DSA Board as selected by the DSA President. In the absence of a division Captain, the division Lieutenant will serve as the designee. This committee will review all transfer requests and the needs of each division and make their recommendations. These recommendations along with the original transfer requests will be forwarded to the Sheriff's Executive Command staff for final determination of transfers. The Undersheriff will have approval authority on all transfers.
7. Transfer Request Form
 - a. Employees who submit a Divisional Transfer Request form may designate up to three choices for assignment in order of preference. The employee will be considered for assignment in the order as listed on the request.
 - b. Employees may include, but are not limited to, the following materials when submitting their transfer request: A resume, supervisor's recommendation letter, specific training or class certificates, or notice of special needs.

- c. Written reasons for transfer denials will be provided upon request by the employee.

B. ASSIGNMENT TRANSFER ELIGIBILITY

- 1. Involuntary Transfers: Any employee with three or more consecutive years of service in any one division may be subject to involuntary transfer, absent a specialized assignment or authorized extension.
 - a. When an employee becomes eligible for involuntary transfer, he or she can be transferred without a transfer request if an eligible deputy or sergeant requests transfer into that division.
 - b. The employee involuntarily transferred without a request will be assigned to whatever division has a vacancy.
 - c. Involuntary transfers for annual transfers shall be based on seniority within the division. The most senior (time in division) employee shall be transferred first, unless an exemption has been granted.

Exception: Interim administrative transfers from one division to another in order to fill vacancies shall be accomplished on a voluntary basis if possible. If there are no volunteers, the least senior deputy off of training shall be transferred first.

Note: Time in any patrol division (West Valley Patrol, Headquarters Patrol, Transit Patrol, Parks Patrol) is cumulative for involuntary transfer purposes. Thus, employees with the most consecutive time in patrol shall be subject to transfer first should someone from a non-patrol division desire transfer into a patrol division.

- d. When more than one employee is being considered for involuntary transfer from the same division or unit, and those employees being considered were assigned to the division or unit on the same date, the person with the least seniority in rank will be transferred first.
- e. Newly hired deputies requiring field training in patrol may be subject to involuntary transfer at any time based upon available openings in the F.T.O. Program.
- f. All due consideration will be given to employees who are attending college or continuing education classes so as not to interrupt class attendance in mid-semester. To receive such consideration, employees must have submitted the requisite employee's reports to their respective

divisions detailing the class dates and times of attendance per applicable general orders.

2. Voluntary Transfers: Anyone having been assigned to a division/unit for a minimum of one year is eligible to request a transfer.
 - a. Once the minimum one-year commitment has been met, voluntary transfer requests will be considered in order of overall seniority in rank, along with other considerations, except for those requesting a transfer to a specialized division, unit, or assignment.
 - b. Employees with less than one year in a division/unit may submit a Transfer Request; however, no transfer will be forced as a result of that employee's request.
 - c. Contract assignments may require a minimum commitment longer than one year. Employees assigned to such assignments who desire a transfer prior to the expiration of his or her commitment date shall be required to obtain a waiver of that commitment from the affected division Captain prior to acceptance of his or her transfer request.

C. EFFECTIVE START DATE FOR DETERMINATION OF SENIORITY

1. The effective assignment seniority date will be the actual date that an employee was assigned to his or her division or assignment
2. All consecutive patrol time, including West Valley Patrol, Headquarters Patrol, Transit Patrol, and Parks Patrol will be cumulative for the purpose of determining effective start date for "date in patrol" purposes.
3. West Valley Patrol, Headquarters Patrol, Transit Patrol, and Parks Patrol will be treated as separate divisions for transfer requests within the Field Enforcement Bureau.
4. Adjustments to "date in division" and/or "date in patrol" shall be made whenever an employee returns to the same division after an absence of less than twelve months. Such absences, including "on-loan" assignments, shall be considered temporary assignments and shall not be counted as time in division nor shall time in division for the original assignment be started over. The original assignment's "date in division" shall be adjusted for that period of time spent in the temporary assignment. The Undersheriff may make exceptions and grant employees a full year's credit for time served in another division should needs of the department require an employee's transfer prior to serving one full year in his or her present assignment.

5. Any temporary assignments lasting in excess of twelve months shall be considered a permanent transfer for the purposes of establishing time in division and “date in division” and/or “date in patrol” shall be started over upon the employee’s return to his or her previous assignment.
6. Employees who are temporarily disabled due to injury or illness (on-duty and off) and are unable to return to work for a period of thirty calendar days or more may be transferred to the Personnel and Training Division on a temporary basis pending their return to duty. This temporary transfer shall have the effect of adjusting the employee’s “date in division” and/or “date in patrol” as described in section C.4. above.

D. FIELD ENFORCEMENT ASSIGNMENTS

1. Any Deputy Sheriff requesting transfer to patrol for the first time, if granted, shall be initially assigned to the Field Training Program. Upon successful completion of the Field Training Program, an employee may be transferred to any division vacancy until the next transfer cycle. Any Deputy Sheriff returning to a field enforcement assignment after an absence of over five years shall be required to complete a reorientation or modified Field Training Program through Headquarters Patrol. Any deputy returning to a field enforcement assignment after an absence of less than five years but greater than one year will be evaluated for a need to complete a reorientation Field Training Program.
2. Deputy Sheriffs requesting a transfer to any field enforcement unit as defined below must have completed the Field Training Program and have at least one year of patrol experience within the last five years. Lacking recent patrol experience within the last five years, Deputy Sheriffs will be required to complete a reorientation or modified Field Training Program as indicated above. Field Enforcement units defined:
 - a. Headquarters Patrol
 - b. West Valley Patrol
 - c. Transit Patrol
 - d. Parks Patrol
3. Deputy Sheriffs seeking transfer to Civil/Warrants Division, Investigation Division, or Special Operations must have completed the Field Training Program and have a minimum of three years of patrol experience.

4. Any failure of the Field Training Program may result in immediate transfer, disciplinary action or termination (Probation Release). Once a Deputy Sheriff has failed the Field Training Program, any subsequent requests for transfer to reattempt field training will require the specific approval of the Field Enforcement Assistant Sheriff.

E. NON-FIELD ENFORCEMENT ASSIGNMENTS

1. Non-Field Enforcement assignments include the following:
 - a. Jail Administration (Inclusive of Transportation, Main Jail and Elmwood)
 - b. Court Service Division
 - c. Personnel and Training
2. A deputy or sergeant wishing to return to a previously assigned field enforcement assignment or to move to a third enforcement assignment, must first complete a minimum of one year in a non-field enforcement assignment. This section (E.2) may be waived in order to meet specific needs, with a limit of a one time waiver.

F. SPECIALIZED TEAMS, ASSIGNMENTS, AND UNITS

1. **SPECIALIZED TEAM** - Assignment to any special team will be determined by the process outlined by the team's command staff and with the approval of the Undersheriff. Maximum duration of assignment to these teams shall be subject to performance review by the appropriate team's command staff. Any Special Team member who does not meet the minimum performance and/or training requirements on an on-going basis is subject to removal from that team.
 - a. Assignment to any Special Team is allowed in conjunction with or in addition to assignment to any division, unit, or assignment provided there is no inherent conflict.
2. **SPECIALIZED ASSIGNMENT** - The division command staff will determine what qualifications are required for a specialized assignment within their divisions. When an opening is available, notification of the opening will be sent out as well as the requirements for the position. Selection to a special assignment within a division will be made by the division command staff with the approval from the affected bureau Assistant Sheriff.
3. **SPECIALIZED UNIT** – The Undersheriff will make final selection for those individuals assigned to a specialized unit.

G. RETIREMENT TRANSFER EXEMPTIONS

1. Prior to each Transfer Board, and only for consideration during the annual transfer period, any eligible employee may request a one-time exemption from an involuntary transfer and may request to stay in the division to which he or she is presently assigned if he or she:
 - a. Has at least 25 years of service and is at least 49 years of age.
 - b. Will retire by the end of the next calendar year.
 - c. Has completed the “Retirement Transfer Exemption” form declaring his or her intent to retire by the end of the next calendar year.
 - d. Is performing at or above a competent level in his or her present assignment.
2. The exemption form must be approved and signed by the employee’s division Captain and then forwarded to Personnel and Training. The request will then be forwarded to the Undersheriff for final review.
3. If a Deputy or Sergeant is granted a retirement transfer exemption and then elects not to retire, he or she shall be subject to immediate transfer and is not eligible for any further retirement transfer exemptions.

H. ADMINISTRATIVE TRANSFERS

1. Administrative transfers may occur independent of the scheduled transfer committee in the event that there is a departmental or employee need. A transfer may be requested or made for, but not limited to, the following needs of the department: discipline, recognition, performance, medical, special needs, reorganization, or to fill a vacancy. The Undersheriff will review each request and determine if that request will be approved, modified, or denied.
2. The Assistant Sheriffs are responsible for the initial review of administrative transfer requests, conveying the requests to the Undersheriff and forwarding it to Personnel and Training Division for implementation.
3. Individual employees may also request an administrative transfer:
 - a. Any employee may request an administrative transfer for legitimate personal needs.
 - b. The employee must submit an employee's report detailing the rationale for such transfer via his or her chain of command.

- c. An “Administrative Transfer Request” form detailing the employee’s need for the transfer will be initiated by the effected division. The request will then be forwarded with recommendations to the Assistant Sheriff in charge of the affected bureau for final review.
- d. If approved, the request form will be forwarded to the Personnel and Training Division for implementation.
- e. The Personnel and Training Division will notify the employee of the decision and the particulars of any approved transfers.
- f. If an administrative transfer creates a vacancy, it will be filled from an existing list or by application process.

I. NOTICE OF DIVISIONAL CHANGE

Transfers will adhere with section 6.10 of the Memorandum of Understanding.

J. TRANSFER RIGHTS

Nothing in this policy shall preclude the right of the Sheriff, or designee, to institute or deny a transfer of any employee.

K. POLICY REVIEW

This policy will be reviewed annually within 30 days of the annual transfer meeting. The committee will be selected by the Sheriff to include representatives as selected by the Deputy Sheriffs’ Association.

LAURIE SMITH
SHERIFF



EMPLOYEE PROMOTION GENERAL ORDER #8.01

Adopted: 07/07/2010

Replaces: G.O. # 8.01 dated 1/10/02

Reviewed: 02/22/2010

PROCEDURE

A. PROMOTION OF SERGEANTS

1. Eligibility.

a.. Service Requirement:

All deputy sheriffs who are currently employed by the Sheriff's Office, and who have served the immediate past three years of service in the Sheriff's Office, are eligible to apply if they meet the other basic requirements listed below.

b. Basic Requirements

The following Basic Requirements must be met at the time of application for promotion by any candidate before applying for promotion:

1. Completion of Field Training program.
2. One continuous year of Patrol Duty in the Santa Clara Sheriff's Office (shall have included FTO. By January 1, 2000, the requirement shall be three years of patrol duty at a POST approved law enforcement agency within the candidate's career.)
3. An Intermediate POST Certificate
4. Current qualification in Range, First Aid, And CPR

5. AA degree or 60 college units from a college accredited by the regional accrediting agency. (Until January 1, 2000, candidates who do not have 60 units or the AA degree will be allowed to apply. Candidates who already hold the degree will receive credit in their Evaluation Oral Board.)

2. Application Process

Every candidate who wishes to apply for promotion' shall complete an application form required by the county, and submit a Resume, and a Application Supplemental Statement..

- a. The resume should contain name, career objectives, both short term and long term, current assignment, and time in service with the Sheriff's Office, formal college education, specialized law enforcement training, community involvement, supervision experience, program development, special projects, special assignments, awards and honors.
- b. Supplemental Statement

The Administrative Services Division shall prepare a list of Critical Issues facing the Office and shall prepare a set of guidelines for responding to those issues. Candidates shall submit a statement, not to exceed five pages double spaced, that responds to one of the Critical Issues. This statement will be evaluated along with all the other material in the candidate's Resume.

3. Written Examination.

Every candidate shall take a written examination. The test is to be selected and/or constructed by a committee composed of representatives from the Sheriff's Office administration and the county personnel department. Part of the test may be standardized material applicable to any law enforcement agency, while other material may be customized to the unique needs of the Sheriff's Office. Administrative Services may prepare a suggested reading list, or take other steps to help candidates prepare for the exams. Any test that deals with general law enforcement issues (as distinct from local Sheriff's Office unique issues) shall be obtained from a POST-approved outside vendor. The test shall be administered and graded by the county personnel department. After the exam, the county personnel department shall rank order the exam results and establish a cut-off point that will produce a pool of "passing" candidates. Candidates who are ranked above the cut off point may proceed to other aspects of the promotion process. Others may not.

4. Evaluation Oral Board

a. Evaluation Oral Board Process

1. If they pass a written test, candidates shall then appear before the Evaluation Oral Board for a discussion of their Resumes and their Application Supplemental Statement. The Evaluation Oral Board will then prepare a report on candidates, rating all the Resume contents and the oral presentation.

2. Composition of the Evaluation Oral Board

The Evaluation Board shall consist of internal people from the Sheriff's Office selected by the administration unless otherwise noted, and shall consist of: the Undersheriff or a Commander, a Captain, a Lieutenant, a representative of the County Personnel Department, and a person mutually agreed upon by the administration and the DSA, who shall hold a rank at least as high as the rank being tested.

5. External Oral Board.

a. Oral Board Processes

Candidates shall appear before an external Oral Board. The Board shall assign each candidate a score between 1 and 100.

b. Construction of Oral Exam

The test is to be selected and/or constructed by a committee composed of representatives from the Sheriff's Office and the county personnel department. Part of the test may be standardized material applicable to any law enforcement agency, while other material may be customized to the unique needs of the Sheriff's Office.

c. Composition of the Oral Board

Oral Board shall be composed of people who are not members of Sheriff's Office, selected by the administration unless otherwise noted, and shall consist of: a Captain, or equivalent rank, a Lieutenant, or equivalent rank, a representative of the County Personnel Department, two representatives from the Santa Clara county community, mutually agreed upon by the administration and the DSA.

6. Final Selection Process

- a. Percentage weights of the various examination stages:

ITEM	WEIGHT
Written Exam	30%
Evaluation Oral Board	40%
Outside Oral Board	30%
Total weights	100%

- b. Eligible Pool

Based on the entire process, the candidates will be rank ordered by the County Personnel Department.

- c. Selection for actual promotions from the pool

The Sheriff shall select persons from the pool, using the “Rule of Seven” in her/his choice. The Rule of Seven, a Santa Clara County mandate, allows an executive to pick anyone from the seven highest ranked candidates for the job, and this selection need not be the highest ranked individuals. When multiple promotions are to be made, six candidates are added to the number of promotions to be made to compose the pool. (Examples: if one promotion is needed, the Sheriff can select from the top seven candidates; if three promotions are needed, then the Sheriff can select from the first nine ranked candidates; if five promotions are needed the Sheriff can select from, the top eleven candidates.)

- d. Use of Personnel File in Final Selection

The Sheriff is encouraged to consider the candidate's personnel file in making final selections. Matters such as sick leave, disciplinary actions, and other issues will be considered.

B. PROMOTION OF LIEUTENANTS

- 1. Eligibility.

- a.. Service Requirement:

All individuals who have served the required time in rank of sergeant in the Santa Clara Sheriff’s Office are eligible to apply if they meet the other basic requirements listed below.

- b. Basic Requirements

The following Basic Requirements must be met by any candidate before applying for promotion:

1. Qualified for and applied for POST Supervisory Certification.
2. Qualified for and applied for an Advanced POST Certificate
3. Current qualification in Range, First Aid, And CPR
4. As of January 1, 2000, 90 college units from a college or university accredited by the regional accrediting agency, are required to apply. As of January 1, 2002, a Bachelor's degree from a regionally accredited college or university is required to apply. Candidates with current college work will be given credit at the Evaluation Oral Board.

2. Application Process

Every candidate who wishes to apply for promotion shall complete an application form required by the county, and submit a Resume, and an Application Supplemental Statement..

- a. The resume should contain name, career objectives, both short term and long term, current assignment, and time in service with the Sheriff's Office, formal college education, specialized law enforcement training, community involvement, supervision experience, program development, special projects, special assignments, awards and honors.

b. Supplemental Statement

The Administrative Services Division shall prepare a list of Critical Issues facing the Office and shall prepare a set of guidelines for responding to those issues. Candidates shall submit a statement, not to exceed five pages double spaced, that responds to one of the Critical Issues. This statement will be evaluated along with all the other material in the candidate's Resume.

3. Evaluation Oral Board

a. Evaluation Oral Board Process

Candidates shall appear before the Evaluation Oral Board for a discussion of their Resumes and their Application Supplemental Statement. The Evaluation Oral Board will then prepare a report on candidates, rating all the Resume contents and the oral presentation.

1. Composition of the Evaluation Oral Board

The Evaluation Board shall consist of internal people from the Sheriff's Office selected by the administration unless otherwise noted, and shall consist of: the Undersheriff or a Commander, a Captain, a Lieutenant, a representative of the County Personnel Department, and a person mutually agreed upon by the administration and the DSA, who shall hold a rank at least as high as the rank being tested.

4. Combined Written and Oral Exam, With External Board.

a. Three Components of the Exam:

A committee composed of people from Administrative Services and the County Personnel Office shall construct the following exam, which shall be in three parts.

1. Written exercise:

A written exercise, based on a critical incident or problem. The candidate will be given the choice of selecting between two different problems, and shall be given one hour to write a plan of action that addresses one of the issues. The written document will be handed to the review panel.

2. Oral defense of written exercise:

The review panel will then conduct an oral which deals directly with the candidates plan of action, as expressed in the written response.

3. Oral response to scenario(s):

The review panel will then conduct an oral exam on some situational scenario(s).

c. Ranking

The Review Board will rate every candidate from 1 to 100, combining their evaluation of the three components on an equal basis

d. Composition of the Oral Board (Personnel From Outside the Office)

An Undersheriff or Commander, a Captain, a Lieutenant, a representative of the County Personnel Department, two representatives from the Santa Clara county community, mutually agreed upon by the administration and the DSA.

5. Final Selection Process

a. Percentage weights of the various examination stages:

ITEM	WEIGHT
Evaluation Oral Board	60%
Oral/Written Exam	40%
Total weights	100%

b. Eligible Pool

Based on the entire process, the candidates will be rank ordered by the County Personnel Department.

c. Selection for actual promotions from the pool

The Sheriff shall select persons from the pool, using the “Rule of Seven” in her/his choice. The Rule of Seven, a Santa Clara County mandate, allows an executive to pick anyone from the seven highest ranked candidates for the job, and this selection need not be the highest ranked individuals. When multiple promotions are to be made, six candidates are added to the number of promotions to be made to compose the pool. (Examples: if one promotion is needed, the Sheriff can select from the top seven candidates; if three promotions are needed, then the Sheriff can select from the first nine ranked candidates; if five promotions are needed the Sheriff can select from, the top 11 candidates.)

d. Use of Personnel File in Final Selection

The Sheriff is encouraged to consider the candidate's personnel file in making final selections. Matters such as sick leave, disciplinary actions, and other issues will be considered.

C. PROMOTION OF CAPTAINS

1. Eligibility.

a. Service Requirement:

All individuals who have served the required time in rank of lieutenant in the Santa Clara Sheriff's Office are eligible to apply if they meet the other basic requirements listed below.

b. Basic Requirements

The following Basic Requirements must be met by any candidate before applying for promotion:

1. Qualified for and applied for the POST Management Certification
2. Qualified for and applied for an Advanced POST Certificate.
3. Current qualification in Range, First Aid, And CPR
4. As of January 1, 2000, 90 college units or an AA degree from a regionally accredited college or university, are required to apply. As of January 1, 2002, a Bachelor's degree is required to apply. Candidates with current college work will be given credit at the Evaluation Oral Board.

2. Application Process

Every candidate who wishes to apply for promotion shall complete an application form required by the county, and submit a Resume, and an Application Supplemental Statement.

- a.** The resume should contain name, career objectives, both short term and long term, current assignment, and time in service with the Sheriff's Office, formal college education, specialized law enforcement training, community involvement, supervision experience, program development, special projects, special assignments, awards and honors.

b. Supplemental Statement

The Administrative Services Division shall prepare a list of Critical Issues facing the Office and shall prepare a set of guidelines for responding to those issues. Candidates shall submit a statement, not to exceed five pages double-spaced, that responds to one of the Critical Issues. This statement will be evaluated along with all the other material in the candidate's Resume.

3. Evaluation Oral Board

a. Evaluation Oral Board Process

Candidates shall appear before the Evaluation Oral Board for a discussion of their Resumes and their Application Supplemental Statement. The Evaluation Oral Board will then prepare a report on candidates, rating all the Resume contents and the oral presentation.

1. Composition of the Evaluation Oral Board

The Evaluation Board shall consist of both external and internal people selected by the administration unless otherwise noted, and shall consist of: the Undersheriff or a Commander, a Captain from outside the Sheriff’s Office, an Undersheriff from another office, a representative of the County Personnel Department, and the Director of Administrative Services.

4. Final Selection Process

a. Percentage weights of the various examination stages:

ITEM	WEIGHT
Evaluation Oral Board	100%

b. Eligible Pool

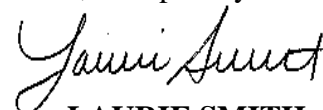
Based on the entire process, the candidates will be rank ordered by the County Personnel Department.

c. Selection for actual promotions from the pool

The Sheriff shall select persons from the pool, using the “Rule of Seven” in her/his choice. The Rule of Seven, a Santa Clara County mandate, allows an executive to pick anyone from the seven highest ranked candidates for the job, and this selection need not be the highest ranked individuals. When multiple promotions are to be made, six candidates are added to the number of promotions to be made to compose the pool. (Examples: if one promotion is needed, the Sheriff can select from the top seven candidates; if three promotions are needed, then the Sheriff can select from the first nine ranked candidates; if five promotions are needed the Sheriff can select from, the top 11 candidates.)

d. Use of Personnel File in Final Selection

The Sheriff is encouraged to consider the candidate's personnel file in making final selections. Matters such as sick leave, disciplinary actions, and other issues will be considered.


LAURIE SMITH
SHERIFF



PERFORMANCE EVALUATIONS GENERAL ORDER #8.02

Adopted: 07/07/2010
Replaces: G.O. #8.02 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Appraising an employee's performance on the job is a sometimes difficult, but always a necessary process. This material has been designed to make the appraisal process as uniform and fair as possible. It has been prepared specifically for supervisors whose duty it is to evaluate employee performance. But equally important, these procedures serve the employee by making the appraisal process clear, constructive and helpful.

PROCEDURE

The instructions are in three sections, which should be reviewed by supervisors engaged in the performance appraisal process. The first section explains when performance appraisals are made, who makes them, and what the step-by-step procedures are. The second section instructs supervisors on how to use and complete all parts of the "Performance Appraisal Report." The third section provides detailed questions (and variations of each) which supervisors might ask themselves as they appraise an employee's performance under the 19 specific "Standard Factors." Supervisors should consult these detailed instructions as often as necessary in order to administer uniformly the process to each employee being appraised.

Again, clear and uniform procedures assist the supervisors and benefit the employee. When employees and supervisors are familiar with the procedures and forms used in the performance appraisal process, the results can be rewarding. By using the uniform "Standard Factors" and suggesting specific, helpful action plans for an employee, a supervisor is able to assist the employee by means of the appraisal process. When employees view the appraisal as a means to help them, they will be motivated to follow through with training or personal attention to performance areas needing improvement. When the appraisal process pinpoints their strengths, the employees can build on their accomplishments and develop an individual program for further improvement and success.

The performance appraisal process developed by the Santa Clara County Sheriff's Office and explained in the following pages, contains features which make the procedure as clear and fair as possible, including but not limited to:

Supervisors' use of a common set of procedures makes the appraisal process uniform, thereby discouraging idiosyncratic and/or biased appraisals.

Command staff, other than the supervisor who prepared it, provide a more thorough review of an employee's Performance Appraisal Report.

The Performance Appraisal Report is discussed in detail providing the employee with specific information about strengths, weaknesses and suggestions for employee action.

The Performance Appraisal Report is designed to provide an employee with clear, objective and measured information. It establishes a document that can be used by both the employee and the supervisor in charting and documenting the employee's overall career development.

The Santa Clara County Sheriff's Office is a large and diverse group of law enforcement professionals. As we serve the community in which we work, we should also be helping our employees develop their skills as much as possible. One long-proven method for this is by improving individual and collective records. The performance appraisal process is an invaluable, in-house tool meant to help employees build on strengths and eliminate weaknesses. Supervisors are asked to use this material carefully and with as much precision as possible, patiently and judiciously assisting all employees in realizing their fullest potential.

PERFORMANCE APPRAISAL PROCESS

The performance appraisal process cannot take place in a vacuum or be satisfied by an appraisal once a year. Performance appraisals require careful observation, assessment of the employee's actions and first-hand knowledge of the employee and the employee's work.

A. When Are Appraisals Required

Annual Performance Appraisal Reports – Appraisals are required annually during the employee's "anniversary month".

Sworn Probationary Personnel – appraisals are required on a quarterly basis through the employee's initial probationary period.

Interim Appraisals – Special or supplemental appraisals may be generated by a supervisor whenever the supervisor believes it to be in the best interest of the employee, supervisor, or department to do so.

B. Who Prepares the Appraisal Report

The appraiser should be the supervisor who is most familiar with the employee's job performance, and may not necessarily be the current and immediate supervisor.

If the employee was assigned to more than one division during the appraisal period, the division to which the employee was assigned for the longest period of time will be responsible for preparing the appraisal report, and supervisory personnel from the other division(s) should be contacted for input.

C. The Five Steps of the Appraisal Process

Step One – Research

- a) The appraiser will conduct research prior to completing the Performance Appraisal Report.
- b) The pre-appraisal research should include, but is not limited to:
 1. The nature and duration of the employee's work assignment since the last appraisal.
 2. A review of the employee's statistical productivity data.
 3. The review of a variety of the employee's criminal and/or administrative reports for composition, accuracy, grammar and thoroughness of action.
 4. The review of the employee's Personnel and Division File for Departmental Personnel Reports, commendations, certificates of achievement, sick leave usage, sustained disciplinary actions, etc. Information on Supervisor's Comment Cards will be noted on the appraisal and the card will be destroyed after the appeal period.
 5. A personal interview with employee and a review of the employee's pre-appraisal questionnaire to learn of recent accomplishments, goals and other issues relevant to the appraisal.

Step Two – The Appraisal

- a) The appraisal will be based on both the research performed and the appraiser's personal knowledge of the employee.
- b) The appraiser shall evaluate the employee's performance in all of the appropriate STANDARD FACTORS (sections 1-16 for all personnel, sections 17-19 for Supervisory/Management personnel on the Performance Appraisal Report).

- c) Extraordinary circumstances that may have affected the scores in the STANDARD FACTORS should be noted in the COMMENT section (21).
- d) If an employee has been off work for an extended period of time and the supervisors are unable to appraise the performance, no score will be given and the appropriate remarks shall be noted in the COMMENT section (21).
- e) If an employee has accomplished any specific achievements during the appraisal period, these should be noted in the SPECIAL ACHIEVEMENTS section (22). Achievements may include educational accomplishments, awards, certificates, or commendations.
- f) The appraising supervisor shall clearly describe the EMPLOYEE'S STRONGEST POINTS and AREAS FOR IMPROVEMENT (Sections 23 & 24). The descriptions must include facts in support of both the identified strengths and the areas noted for improvement.
- g) The appraising supervisor will draft an ACTION PLAN FOR IMPROVEMENT/DEVELOPMENT (Section 26) based on the STANDARD FACTOR appraisals and the information in Sections 23 & 24.

Step Three – The Staff Appraisal Review *(optional)*

- a) The initial Performance Appraisal Report may be reviewed and discussed with other staff at a supervisors' meeting prior to the appraisal's due date.
- b) Changes in the Performance Appraisal Report that result from the staff discussion may be made at the discretion of the appraiser.

Step Four – The Employee Conference

- a) A conference will be held between the employee and the appraising supervisor to discuss the Performance Appraisal Report.
- b) The conference should be scheduled in a manner which ensures there is sufficient time for the discussion and that the setting will be free from interruption.
- c) Every aspect of the Performance Appraisal Report should be discussed during the conference. Particular attention should be paid to the EMPLOYEE'S STRONGEST POINTS, AREAS FOR IMPROVEMENT, and the ACTION PLAN FOR IMPROVEMENT/DEVELOPMENT.

- d) The employee will sign the Performance Appraisal Report as an acknowledgment of the discussion, and at the conclusion of the conference will be given a copy. The employee's signature is required, but does not necessarily imply agreement.
- e) Any concerns that are not resolved during the conference may be addressed by the employee in an employee's report to the divisional Captain within five (5) days.
- f) Further appeals will be in keeping with the Memorandum of Understanding and the Public Safety Officers' Procedural Bill of Rights Act.

Step Five – The Routing

- a) The signed Performance Appraisal Report will be forwarded to the Captain. The Captain will hold the appraisal for a period of ten days, pending appeal. The Captain will sign the report.
- b) A copy will be filed in the employee's division file and the original will be forwarded to the Bureau Assistant Sheriff in accordance with departmental policy.
- c) After the Bureau Assistant Sheriff has reviewed the original appraisal, it will be forwarded to Administrative Services for placement in the employee's personnel file.

D. Performance Appraisal Follow-up

- a) Meetings will be scheduled with the employee, by the immediate supervisor, at least once every six months between performance appraisals. These meetings will be documented in the division personnel file.
- b) During the meetings, the employee and the supervisor will discuss progress in relation to the ACTION PLAN FOR IMPROVEMENT/DEVELOPMENT.

HOW TO COMPLETE THE PERFORMANCE APPRAISAL REPORT

The performance appraisal factors and standards must be accurately completed.

RANGE, FIRST AID AND CPR

Enter the most recent dates of qualification or certification. These dates will be gathered from Administrative Service records and forwarded with the appraisal notice.

PERFORMANCE LEVELS

The appraisal requires the assessment of the employee's performance in specifically defined factors. Each factor is divided into the following performance levels:

UNSATISFACTORY
BELOW STANDARD
MEETS STANDARD
EXCEEDS STANDARD
OUTSTANDING

APPRAISING PERFORMANCE LEVELS

Employee performance must be appraised in relation to the performance level as defined in each standard factor. The appraiser must carefully read each definition and select the one which best defines the employee's performance in the standard factor being evaluated. Where doubt exists as to which performance level applies, it should be remembered that any employee appraisal is a value judgment, and that the level indicated should be the one, which most nearly describes performance.

After the appraiser has carefully selected the appropriate performance level, an "X" should be marked in the corresponding box.

DEFINITIONS OF STANDARD FACTORS

The following expansion of the definitions for the Standard Factors are intended to stimulate the appraiser's thoughts along a common line, but are not all-inclusive.

1. CARE OF EQUIPMENT

The extent to which the employee exercises proper operation and maintenance of equipment.

Consider how well the employee uses and cares for county equipment.

Patrol Vehicles
Hand Radios
Weapons
Tape Recorders
Laptops
Pagers
Cell Phones
Department Manuals

Is the employee's personal equipment in good order?

Leather
Weapon

Flashlight, etc.

Does the employee initiate repairs or maintenance to vehicles, buildings, etc., or is that responsibility left to others?

2. COOPERATIVENESS

The extent to which the employee is a team player, is willing to assist others to get the job done and promotes harmony and good relationships.

Does the employee make an extra effort to assist others?

Is the employee involved in cooperative efforts to meet common departmental goals?

Does the employee work with, or compete against, co-workers?

Is the employee congenial, or frequently creating friction?

Does the employee accept suggestions, criticism and supervision, or is the employee rebellious in these instances?

3. COURTESY

The extent to which the employee is polite, respectful, tactful, considerate and dignified.

Is the employee sensitive to public needs, and pleasant and courteous during public contact?

Does the employee have a tendency to be rude or overly authoritative?

Does the employee actively promote positive community relations?

Does the employee display good manners?

Is the employee considerate toward fellow workers?

Is the employee easily provoked?

4. DILIGENCE

The extent to which the employee can be relied upon to complete assignments.

Does the employee complete regular duties with minimal supervision?

Does the employee need more than the expected amount of time to complete assignments?

Does the employee's level of productivity meet the expected standards?

5. INITIATIVE

The extent to which the employee displays the motivation necessary to produce without urging

Does the employee make decisions and perform work without being asked or guided by a supervisor or fellow employee?

Does the employee seek more efficient ways of accomplishing tasks?

Does the employee enthusiastically carry out assignments?

Does the employee generate independent activity?

Is the employee lazy?

Is the employee's initiative reflected in the quality and/or quantity of performance?

6. JUDGMENT

The extent to which the employee considers all available facts before acting, and is logical in conclusion and action.

Is the employee sensitive to the impact his/her decisions and actions have on segments of the department, other agencies, and/or the community?

Does the employee make decisions too hastily without due consideration?

Does the employee use proper judgment in determining when to act independently?

7. LEADERSHIP

The extent to which the employee has the ability to organize, control and guide the work of others to obtain satisfactory results.

Does the employee demonstrate leadership qualities or does he tend to be a follower?

Does the employee display command presence with the public?

Does the employee motivate better performance through positive leadership?

8. COMMITMENT or DEDICATION

The extent to which the employee supports the Department and its policies; the quality of rendering faithful and willing service toward the attainment of Departmental goals, principles and values.

Does the employee support Departmental rules and regulations, policies and operating procedures?

Is the employee faithful to the trust and confidence placed in him/her by others?

Does the employee seek to resolve issues in a positive and constructive manner; working with the administration to arrive at the best solution for the organization?

9. PERSONAL APPEARANCE

The extent to which the employee maintains a standard of personal appearance and neatness in keeping with the demands and prestige of the position.

Does the employee's appearance reflect positively on the organization?

Does the employee take pride in personal appearance?

Is the employee's civilian dress appropriate for the occasion?

Is the employee well groomed and does he/she practice good personal hygiene?

10. PERSONAL DEVELOPMENT

The extent to which the employee strives for self-improvement and skill development through education.

Does the employee regularly attend mandatory training programs?

Does the employee demonstrate knowledge and/or skills gained through training programs?

Does the employee take the initiative to research various laws and decisions when necessary?

Does the employee participate in discussions concerning laws, techniques and procedures?

Does the employee maintain knowledge of current Office policy and procedures?

Does the employee participate in formal education programs?

11. PHYSICAL FITNESS

The extent to which the employee maintains a physical condition level of endurance and ability to react to a physically demanding situation. Personnel on “limited duty” status will not be rated in this area. Their status will be noted in #21 “comments”.

Is the employee physically capable of enduring a strenuous assignment for an extended period of time?

Is the employee physically unfit to the extent that it adversely affects his/her ability to perform the duties of a Deputy Sheriff?

Does the employee participate in a physical fitness program?

12. QUALITY OF WORK

The extent to which the employee completes work in a thorough, neat, accurate and effective manner.

Does the employee use good report writing techniques and proper grammar?

Are the employee’s reports neat, clear and concise?

Does the employee’s work reflect professional pride?

13. SAFETY SKILLS

The extent to which the employee practices safe techniques in both routine and emergency situations.

Does the employee endanger himself and others with “horse play” or unsafe practices?

Does the employee obey traffic laws and practice road courtesy?

Does the employee properly use safety equipment?

Is the employee careless with firearms and other equipment?

Does the employee use safe techniques and proper tactics in the performance of his/her duties?

Does the employee properly handcuff prisoners and use safe transportation practices?

14. SELF EXPRESSION

The extent to which the employee communicates orally and in writing in a clear, precise, confident and convincing manner.

Does the employee speak and write in a clear, intelligent manner?

Is the employee an effective public speaker?

Does the employee effectively communicate in group settings?

15. STABILITY

The extent to which the employee displays poise and control over emotions in routine or adverse situations.

Does the employee react in a prompt, effective and calm manner under stress?

Is the employee able to cope with antagonistic or belligerent people?

Does the employee handle emergencies in a stable manner?

Does the employee allow emotional reactions to adversely affect performance?

Is the employee able to control a group of excited or agitated people?

16. COMMUNITY ORIENTED POLICING

The extent to which the employee is involved in developing and furthering positive relationships between the community and the Department.

Is the employee friendly, fair, impartial, and non-discriminatory in dealing with the public?

Does the employee convey the need for community support?

Does the employee know and use available resources to help solve problems in the community?

Is the employee polite and professional in dealing with the public?

Does the employee attend and participate in community meetings?

Is the employee aware of, and sensitive to, community needs and expectations?

Does the employee outwardly support Departmental goals and objectives for improving or maintaining good community relations?

Does the employee participate in community-sponsored programs?

Is the employee a member of any community organizations?

Does the employee establish lines of communication with community leaders and representatives?

Does the employee convey the feeling that complaints will be handled fairly and impartially?

Does the employee conduct follow-up with community members in an effort to solve problems?

DEFINITION OF STANDARD FACTORS FOR SUPERVISORS/MANAGERS

In addition to the above standard factors, supervisory/management personnel will be rated in the following categories:

17. INSPECTION

The extent to which the employee conducts on-going inspections to reveal areas where improvement or correction is needed.

Does the employee conduct inspections?

Does the employee ensure orders and proper procedures are followed?

Are the employee's inspections timely and complete?

Does the employee take immediate action to correct problems?

Is the employee consistent in conducting inspections?

Does the employee report the results of inspection?

Does the employee make suggestions to correct problems?

Does the employee follow up to ensure compliance with orders and instructions?

18. PERSONNEL DEVELOPMENT

The extent to which the employee is involved in the professional development of subordinates through evaluation, training, and discipline.

Does the employee complete performance appraisals on time?

Is the employee consistent in the application of appropriate discipline?

Is the employee completely honest with subordinates?

Does the employee assist subordinates with self-development through the meetings?

Do performance appraisals reflect research of subordinates' work and show a clear picture of performance?

Are performance appraisals written in a clear, concise, and convincing manner? Do they provide direction for improvement?

Does the employee demonstrate interest in helping subordinates develop their full potential?

Does the employee recognize good performance and praise subordinates for their efforts?

Does the employee recognize deficiencies in subordinates and provide assistance, training and proper instruction for improvement?

19. PLANNING AND ORGANIZING

The extent to which the employee plans and organizes work, using available resources.

Consider how well the employee plans work in advance.

Does the employee establish schedules and assign work to achieve the best results?

Does the employee properly use and coordinate available resources?

Does the employee demonstrate flexibility by considering alternate courses of action?

Is the employee aware of the impact of change and its effect on work schedules and other work sections?

Are the employee's plans and goals reasonable and attainable?

Do the employee's plans reflect clear thinking and proper courses of action?

Does the employee plan to achieve results which are in the best interest of the Department?

20. OVERALL APPRAISAL

This section is to be used by the supervisor to indicate the employee's overall rating. This overall appraisal is based on:

The employee's value in the present assignment and performance therein during the appraisal period.

Consideration of general needs of the Department, comparing capabilities and characteristics of this employee to Departmental standards.

21. COMMENTS

This section is to be used by the appraising supervisor for brief comments such as explanation of sick leave usage, temporary assignments, new assignments, etc., which may have affected the rating.

22. SPECIFIC ACHIEVEMENTS

Identify specific achievements accomplished by the employee during the appraisal period. This should include educational accomplishments, awards, certificates, or commendations.

23. EMPLOYEE'S STRONGEST POINTS

Identify the employee's strongest performance qualities.

24. AREAS FOR IMPROVEMENT

This section is to be used by the supervisor to identify areas in the employee's performance where improvement is encouraged or where development would be beneficial. This does not necessarily mean that the employee is deficient in the areas mentioned, but rather that further development would enhance the employee's career growth.

25. ADDITIONAL INFORMATION

This section is to be used by the supervisor for additional information that might be pertinent to the performance appraisal.

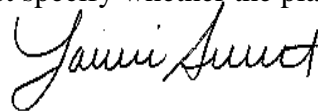
Are there completed Supervisor's Comment Cards in the employee's file?

Has the employee received any commendations during the rating period?

Did the employee receive any sustained disciplinary actions during the rating period?

26. ACTION PLAN FOR IMPROVEMENT/DEVELOPMENT

The objective of this section is to assist the employee by specifically identifying how Areas for Improvement can be improved and how the employee's Strongest Points can be further utilized. This may include specific goals and objectives for development, as well as corrective actions required of the employee if appropriate. The appraiser must specify whether the plan(s) are recommended or required.



**LAURIE SMITH
SHERIFF**



**COMMENDATION PROCESS
GENERAL ORDER #8.03**

Adopted: 07/07/2010
Replaces: G.O. #8.03 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Sheriff's Office personnel will be recognized for meritorious achievement or heroic conduct above and beyond the call of duty. In order for these awards to be truly meaningful, they shall be awarded only to those persons who clearly distinguish themselves above and beyond what is normally considered to be their sworn duties. Simply performing an expected task in an exceptional manner is not necessarily justification for receiving an award.

A. MEDAL OF HONOR - GOLD

1. The medal of honor may be awarded to members of the Sheriff's Office who, while serving in an official capacity (on or off duty), distinguish themselves conspicuously by heroic actions above and beyond the call of duty. Each recommendation for the medal of honor must include all of the following:
 - a. An exhibition of bravery beyond that considered to be in the line of duty.
 - b. Risk of life with full and unquestionable knowledge of the danger involved.
 - c. An act that is not the result of a legal obligation required of the employee performing it.
 - d. An act that was not necessitated by the use of poor judgment or poor procedures on the part of the member of the Sheriff's Office.
2. The medal of honor may be awarded to a member of another law enforcement agency who, while assisting a member of the Sheriff's Office, meets the requirements for the medal of honor.

B. MEDAL OF VALOR - SILVER

1. The medal of valor may be awarded to members of the Sheriff's Office who, while serving in an official capacity (on or off duty), distinguish themselves by heroic action above and beyond the normal call of duty. Each recommendation for the medal of valor must include all of the following:
 - a. An act of heroism which extends above and beyond the normal call of duty or service, performed at personal risk.
 - b. An act, under emergency conditions, that is performed with bravery or other outstanding performance of duty.
 - c. An act that is not the result of a legal obligation required of the employee performing it.
2. The medal of valor may be awarded to a member of another law enforcement agency who, while assisting a member of the Sheriff's Office, meets the requirements for the medal of honor.

C. MEDAL OF MERIT - BRONZE

- A. The medal of merit may be awarded to members of the Sheriff's Office who distinguish themselves by an act of heroism and gallantry. While of a lesser degree than that required for the medal of honor, or the medal of valor, the recipient must nevertheless have acted with marked distinction, and intelligent understanding of the consequences, and where failure to perform such an act would not justify censure.
- B. The medal of merit may be awarded to a member of another law enforcement agency who, while assisting a member of the Sheriff's Office, meets the requirements for the medal of honor.

D. CITATION OF OUTSTANDING COMMUNITY SERVICE

1. The citation of outstanding community service may be awarded to members of the Sheriff's Office who distinguish themselves by outstanding community service, or active participation in a community service program for which community recognition is received for either the employee or the Sheriff's Office.
2. This award is designed for those who, on their own time, devote an exceptional effort toward a worthwhile community program, and who perform this service on a voluntary basis.

3. Justification for this award may accrue by virtue of outstanding community involvement over an extended period of time or for a succession of noteworthy programs.

E. CERTIFICATE OF COMMENDATION

1. The certificate of commendation may be awarded to members of the Sheriff's Office who distinguish themselves in a manner that clearly sets themselves apart from their fellow employees or from other persons in similar circumstances. This may be accomplished through one or a combination of the following:
 - a. The innovative creation and/or skillful implementation of new programs or concepts successfully adopted by the Sheriff's Office.
 - b. Performance of an outstanding service or an extremely difficult duty in an unprecedented and clearly outstanding manner.
 - c. Continuous outstanding performance and devotion to duty in a clearly exceptional manner.
 - d. The intelligent performance of an act which materially contributes to accomplishment of the Sheriff's Office's mission, under adverse or unusual circumstances, performed with special faithfulness and perseverance.

F. CITIZEN AWARD

1. This award may be presented to private citizens who distinguish themselves by performing an outstanding service to the Sheriff's Office. Such outstanding service includes, but is not limited to the following:
 - a. An act of bravery in aiding, or attempting to aid another citizen or a member of the Sheriff's Office, wherein the risk of personal injury is great or imminent.
 - b. An act not amounting to bravery, where necessary assistance is rendered to save the life of a citizen or member of the Sheriff's Office.

G. LETTER OF APPRECIATION

1. A letter of appreciation may be presented to a citizen for intelligent performance of an act which materially contributes to the accomplishment of the Sheriff's Office's mission, or which constitutes valuable service to the Sheriff's Office.

H. PROCEDURES

- 1.** Members of the Sheriff's Office who observe, or know of an individual who has performed an act or service, which in their belief, would qualify under the provisions of this order shall submit an employee's report through the chain of command to an appropriate Assistant Sheriff. This report shall contain all of the circumstances surrounding the act or service, and shall provide sufficient information to allow the incident to be further investigated.
- 2.** Each individual receiving said report within the chain of command may make comments pertaining to the act itself, the facts and circumstances surrounding the act, or to the involvement of the participants. They may also make comments as to whether an award is justified, but must refrain from suggesting the type of award.
- 3.** The Assistant Sheeriff shall review all reports, make comments deemed appropriate, and refer the matter to the awards committee for review, investigation, and recommendations.

I. AWARDS COMMITTEE

- 1.** The awards committee consists of five members appointed from within the Sheriff's Office.
 - a.** The Assistant Sheriff, Support Services Bureau, shall appoint the chairperson and two other members.
 - b.** The D.S.A. board of directors shall, with the concurrence of the chairperson, appoint two additional members from the Sheriff's Office at large.
- 2.** Committee responsibilities
 - a.** The chairperson shall call a meeting of the committee whenever requested by the Sheriff, the Undersheriff, or a Assistant Sheriff.
 - b.** A quorum (four members) must be present to conduct any business.
 - c.** The committee shall thoroughly review and investigate all appropriate reports, and prepare a report on their findings.
 - d.** In order for an award to be recommended, the vote of the committee must be unanimous.

- e. In the event that the committee finds that no award is justified, the matter will die in committee.
- f. In the event that the committee recommends an award, the complete committee report, including recommendations and justification thereto, will be forwarded to the Sheriff for final approval.

J. PRESENTATION OF AWARDS

- 1. It shall be the responsibility of the Sheriff's Office to prepare certificates, letters and citations, and to arrange for engraving of medals and plaques.
- 2. Each medal shall be accompanied by an appropriate certificate, as well as a citation recounting the circumstances or incident upon which the recognition is awarded. Each medal shall be accompanied by a matching citation bar for uniform wear.
- 3. Presentation of awards shall be made in whatever manner is deemed appropriate by the sheriff or his designated representative. Appropriate publicity shall be coordinated by the Sheriff's Office.
- 4. A copy of the citation will be place in the employee's personnel folder.

K. CITATION BARS

Citation bars for the medals set forth in this order may be worn on the left pocket flap of the shirt or dress jacket when the class "A" uniform is worn. The bar will be centered on the upper portion of the pocket flap with the top of the bar even with the lowest line of stitching.



**LAURIE SMITH
SHERIFF**



**EMPLOYEES TAKING AND RETURNING FROM LEAVE,
DISABILITY, OR SUSPENSION
GENERAL ORDER #9.00**

Adopted: 07/07/2010
Replaces: G.O. #9.00 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Employees of the Santa Clara County Sheriff's Office who are absent for extensive periods of time are subject to certain restrictions in order to promote readiness for duty and to protect departmental property. Upon return to duty, employees shall meet with a representative of the Support Services Division to establish fitness for duty and to determine whether training in new policies and procedures is necessary. Employees on suspension are subject to departmental restrictions.

PROCEDURE

A. DEFINITION

An extended leave is any absence from the Sheriff's Office for a period greater than 90 days.

B. EMPLOYEES ON SICK LEAVE OR DISABILITY

1. Employees on sick leave or disability are expected not to engage in conduct that would adversely affect their fitness for duty. Employees shall fully discuss all the activities they plan to engage in with their attending physicians to determine whether the activities could aggravate the injuries or delay convalescence. Employees shall not knowingly engage in any activity that could aggravate their injury or illness or delay convalescence. Therapy prescribed by an attending physician or physical therapist is exempt from this rule.

C. EMPLOYEES ON EXTENDED LEAVES

1. Employees who are on extended leave may, at the discretion of the Sheriff's Office, be required to return to the agency their badges, department-issued firearms, and Sheriff's identification.

D. EMPLOYEES ON DISCIPLINARY SUSPENSION OR COMPULSORY ADMINISTRATIVE LEAVE

1. Employees who are on disciplinary suspension shall return to the Sheriff's Office their badges, department-issued firearms, and Sheriff's identification at the time they are placed on suspension or administrative leave, and in no event later than 24 hours after the employee is placed on suspension or leave.
2. Employees who are on compulsory administrative leave may be required to return to the Sheriff's Office their badges, department-issued firearms, and Sheriff's identification at the time the employee is placed on suspension or administrative leave. Employees who are directed to return these items shall comply no later than 24 hours after the employee is placed on suspension or leave.

E. EMPLOYEES ON SICK LEAVE, DISABILITY LEAVE, EXTENDED LEAVE, MATERNITY LEAVE, MILITARY LEAVE, DISCIPLINARY SUSPENSION AND ADMINISTRATIVE LEAVE

1. Employees on sick leave, disability leave, extended leave, maternity leave, military leave, disciplinary suspension and administrative leave shall not engage in any other business or employment, even though prior written permission to engage in secondary employment has been received from the Sheriff unless permission to engage in activity during the leave or suspension period has been specifically granted by the Sheriff.

F. EMPLOYEES RETURNING FROM EXTENDED LEAVE, DISCIPLINARY SUSPENSION OR ADMINISTRATIVE LEAVE

1. Prior to returning to duty from extended leave, disciplinary suspension or administrative leave, all employees must report to the Support Services Division. The Support Services Division will brief the employee on any employment changes that have occurred in the employee's absence.
2. When employees return to duty after disability leave, administrative leave, or extended leave, the Support Services Division shall examine the available medical records and determine whether the employee shall be returned to duty or referred to a departmental physician to determine whether the employee is fit to return to duty.

3. When the employee returns to duty after disciplinary suspension or administrative leave, the employee will be interviewed by the Support Services Division regarding the employee's return to the workplace.



LAURIE SMITH
SHERIFF



**LEAVES OF ABSENCE
GENERAL ORDER #9.01**

Adopted: 07/07/2010
Replaces: G.O. #9.01 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

All personnel will be entitled to leaves in accordance with state and federal law, existing MOU's, the County Code, and the needs of the Sheriff's Office.

PROCEDURE

A. Employees may be granted several types of leaves of absence under the provisions of the Santa Clara County Code and union contracts. When there is a conflict between the Santa Clara County Code and the union contract, the contract provisions will prevail. The rights of an employee of the Sheriff's Office to any leave of absence are subject to the limitations of this General Order. Except as authorized by this Order, employees shall provide appropriate notification to their immediate supervisor (or approved alternative) of intended absences. This should be in writing on departmental forms, when feasible.

B. LEAVES OF ABSENCE

1. Military leave:

- a. All employees who are members of a Reserve or National Guard organization and have less than one year of service with the Sheriff's Office must complete the "Reserve Military Status Report" (Form 540.08) available at Support Services prior to requesting military leave.
- b. All employees submitting requests for military leave will do so thirty days prior to the date that the leave will be taken; however, if the employee receives orders for active duty from his or her military unit less than thirty days prior to the date of such leave, the employee will notify his or her division captain within 24 hours following receipt of such military orders.

2. Vacations:

- a.** For those employees entitled to vacation, annual vacation sign up shall be on the basis of seniority, after due consideration of staffing and administrative requirements. Scheduling is the responsibility of the division captain.
- b.** The employee shall submit a “Request for Leave or Overtime Approval” Form (Form #FT6-535.03) for all scheduled vacation time off. Whenever possible, the form will be submitted to the employee’s supervisor at least fourteen days prior to the starting date of the scheduled vacation.

3. Sick leave:

- a.** Sick leave in excess of three working days must be supported by a note from an appropriate licensed medical practitioner.
- b.** Request for sick leave must be submitted on a department “Request for Leave or Overtime Approval” form (Form #FT6- 535.03), no later than the end of the first shift upon return to work. The request must be approved by the appropriate supervisor and division captain or lieutenant.
- c.** Requests for sick leave for medical appointments must be submitted and approved by the appropriate supervisor in advance.
- d.** Personnel calling in sick should call the appropriate work station or supervisor. If the supervisor is not available, the employee should contact the Headquarters Patrol operations desk. The amount of time off for sick leave and the need for medical consultation is subject to the union contracts.
- e.** The responsibility for daily reporting sick lies with the employee. The call must be made as soon as the employee realizes that he or she is too ill to report for work and generally no later than one hour prior to the start of the shift in a 24-hour staffing situation. The telephone call should be made to the operations desk or designated reporting station where there is a responsible employee available to receive the call in the unit to which the employee is assigned. It is imperative in all other situations, that the employee must call no later than fifteen minutes after the employee's usual reporting time at the assigned workstation.

4. Maternity leave:

- a. Maternity leave is defined as that continuous time during which a female employee absents herself from her work assignment for pregnancy, delivery, and postpartum reasons. The payroll clerk in the affected employee's unit will remark or record this work status.
- b. In accordance with departmental policy and county, state and federal laws, permanent full-time employees who are pregnant shall not be discriminated against in terms of retention, promotion, assignment, or transfer. Every effort shall be made to allow employees to work during their pregnancies as long as they are able, and as determined by their medical practitioner and lastly, to encourage such employees to return to the department upon completion of their maternity leave. It is possible that medical restriction may exist on a short-term basis.
- c. A reinstated employee on probation with the department is to be treated as though she were serving her original probationary period. A performance evaluation shall be prepared any time an employee's performance changes significantly, regardless of the date of the previous rating.
- d. When the employee returns to work following a maternity leave of absence in excess of thirty working days, she shall report directly to the Support Services Division, with a medical clearance from the attending/treating physician. The employee will contact health and injury prevention (H.I.P.) coordinator. The H.I.P. coordinator will assist as needed, with placement and transition of the employee.
- e. Leave without pay shall be granted for a period of up to six months. A request for extension of that period, timely submitted, can only be denied for good cause. The employee should attempt to submit a medical treatment goal from the medical practitioner.
- f. Sick leave may be used during pregnancy or following delivery when the employee's physician certifies that she is unable to perform the duties of a deputy Sheriff or the assigned job with the department.

5. Family leave:

- a. Sheriff's Office employees are entitled to family leave and medical leave pursuant to the California Family Rights Act of 1991 and the federal Family and Medical Leave Act.
- b. Employees are eligible to take family leave or medical leave if they have been employed for at least twelve months with the County and have at least 1,250 hours of service during the previous 12-month period.

- c. Employees may take a total of 12 workweeks of leave during any 12-month period. Intermittent leave or reduced work schedule is permitted only when medically necessary.
- d. Family leave and medical leave may be taken for:
 - a. The birth of a child of an employee, and to take care for a newborn child;
 - b. The placement of a child with an employee for adoption or foster care;
 - c. Care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - d. Serious health condition that makes the employee unable to perform the functions of the employee's position.

6. Jury duty leave:

- a. An employee shall be allowed to respond to a summons for jury selection or jury service, without loss of pay, provided a written waiver of all jury duty compensation other than mileage allowance is signed in front of the deputy jury commissioner or clerk of the court. A copy of the waiver will be sent to this department by the deputy jury commissioner or clerk of the court.
- b. Employees are required to notify their supervisor and division captain when a jury summons is received and when jury service is completed.
- c. The same procedures shall be adhered to in completing jury duty questionnaires and requests for service/continuances when an employee resides in a county other than Santa Clara County. Requests for personal/hardship exemptions shall be transmitted to the jury commissioner of that county (within California), by the employee.
- d. Employees may serve on an impaneled jury with pay only once during a calendar year.
- e. An employee summoned to jury duty, but not selected as a juror, shall not be deemed to have performed jury duty and shall return to work immediately at the assigned work station. The immediate supervisor of the affected employee should be appraised of the employee's status.

7. Leave without pay:

- a. Leave without pay may be granted for periods of up to one year for any of the following reasons:
 - 1. Illness beyond that covered by sick leave.
 - 2. Education or training which will benefit the Sheriff's Office and the County.
 - 3. Other personal reasons which do not cause inconvenience to the Sheriff's Office.
 - 4. To accept other government agency employment.
 - 5. Paternity leave: upon request, paternity leave without pay shall be granted to natural or adoptive parents not to exceed six months.
- b. Employees may elect to take leave without pay for an authorized absence. Notification must be prior to payroll action, otherwise vacation time will be used.
- c. Failure to report for work without approval will be considered leave without pay. **Any employee who fails to report for work for three or more consecutive working days without notification to the supervisor and without legitimate reason for the absence shall be presumed to have resigned. The employee will be terminated from county employment per County Code section A25-682(d).** The responsibility for notification of the supervisor lies with the employee.
- d. Leaving a duty assignment without prior approval will be considered leave without pay. (See General Order dealing with Standards of Conduct).
- f. Payroll clerks must send a request to Support Services at the end of each pay period indicating the name and date/hours of leave without pay taken by badge personnel during the pay period.
 - (1). The Support Services will assure that the employee's seniority date is adjusted by subtracting the amount of time taken as leave without pay. Eight hours will be counted as one day.

8. Compulsory leave.

- a. An employee may be removed from duty and placed on compulsory administrative leave in conformance with the County Code and these General Orders. An employee who has been formally charged with the

commission of a felony, or a misdemeanor involving moral turpitude, may be placed on compulsory leave without pay.

- b.** When a Sheriff's Office employee is placed on compulsory leave, he or she will make himself or herself available to respond to the Sheriff's Office within a reasonable period of time and will notify the Support Services Division of the telephone number at which he or she can be reached during normal business hours. While on compulsory leave, the employee shall not act in the capacity of a peace officer in any capacity without first obtaining specific authorization from the Administrative Services Division.

9. Industrial injury leave.

- a.** An employee is entitled to industrial injury leave when he or she is unable to perform services because of any injury as defined in the Worker's Compensation Act. Such leave is granted as provided by state law the County Code, union contract, and these General Orders. Public safety employees are entitled to disability leaves of absence with pay as provided by section 4850 of the Labor Code.
- b.** When a Sheriff's Office employee is placed on industrial injury leave, he or she will make himself or herself available to respond to the Sheriff's Office within a reasonable period of time and will notify the Support Services Division of the telephone number at which he or she can be reached during normal business hours. While on industrial injury leave, the employee shall not act in the capacity of a peace officer in any capacity without first obtaining specific authorization from the Support Services Division captain.



**LAURIE SMITH
SHERIFF**



**TEMPORARY LIMITED DUTY ASSIGNMENTS
GENERAL ORDER #9.02**

Adopted: 07/07/2010
Replaces: G.O. #9.02 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Sheriff's Office will make reasonable efforts to accommodate in modified duty assignments those employees returning to work with temporary medical restrictions which make them unable to perform their regular duties and responsibilities.

EMPLOYEES RETURNING TO WORK WITH MEDICAL RESTRICTIONS.

1. Prior to returning to work, any employee with medical restrictions as provided by a doctor's letter, temporarily precluding him or her from performing essential job functions, shall report to the Support Services H.I.P. coordinator for clearance and assignment.
2. The H.I.P. coordinator will review the doctor's letter and any supporting documentation provided by the employee and make efforts to locate a suitable temporary modified duty assignment.
3. If questions arise regarding the employee's fitness for duty, the Support Services Division will direct the employee to complete a fitness for duty examination.
4. If a suitable assignment is available, the employee will be given that assignment as temporary modified duty.
5. If a suitable assignment is not available, the employee will remain on leave of absence status pending return to full duty or separation from service. This leave of absence may be sick leave, vacation, peace officer disability (Labor Code section 4850), other state disability, or unpaid leave.

6. Temporary modified duty assignments will be reviewed by the H.I.P. coordinator at least every 60 days to evaluate whether or not the employee can return to his or her full duty assignment.
7. Temporary modified duty assignments generally will not exceed a period of 180 days. Temporary modified duty assignments may be extended beyond 180 days upon approval by the Sheriff.
8. An employee with a temporary modified duty assignment shall not return to his or her full duty assignment until he or she is cleared by a medical examination.
9. At the conclusion of the time period permitted for a temporary modified duty assignment, the deputy will be evaluated by the H.I.P. coordinator for fitness to return to a full duty assignment. If the employee cannot return to full duty at that time, he or she may be placed on leave of absence status pending return to full duty or separation from service. This leave of absence may be sick leave, vacation, peace officer disability (Labor Code section 4850), other disability, or unpaid leave.



LAURIE SMITH
SHERIFF



**MINIMUM TIME OFF
GENERAL ORDER #9.03**

Adopted: 07/07/2010

Replaces: G.O. # 9.03 dated 1/10/02

Reviewed: 02/22/2010

POLICY

In order to avoid fatigue that may result in loss of productivity and may cause workplace accidents, employees shall be sufficiently rested to perform their assignments. Employees shall take at least one day off per week, except in cases of emergency, when required to testify in court, or at the direction of a supervisor.

PROCEDURE

Supervisors should schedule employees in a manner that ensures a minimum of eight duty-free hours between normally-scheduled shifts. Such scheduling should provide employees with a twenty-four hour duty- free period in every seven consecutive calendar days. Exceptions to these general rules may arise in cases of emergency, when an employee is required to testify in court, or when an employee is directed to work overtime by a supervisor to meet staffing requirements or to complete necessary work.

Supervisors also should be aware of any authorized outside employment, voluntary overtime, and special event extra employment (“pay job”) for the employees they schedule. If authorized outside employment, voluntary overtime, or special event extra employment (“pay job”) may contribute to the fatigue factor addressed by this Order, the supervisor shall notify the Sheriff via the chain of command so that the employee’s approval for outside employment, voluntary overtime, or special event extra employment (“pay job”) may be reviewed.

Employees shall not schedule overtime, work voluntary overtime, or special event extra employment (“pay job”) that does not provide a minimum of eight duty-free hours between normally-scheduled shifts, except as directed by a supervisor who is aware of the employee’s work schedule only in the case of an emergency, or when the employee is required to testify in court, or when an employee is directed to work overtime by a supervisor to meet staffing

requirements or to complete necessary work. Such scheduling should provide the employee with a twenty-four hour duty- free period in every seven consecutive calendar days.

A handwritten signature in black ink, appearing to read "Laurie Smith". The signature is written in a cursive, flowing style.

**LAURIE SMITH
SHERIFF**



**RETIREMENT POLICY
GENERAL ORDER #9.04**

Adopted: 07/07/2010
Replaces: G.O. #9.04 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

PROCEDURE

A. SWORN STAFF MEMBERS

1. Honorably retired employees of the Sheriff's Office are eligible to be issued retirement identification cards (and retirement flat badges, if sworn).

For the purposes of this Order, an "honorably retired regular deputy Sheriff" is a duly sworn employee of the Sheriff's Office who has retired under honorable conditions, and at the time of such retirement was:

- a. A regular Deputy, Sergeant, Lieutenant, Captain, Assistant Sheriff, Undersheriff, or other regular Deputy Sheriff.
- b. Retiring under one of the following conditions:
 1. Service Retirement - after a normal career time, as specified by the Public Employees Retirement System (PERS) - safety officer retirement program.

Note: This does not include an officer who has agreed to a service retirement in lieu of termination.

2. Disability Retirement - under a job-incurred disability retirement.
2. It is Sheriff's Office policy to issue an appropriate identification card, badge, and carrying case to each honorably retiring regular deputy Sheriff who meets the conditions listed above. Those who retire honorably under other conditions

(medical disability which is not job-incurred) may be issued an identification card, a badge and carrying case at the Sheriff's option.

3. This policy will also apply to honorably retired regular Deputy Sheriff I's and Sheriff's Correctional Officers who meet the conditions above.
4. Reserve Deputy Sheriffs may also be issued a retired identification card (without CCW authorization), flat badge, and carrying case upon an honorable "retirement" (or medical retirement if such disability was incurred while in the course of duties with our department) provided that they meet the following criteria:
 - a. Have served in a Reserve Deputy capacity for at least ten years.
 - b. Have fulfilled their hours of service obligations in a competent manner on a consistent basis.
 - c. Upon review of their service record, have the approval of the Reserve Coordinator to be granted this privilege.

B. COORDINATION/ADMINISTRATION

1. The Support Services Division shall coordinate and administer this policy.

C. AUTHORIZATION, DENIAL OR REVOCATION OF RETIREES' PRIVILEGE TO CARRY CONCEALED FIREARMS

1. All honorably retired Deputy Sheriffs will be considered for authorization to carry concealed and loaded firearms.
 - a. Only retired peace officers (Sheriff, Undersheriff or Deputy Sheriff of all ranks) as defined by Penal Code section 830.1, are authorized to carry a concealed and loaded firearm upon retirement. Retired Reserve Deputy Sheriffs and correctional officers are not authorized to carry concealed and loaded firearms.
 - b. Peace officers not listed under Penal Code Section 830.1 who were authorized to, and did, carry firearms during the course and scope of their employment as peace officers, shall have an endorsement on their retired identification card stating that the issuing agency approves the officer's carrying of a concealed and loaded firearm.
 - c. The above sections require completion of a basic police academy and P.O.S.T. recognized appointment as a peace officer.

2. The retired identification card endorsement authorizing a retired Deputy Sheriff to carry a concealed and loaded firearm may be revoked or denied by the Sheriff only upon the showing of good cause. Good cause shall be determined at a hearing as specified below.
3. A retired Deputy Sheriff may have his or her privilege to carry a concealed and loaded firearm or an endorsement on their retired identification card revoked or denied by violating any departmental rule, or state or federal law that, if violated by a Deputy Sheriff on active duty, would result in that officer's arrest, suspension, or removal from the agency.
4. If any retired badge personnel is denied authorization to carry a concealed weapon, or who has their concealed weapons endorsement revoked, he or she will be entitled to a hearing pursuant to Penal Code section 12027.1(d).

D. RETIREES' IDENTIFICATION CARDS, BADGES AND CARRYING CASE.

1. Identification cards: the honorably retired regular Deputy Sheriffs and Deputy Sheriff I's identification cards shall be similar in design and content to the identification cards issued to regular Deputy Sheriffs and Deputy Sheriff I's. The face of the card will state that the person is a retired Deputy Sheriff and have the word, "retired", imprinted below the photograph. In place of the badge number the words, "honorably retired", shall be entered. In addition, the card will have the following entries.
 - a. If authorization to carry a concealed and loaded firearm is given, "Authorized to carry concealed and loaded firearm - 12027(a) P.C.", will be imprinted on the face of the card. On the expires line, the date five years from the date of issue shall be entered. Note: where an "authorized to carry concealed and loaded firearms" identification card is issued it must be renewed upon its expiration, upon request of the retiree, through a similar process to that for the original authorization.
 - b. If authorization to carry a concealed and loaded firearm is denied or revoked, there will be no 12027(a) P.C. endorsement on the card. California Penal Code section 12027(a) prohibits the carrying of a concealed weapon in absence of the authorization endorsement. The card will have no expiration date. Note: where an identification card is issued without the 12027 (a) P.C. endorsement it is not subject to renewal consideration unless the retiree makes written request to the Sheriff for approval of authorization to carry a concealed firearm.

2. Badges: the honorably retired regular Deputy Sheriffs and Deputy Sheriff I's badges shall be the same as that issued to the individual prior to retirement except that it will:
 - a. Be of a flat design of 2 and 1/2 " diameter, suitable for being secured in the carrying case.
 - b. Have a ribbon over the badge number area (no badge number), with the word "retired".
3. Carrying case: the carrying case shall be of suitable "pocket" design and size to accommodate the identification card and badge, black in color.

E. GENERAL INFORMATION

1. Retiree identification cards, badges and carrying cases are property of the Sheriff's Office and are issued to the retiree. The Sheriff reserves the right to reclaim such issue items for good cause.
2. A copy of this order will be provided to each retiree at the time of issuance of the retiree identification card, badge and carrying case.
3. Issuance of the retiree identification card, badge and carrying case will normally take place upon the retiree being officially classified as fully retired.
4. At the request of the Support Services Division, the retiree, whether fully retired or on inactive status pending final full retirement, shall turn in all items issued to him or her by the Sheriff's Office.
5. A request to turn in a retiree's identification card will only be made under unusual circumstances, such as the commission of a crime, or violation of a Sheriff's Office professional conduct regulation.



**LAURIE SMITH
SHERIFF**



**EMPLOYEE ASSISTANCE PROGRAM
GENERAL ORDER #9.05**

Adopted: 07/07/2010

Replaces: G.O. #9.05 dated 1/10/02

Reviewed: 02/22/2010

POLICY


The Sheriff's Office encourages all employees to take advantage of employee assistance programs when necessary or suggested.

PROCEDURE

- A. The Sheriff's Office recognizes that line supervisors do not necessarily have the qualifications or the responsibility to make a diagnosis or determination as to whether or not an employee suffers from alcoholism or has other health or behavioral problems that may affect the employee's job performance.
- B. The Sheriff's Office recognizes that significant personal concerns can affect an employee's job performance. Alcoholism, substance abuse, emotional and adjustment difficulties, and shift-work or family pressures may have a negative impact on an employee's well-being and general health.
- C. The Sheriff's Office Employee Assistance Program (E.A.P.) is available to encourage employees who may have alcohol, drug, or emotional problems to seek professional help. The program provides complete privacy and confidentiality by use of an informal network of peer counselors.
- D. All personnel, their dependents as defined by their medical plan, and those with significant other relationships are eligible for the E.A.P. program.
- E. Employees should contact the program provider directly utilizing the method described in informational pamphlets or by calling directly to (408) 241-7772. The labor contracts may speak directly to the cost and payment method. The Deputy Sheriffs Association

and the Correctional Peace Officers Association provide employee assistance as part of their M.O.U.'s.

- F.** If the E.A.P. is not spelled out in the employee's M.O.U., the employee may participate in the E.A.P. as provided by County policy.
- G.** Santa Clara County offers employee assistance designed to assist all County employees to overcome alcohol and/or drug abuse. Employees may seek insurance or medical coverage assistance as well to progress in the rehabilitative process.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

LAURIE SMITH
SHERIFF



**EMPLOYEE PERSONAL INJURY OR DEATH
GENERAL ORDER #9.06**

Adopted: 07/07/2010
Replaces: G.O. #9.06 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

PROCEDURE

- A. An industrial injury is an injury which occurs while the employee is performing a service for his or her employer and is a result of his or her work or working conditions.
- B. Every worker shall be entitled to industrial injury leave when he or she is unable to perform because of any injury (as defined in the Workers' Compensation laws of California).
- C. All personal injury accidents that occur while an employee is on duty will be immediately reported to the employee's supervisor.
 - 1. The employee will complete an employee's claim for Worker's Compensation benefits, Form DWC1, listing the details of the accident and attaching witness' statements if any. The supervisor will review, investigate, and complete the "employer's" portion of Form DWC1.
 - 2. The supervisor will complete an Employer's Report of Occupational Injury or Illness (Form 370). All on-the-job injuries and illnesses are to be reported, on Form 370, within twenty-four hours of the supervisor's knowledge of the incident. The employee's supervisor is to immediately "fax" a copy of Form DWC1, 6297 Form 370 and an Employee Report to the Support Services Division at 408-808-4620.
 - 3. Forms 7241, Employee Report, and 370 will then be submitted to the division captain for review and signatures.
 - 4. All original copies of Form 370, the Employee's Report, and white, canary, and pink copies of Form 7241, are to be forwarded to the Sheriff's Office's H.I.P.

Office, 55 West Younger Avenue, San Jose, Ca 95110. The goldenrod copy of Form 7241 is to be returned to the injured employee. The employee's division is to retain xerographic copies of all reports for the division file. The employee's division will send xerographic copies of all reports, completed by the employee, to the Support Services Division to be placed in the employee's personnel folder.

- D.** The death or serious injury of any employee while on duty will be reported as follows.
- 1.** The immediate supervisor of the employee will advise the division captain, if on duty, or in their absence, the highest ranking officer on duty.
 - 2.** The person notified will immediately notify the appropriate Assistant Sheriff of the death or serious injury and the circumstances involved. The Assistant Sheriff will notify the Sheriff and the Undersheriff.
 - 3.** The Sheriff shall designate an individual to temporarily serve as a liaison between the employee's family and all Sheriff's Office related contacts. All information intended for, or requested of the family, shall be directed solely through the liaison.
 - 4.** The immediate supervisor of the employee will make an employee's report listing the details of the incident. Copies of this report will be forwarded to:
 - a.** Sheriff
 - b.** Undersheriff
 - c.** Appropriate Assistant Sheriff
 - d.** Division captain of deceased or injured employee.
 - 5.** The Form 370 will be completed and distributed as described in this general order.
 - 6.** The employee's division captain will be responsible for notifying the employee benefits section of the County Personnel Department by telephone as soon as possible.
- E.** When making a report of an injured employee, the following information should always be included.
- 1.** Name and address of the doctor treating the employee.
 - 2.** The names and addresses of any witnesses and attach statements.

3. If the injury is the result of a traffic accident, the name of the driver of the other vehicle and his/her insurance company will be listed on the bottom of Form 370.

F. GENERAL CONSIDERATIONS.

1. If there is any doubt as to whether or not the accident was service-incurred, a report should be made.
2. Whenever an accident is reported as service-incurred, any medical treatment rendered the employee should be billed to the Compensation Fund.
3. If, at the time of injury, it was indicated that there would be lost time, the employee's division will advise the Support Services Division when the employee returns to work.
4. If, at the time of injury, it was indicated that there was no time lost and later, due to the injury, the employee must be absent from work, the Support Services Division should be notified on the first day the employee is absent from work and again on the day he/she returns. The name and address of any physician attending the employee should also be noted.
5. A record of all injury forms completed by an employee will be maintained in his/her worker's compensation file by the HIP coordinator.



**LAURIE SMITH
SHERIFF**



**FUNERAL PROCEDURES
GENERAL ORDER #9.07**

Adopted: 07/07/2010
Replaces: G.O. #9.07 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The families of deceased Sheriff's Office personnel will be afforded assistance and support in the planning and coordination of a dignified and secure memorial and/or gravesite funeral service.

PROCEDURE

- A. The Sheriff's Office shall participate officially at the funeral of any employee only after requesting and receiving the approval of the family member, domestic partner, or other person responsible for funeral arrangements for the deceased.
- B. The Assistant Sheriff in the employee's chain of command will designate an administrative aide or other Sheriff's Office representative to handle all administrative contacts with the deceased's family and/or domestic partner, and act as liaison between the deceased's family and/or domestic partner and the Support Service Captain.
- C. The Support Services Captain shall be in charge of all arrangements for Sheriff's Office participation in funerals, including issues involving personnel and equipment. The Support Service Captain shall discharge the duty in coordination with the administrative aide or other department representative, and the deceased's family and/or domestic partner.

D. PROCEDURE FOR SHERIFF'S OFFICE INVOLVEMENT IN EMPLOYEE FUNERALS

- 1. When the family member and/or domestic partner or other person arranging the funeral requests Sheriff's Office's participation in the funeral, such participation may include the following:

- a. Color guards: Special ceremonial detail to handle chapel or gravesite flag and/or other ceremonies.
 - b. Honor guards: All uniformed deputies and officers participating. May consist of deputies and/or uniformed members of other police agencies.
 - c. Pallbearers: Uniformed or in civilian clothing, depending on request of the deceased's family. Pallbearers will handle the casket flag ceremony, if requested; however, color guards can be used when this task is not handled by pallbearers.
 - d. Firing party: Ceremonial 21-gun salute.
5. Responsibilities of deceased's commanding officers.
- a. The deceased's division captain or his or her representative shall, immediately upon being notified of the death or as soon as practical, personally visit the home of the deceased. He or she shall give condolences from the Sheriff's Office and the Sheriff, and offer the Sheriff's Office to assist the bereaved family in any reasonable manner.
 - b. He or she should inquire briefly as to the family's wishes concerning departmental participation in the funeral, but not in detail. For the details of these arrangements he or she should refer the family to the administrative aide or designated department representative, who will later act as liaison between the family and the department.
6. Responsibilities of administrative aide or designated Sheriff's Office representative.
- a. The administrative aide or designated Sheriff's Office representative's primary role is to act as liaison between the deceased's family and/or domestic partner, the Sheriff's Office, and the Support Service Captain.
 - b. As soon as possible after notification of the death, the administrative aide or designated Sheriff's Office representative shall make personal contact with the deceased's family, domestic partner, and/or other person responsible for funeral arrangements. He or she will arrange the details and will describe the services the Sheriff's Office can provide.
 - c. He or she shall convey to the Support Services Captain all pertinent information such as:
 - 1. Date and circumstances of death.

2. Name, address, and phone number of the funeral home.
 3. Date, time, location, and type of funeral service.
 4. Date, time, and cemetery of interment.
 5. Name, address, and phone number of next of kin and/or domestic partner or their representative.
 6. Anticipated attendance, both civilian and law enforcement.
7. Responsibilities of Support Service Captain.
- a. The Support Service Captain shall be in charge of all arrangements when involvement by the Sheriff's Office has been requested. This will include personnel assigned, transportation vehicles, traffic control, and security (if necessary). He or she shall coordinate these efforts with the administrative aide or designated Sheriff's Office representative.
 - b. He or she shall issue notification of the death, and of the details of the services to other police agencies.
 - c. He or she shall see that the proper number of members have been selected for the color guard assigned for the honor guard and selected as pallbearers, if requested.
 - d. He or she shall confer with the administrative aide or designated Sheriff's Office representative and the funeral director regarding necessary arrangements, including whether selected members shall attend only the services, or both the services and the interment.
 - e. He or she shall ensure that ample patrol vehicles are available for the detail.
 - f. He or she shall establish a pre-funeral gathering point for law enforcement personnel (such as the chapel parking lot), determine where vehicles will park, and determine the procession/route of travel for those attending the funeral services. He or she will assign deputies to direct arriving officers to specific area for formation.
 - g. He or she shall arrange for a security check of the funeral locations and the surrounding area.
 - h. He or she will work with the person or persons responsible for the funeral to establish seating arrangements and a sign-in log.

- i. He or she shall arrange for assignment of traffic escorts at “control points,” if necessary.
- j. He or she will ensure plans are made for motorcycle escort. This may be made through the funeral home or with the assistance of other law enforcement agencies having motorcycle details.
- k. He or she shall confer with the sergeants who have been designated commanders of the color guard, honor guard, and firing line.
- l. He or she shall arrange to return the deceased's personal property to the family and for the return of the employee’s equipment belonging to the Sheriff’s Office from the family.

E. ACTIVE DEPUTIES AND MEMBERS OF SHERIFF'S RESERVE KILLED OR DIED IN LINE OF DUTY

- 1. When an active deputy or member of the Sheriff’s reserve is killed or dies in the line of duty, the Sheriff’s Office, upon request, shall provide a color guard, an honor guard, pallbearers, and a firing party.

F. NATURAL OR ACCIDENTAL DEATH, OFF-DUTY, OF ACTIVE SHERIFF’S OFFICE DEPUTIES

- 1. When an active deputy dies off-duty, the Sheriff’s Office, upon request, shall provide a color guard, an honor guard, pallbearers, and a firing party.

G. RETIRED SHERIFF’S OFFICE DEPUTIES

- 1. When a retired Sheriff’s Office deputy dies, the Sheriff’s Office, upon request, shall provide an honor guard, pallbearers, and a firing party. No color guard will be provided unless specified by the Sheriff. The Sheriff or Undersheriff shall determine the size of the honor guard based on the distance of the funeral service from Santa Clara County.

H. CIVILIAN EMPLOYEES OF THE SHERIFF’S OFFICE

- 1. When a civilian employee of the Sheriff’s Office dies, the Sheriff’s Office, upon request, shall provide an honor guard and pallbearers.
- 2. The division captain should contact the Support Service Captain for vehicle arrangements, which should be plain vehicles, unless authorized by the Sheriff or Undersheriff

3. The division captain should designate a representative to handle any press release, official notification, or any other necessary duties.
4. Departmental involvement shall be limited to Santa Clara County.

I. NATURAL OR ACCIDENTAL DEATH, OFF-DUTY, OF ACTIVE SHERIFF'S RESERVE DEPUTIES

1. When an active member of the Sheriff's reserve dies while off-duty, the Sheriff's Office, upon request, shall provide an honor guard, pallbearers, and a firing party. No color guard will be provided unless specified by the Sheriff.
2. The Reserve commander shall contact the family to offer the Sheriff's Office's sympathy.
3. If an honor guard and pallbearers are requested, these personnel shall be members of the Sheriff's reserve. Reserve personnel arrangements shall be made by the Reserve commander.
4. The Reserve commander shall coordinate with the Support Service Captain for vehicle arrangements and with the administrative aide or designated departmental representative for press release, official notification, or any other duties that are required.
5. Sheriff's Office involvement shall be restricted to Santa Clara County.

J. DEATH OF RETIRED OR INACTIVE SHERIFF'S RESERVE DEPUTIES

1. No provision will be made for retired or inactive reserve Sheriff's deputies, unless authorized by the Sheriff or Undersheriff.

K. DEATH IN THE LINE OF DUTY OF PEACE OFFICERS OF OTHER LAW ENFORCEMENT AGENCIES

1. In the event of the death of a fellow peace officer from another agency who has been killed in the line of duty, the Sheriff's Office's participation shall be determined by the Sheriff.
2. The Sheriff, the Undersheriff or a Assistant Sheriff, or a designated department representative will contact the local agency and offer assistance and obtain information to be distributed to the Sheriff's Office in regards to services.
3. It is the responsibility of the Sheriff, the Undersheriff, the Commanders, or captains, upon receiving information in regards to the death of an officer from

another agency, to contact the Services Bureau Commander. The Services Bureau Commander will confer with the Sheriff to determine the agency's response.

4. Information received will be sent to the Services Bureau Commander. A memorandum will be initiated and sent to all sections of the Sheriff's Office, listing the following:
 - a. Date of service
 - b. Time of service
 - c. Location
 - d. Assembly time and location
 - e. Uniform
 - f. Transportation to be provided.
5. The Sheriff and members of his or her staff may elect to participate in such services depending on the circumstances resulting in the death or upon the rank of the deceased officer.

L. SPECIAL FUNERAL DETAILS

1. Color guard
 - a. The supervisor of the color guard will be a sergeant.
 - b. The supervising sergeant will perform the following duties:
 1. Confer with the Support Service Captain
 2. Be responsible for the conduct of color guard members, ceremonial drills, color guard commands, and the execution of all movements.
 3. Arranging the assembly and transportation of the color guard. At the assembly point, the sergeant should conduct a uniform inspection of the color guard and brief them on any procedures peculiar to that detail or service.
 - c. Color guard uniform.
 1. The color guard uniform shall, weather permitting, consist of full uniform including dress jacket, tan shirt, tie, white gloves, class A

uniform pants, authorized head gear, and sidearm but excluding keys, whistles, and items such as batons, o.c., pens or pencils, notebooks, flashlights, or any other item(s) of equipment that protrude visibly from pockets.

2. Note: In the case of extremely hot weather, the dress jacket may be omitted. In this case, the color guard must wear the long-sleeve shirt with a black tie.

2. Honor guard.

- a. The supervisor of the honor guard will be a sergeant.

- b. The supervising sergeant will perform the following duties:

1. Confer with the Services Bureau Commander and the color guard sergeant to ensure coordination between the color guard and the honor guard.
2. Be responsible for the conduct, commands and execution of honor guard movements.
3. Arrange the assembly and transportation of the honor guard. At the assembly point, the sergeant will conduct a uniform inspection of the honor guard and brief them on any procedures peculiar to that detail or service.

- c. Honor guard uniform.

1. The honor guard uniform shall, weather permitting, consist of full uniform including dress jacket, tan shirt, tie, white gloves, and sidearms but excluding keys, whistles, and items such as batons, o.c., pen or pencils, notebooks, flashlights, or any other items of equipment that protrude visibly from pockets.
2. To ensure uniformity of shirts, the following should be specified prior to the detail: If long-sleeve shirts are worn, black ties must be worn. In extremely hot weather, a short-sleeve shirt with no tie may be worn.

3. Firing line.

- a. The supervisor of the firing line will be a sergeant.

- b. The supervising sergeant will perform the following duties:

1. Confer with the Support Service Captain regarding the location and time of service.
2. Select seven deputies for the firing party.
3. Arrange for weapons and blank ammunition.
4. Select time and location for training.
5. Arrange for transportation.
6. Supervise ceremony.
7. Return of weapons, safety and security.

M. **BENEFIT INFORMATION FOR SURVIVORS/FAMILIES OF PEACE OFFICERS KILLED IN THE LINE OF DUTY**

The following address should be used in contacting the federal Department of Justice for information about the Public Safety Officers Benefit Program:

United States Dept. of Justice
Law Enforcement Assistance Administration
Public Safety Officers Benefit Program
Washington, D.C. 20531



**LAURIE SMITH
SHERIFF**



REPORTING EMPLOYEE INJURIES GENERAL ORDER #9.08

Adopted: 07/07/2010
Replaces: G.O. #9.08 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

All Sheriff's Office personnel will report, in a timely manner, all injuries that occur while on duty.

PROCEDURE

A. INJURED EMPLOYEE'S RESPONSIBILITY

1. Any employee that receives an injury while working, shall notify their immediate supervisor as to the nature of the injury and shall document the injury on an Employee's Report including the following information;
 - a. The date and time that the injury occurred
 - b. The nature of the injury
 - c. How the injury occurred
 - d. Information on any potential witnesses to the injury
 - e. Information on any medical treatment that was sought
2. Upon completing the report, the employee will forward it to their immediate supervisor for review purposes.

B. WITNESSES EMPLOYEE'S RESPONSIBILITY

1. Any employee that witnesses another employee receiving an injury shall document the information on an Employee's Report including the following information;
 - a. The date and time that the injury occurred
 - b. The nature of the injury
 - c. How the injury occurred
2. Upon completing the report, the employee will forward it to their immediate supervisor for review purposes.

C. SUPERVISOR'S RESPONSIBILITY

1. Upon receiving notification of an injury received by an employee, the supervisor shall do the following;
 - a. Document injury on Sergeant's Log
 - b. Photograph injury if necessary
 - c. Collect and review Employee's Reports from injured employee and any witnesses
 - d. Complete a brief investigation into the injury - looking for such things as potential witnesses, safety concerns, training issues, equipment problems
 - e. Complete a Supervisors First Report of Industrial Injury/Illness form
 - f. Complete Worker's Compensation Claim Form DWC1
 - g. Document any additional factors related to the injury
 - h. Forward copies of all reports to their Division Commander

D. DIVISION COMMANDER AND/OR ASSISTANT DIVISION COMMANDER

1. Upon receiving notification of an injury to an employee assigned to their division, the Division Commander and/or the Assistant Division Commander shall;
 - a. Review all documents for completeness

- b. Fax all documents to the H.I.P. Coordinator in Support Services Division, then pony the original copies.
- c. See to it that any safety, training and/or equipment concerns are corrected

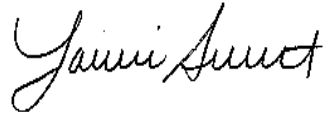
E. H.I.P. OFFICER'S RESPONSIBILITY

- 1. Upon receiving notification of an injury to an employee, the H.I.P. Coordinator shall;
 - a. Review all reports for completeness and accuracy
 - b. Forward copies of the following reports to the Sheriff's Office Risk Management Lieutenant;
 - 1. Supervisors First Report of Injury
 - 2. DWC1 Form
 - 3. Injured party's Employee's Report
 - 4. Witness Employee's Report
 - c. Follow guidelines, policies and procedures as established for their position
 - d. Establish a close working relationship with the County's Workers Compensation Unit as well as the Department Risk Management Unit.
 - e. Provide necessary assistance to all injured employees

F. RISK MANAGEMENT LIEUTENANT'S RESPONSIBILITY

- 1. Upon receiving notification of an injury to an employee from the H.I.P. Coordinator, the Risk Management Lieutenant shall;
 - a. Review all reports for completeness and accuracy
 - b. Review reports looking for such things as potential safety concerns, training issues and/or equipment problems
 - c. Document any problems or concerns discovered and forward to Division Commander and Undersheriff
 - d. Oversee that concerns are corrected and document how corrected

- e. Track all injury and submit quarterly reports to the Sheriff's Executive staff

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH
SHERIFF**



PERSONAL HEALTH/ATTENDANCE POLICY GENERAL ORDER #9.09

Adopted: 07/07/2010

Replaces: G.O. #9.09 dated NEW

Reviewed: 02/22/2010

POLICY

The Santa Clara County Sheriff's Office recognizes that employee attendance is an extremely important issue to an agency with mandated functions. This makes it necessary to ensure that employees come to work on their scheduled workdays during their scheduled work hours. In order to ensure that each employee maintains an acceptable attendance record, it shall be the policy of the Santa Clara County Sheriff's Office to monitor the attendance of each employee. Employee's who fail to maintain an acceptable level of attendance, or fail to be at their assigned work assignment on time, shall be subject to progressive discipline. In addition, excessive use of sick leave in violation of this published policy may be considered during the selection process for assignment to or retention in special duty assignments or during promotional opportunities. Employees of the Sheriff's Office are therefore encouraged to pursue a program of personal wellness that will ensure their ability to comply with this mandate.

1. DEFINITIONS

- A. Sick Leave is defined as the necessary absence of an employee from the workplace due to an illness or injury that renders the employee incapable of performing his or her duties. This includes pregnancy related conditions pursuant to the Pregnancy Discrimination Act; exposure to a contagious disease that is determined by a physician to require absence from work; dental, vision or other physical or medical examination or treatment by a licensed practitioner; illness or injury of an immediate family member requiring the employee's absence to care for the family member.
- B. Net Adjusted Sick Leave is defined as all leaves of absence for minor short-term non-work related illness or injury, and does not include approved leaves of absences. Net adjusted sick leave does not include leave associated with a catastrophic illness or injury to the affected employee or a member of their immediate family. An example of a major injury or catastrophic illness may include an injury which keeps the employee away from

work for two weeks or longer, multiple treatments or periods of recuperation relating to a single injury or illness, home care for an immediate family member who has suffered a major injury or illness lasting two weeks or longer, or bereavement leave associated with the customary obligations arising from the death of a member of the employees immediate family. Net adjusted sick leave is that portion of an employees overall sick leave usage that will be considered for the purposes of progressive discipline.

- C. Immediate Family is defined as the mother, father, grandmother or grandfather of the employee or the employees spouse, or of the same sex domestic partner of the employee. Immediate family also includes the employees spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee, or any person living in the immediate household of the worker pursuant to a labor contract.
- D. Family Medical Leave Act (includes protection under both Federal and State statutes) allows eligible employees to take up to 12 weeks of medical leave for specific family or medical reasons. Immediate family members are defined under the FMLA as the employees spouse, children or parent. Employees qualifying for leave under the FMLA may elect to use all or part of their accumulated sick leave during the time they are away from work. Employees will be given benefit of both acts.
- E. Santa Clara County Medical Leave Policy follows California State Labor Code Section 233. This section of the Labor Code allows an employee to be absent on medical leave to attend to the injury or illness of an injured family member for a period of time equal to one half of the involved employee's annual accrual rate. For the purposes of this policy, family member is defined as the employees spouse, child or parent. Employees qualifying for leave under this policy may elect to use all or part of their accumulated sick leave during the time they are away from work.
- F. Unacceptable Attendance includes, but is not limited to, net adjusted sick leave in excess of 96 hours in any twelve (12) month period; sick leave usage involving a pattern of absences on days adjacent to scheduled days off; a pattern of sick leave usage involving frequent unscheduled mid-shift departures from work for personal or family illness; absence without written medical excuse/verification when required; exhaustion of sick leave immediately after it is earned; failure to properly notify the Sheriff's Office of planned or unplanned absences; failure to request prior approval for use of sick leave within the minimum time parameters of this policy; calling in sick on a date when the employee previously requested leave which was denied.

2. EMPLOYEE RESPONSIBILITY

- A. Absences: It shall be the responsibility of the employee to notify his or her supervisor of any illness, injury, medical appointment, leave request or circumstance that would prevent the employee from reporting to work on time or working a full shift. The employee shall advise the supervisor of the type of leave they are requesting, and the approximate date of return. If the leave is being requested to care for a family member,

the employee shall identify the person to be cared for and the employee's relationship to that person.

- B. Notification:** Sworn personnel shall notify the on-duty supervisor, or in the alternative the operations desk, of their inability to report for duty on time as far in advance as possible, but no later than one hour prior to their scheduled reporting time. All other personnel shall notify a supervisor in their division as far in advance as possible, but no later than one half-hour prior to their scheduled reporting time.
- C. Routine Appointments:** Employees are responsible for scheduling routine medical, dental and vision appointments on their days off if possible. If an employee requests time off work for such an appointment, they shall request such leave in writing at least 72 hours prior to the requested time off.
- D. Extended Sick Leave Request:** Employees requesting/using sick leave in excess of three days shall submit an excuse or verification in the form of a supporting statement from an accredited physician upon their return to duty. This does not preclude the employer from requesting an excuse/verification from the employee for absences of less than three days. Substantiation does not preclude sick leave from being used to compute an employee's net adjusted sick leave. Each incident shall be evaluated on a case-by-case basis.
- E. Work Related Injuries:** Employees requesting time off work for a work-related injury shall submit an employee's report documenting the injury. Employees absent due to a work-related injury shall provide a written medical excuse/verification to the H.I.P. Coordinator outlining their work status prior to returning to work.
- F. Non-Work Related Injuries:** Employees absent for more than two weeks due to a non-work related injury/illness shall provide a medical excuse/verification to the H.I.P. Coordinator outlining their work status prior to returning to work.
- G. Unauthorized Absences:** An employee's absence from the workplace without authorization or notification will be investigated by the on-duty supervisor as soon as possible. The supervisor shall immediately attempt to contact the employee via the telephone to ascertain the circumstances of the absence. If the supervisor is unable to reach the employee via the telephone, they shall immediately notify the law enforcement agency where the employee resides and have that agency complete a welfare check of the employee. In all instances where an employee is absent without authorization or notification, the supervisor investigating the absence shall immediately submit a detailed report of the event to the Division Commander. The Division Commander shall immediately initiate disciplinary action against the involved employee if appropriate. A failure to report to work for three or more consecutive workdays without notification to the Sheriff's Office and without a legitimate reason for the absence shall be presumed to be a resignation pursuant to Santa Clara County Merit System Rule Section A25-682.

3. SUPERVISOR RESPONSIBILITY

A. It shall be the responsibility of each supervisor to maintain an accurate attendance record for each of the employees they supervise. Supervisors shall review and evaluate their employee's sick leave usage a minimum of four (4) times per year, (January, April, July, October), to determine if the employee's attendance meets the acceptable standards as set forth in this policy. For those employees who fail to meet the acceptable standards as outlined in this policy, the Supervisor shall immediately begin corrective action and shall immediately notify the Division Commander via the chain of command of the problem and the corrective action plan. Once the employee has been found to be out of compliance with the acceptable attendance standards as outlined in this policy, and corrective action has been initiated, the employee's supervisor shall review the employee's attendance log on a monthly basis to ensure future compliance. If the employee is found to be out of compliance at any time over the subsequent twelve (12) month period of time, the employee's supervisor shall immediately initiate the next level of progressive discipline.



LAURIE SMITH
SHERIFF



**EQUIPMENT CONTROL AND MAINTENANCE
GENERAL ORDER #10.00**

Adopted: 07/07/2010
Replaces: G.O. #10.00 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Sheriff Office sworn personnel will control and maintain their personal equipment in accordance to Sheriff Office standards.

PROCEDURE

- A.** All on-duty sworn personnel will maintain the below listed equipment:
1. Firearm - according to specifications described in General Order.
 2. Handcuffs and key.
 3. Badge and hat shield.
 4. Agency issued identification card.
 5. Name plate.
 6. Baton, Asp collapsible baton.
 7. Whistle - chrome or black.
- B.** All on duty sworn personnel assigned to plain clothes divisions will maintain the below listed equipment:
1. Firearm - according to specifications described in General Order.
 2. Handcuffs and key.

3. Badge.
 4. Agency issued identification card.
- C.** All off duty personnel will maintain the below listed equipment.
1. Firearm - according to specifications described in General Order may be carried.
 2. Badge may be carried but will not be conspicuously displayed.
 3. Handcuffs and key may be carried.
 4. Agency issued identification card must be carried at all times.
- D.** The authority of a peace officer to carry a concealed firearm is provided by section 12027(a) P.C. and sworn personnel of the agency who choose to carry a firearm off-duty do so under the authority of the state law and are not required to do so by departmental policy.
- E.** It is the Sheriff's Office policy that all officers shall maintain a telephone so they may be reached in an emergency.



LAURIE SMITH
SHERIFF



**UNIFORM AND EQUIPMENT REGULATIONS
SWORN AND NON-SWORN PERSONNEL
GENERAL ORDER #10.01**

Adopted: 4/7/2014
Replaces: Last Revision of 2/3/2014
Revised: 4/7/2014

Effective: 4/7/2014

Reviewed: 4/7/2014

POLICY

In order to maintain professionalism among Sheriff's Office employees, all personnel shall keep their required uniform in good condition at all times. Uniforms and other attire shall be kept clean and neat. Leather accessories shall be kept dyed and clean. Firearms shall be kept clean and serviceable. When assigned to a non-uniformed position, all Sheriff's Office personnel will dress in conservative, business professional attire unless otherwise directed and shall have their uniform immediately available.

PURPOSE

To establish a standard for uniforms worn by Sheriff's Office personnel and to ensure immediate access, without confusion, from approved uniform vendors.

A. DEFINITIONS

1. **SWORN PERSONNEL:** Sworn Personnel refers to all of the ranks found within the Regular, Correctional, and Reserve Deputy Sheriff classifications as well as the Correctional Officer classification.
2. **NON-SWORN PERSONNEL:** All other employees of the Sheriff's Office who have not been appointed to a sworn law enforcement or correctional classification as recognized by Police Officers Standards in Training (POST) or the Board of State and Community Corrections (BSCC).
3. **AUTHORIZATION or APPROVAL** refers to Division Commander Approval unless otherwise stated.

B. UNIFORM SPECIFICATION SHEET

1. Over time, it may become difficult to find specific items of uniform apparel as outlined in this policy. There are several reasons for this, i.e., clothing manufacturers go out of business, change proprietors and/or start buying different fabric or dyes for

the manufacturing process. This can cause not only the shades of green and tan to change slightly, but fit and protection can be altered as well. Styles and safety equipment also change over time based on lessons learned and best practices. Therefore, it is incumbent upon every member of the Sheriff's Office to confirm uniform standards as to manufacturer, style, and color prior to purchase. **An approved Uniform Specification Sheet can be obtained from Personnel and Training.**

C. SWORN PERSONNEL

1. **SWORN UNIFORM CLASSES:** The Class A and Class B uniforms are standard duty wear. The modification of these classes or the wearing of the Class C or Class D uniform as well as the Class E and Class F non-uniform require Division Commander Approval prior to wear.
 - a) **SWORN CLASS A: Long Sleeve Full Dress Uniform**
 - (1) Dress Trousers
 - (2) Long Sleeve Shirt
 - (3) White Undershirt
 - (4) Necktie
 - (5) Black Shoes or Boots
 - (6) Black Socks
 - (7) Duty Belt with Required Safety Equipment
 - (8) Ike Jacket
 - (9) Campaign Hat (Felt Style Only)
 - b) **SWORN CLASS A (Modified):** The Class A uniform may be modified in the following manner with authorization:
 - (1) No Necktie (Must Wear White Crewneck Undershirt)
 - (2) White Turtleneck or Dickie (No Unapproved Logos)
 - (3) No Ike Jacket
 - (4) No Campaign Hat. May substitute with Straw Style Campaign Hat or other approved headgear
 - c) **SWORN CLASS B: Short Sleeve Dress Uniform**
 - (1) Dress Trousers

- (2) Short Sleeve Shirt
 - (3) White Crewneck Undershirt
 - (4) Black Shoes or Boots
 - (5) Black Socks
 - (6) Duty Belt with Required Safety Equipment
 - (7) Campaign Hat (Felt Style)
- d) SWORN CLASS B (Modified): The Class B uniform may be modified in the following manner with authorization:
- (1) No Campaign Hat. May substitute with Straw Style Campaign Hat or other approved headgear
- e) SWORN CLASS C: Patrol Dress Uniform (PDU) (NOTE: This is a permanent press cotton/polyester blend uniform)
- (1) Long Sleeve or Short Sleeve PDU Shirt (Tucked in)
(Hidden Document Pocket O.K.)
 - (2) White Crewneck Undershirt
 - (3) PDU Pants (Hidden Cargo Pockets O.K.)
 - (4) Black Boots
 - (5) Black Socks
 - (6) Duty Belt with Required Safety Equipment
 - (7) Campaign Hat
- f) SWORN CLASS C (Modified): The Class C uniform may be modified in the following manner with authorization:
- (1) No Campaign Hat. May substitute with Straw Style Campaign Hat or other approved headgear
- g) SWORN CLASS D: Tactical Dress Uniform (TDU)
- (1) Long Sleeve TDU Shirt (Tucked in)
 - (2) Black Crewneck Undershirt
 - (3) TDU Pants (Bloused)
(Visible Cargo Pockets O.K.)
 - (4) Black Boots

- (5) Black Socks
 - (6) Duty Belt with Required Safety Equipment
 - (7) Campaign Hat (Felt Style)
- h) SWORN CLASS D (Modified): The Class D uniform may be modified in the following manner with authorization:
- (1) Short Sleeve TDU Shirt
 - (2) Other Approved Polo Shirt
 - (3) Other Approved Undershirt e.g., Black Turtleneck
 - (4) Other Approved Footwear e.g., ATV Boots
 - (5) Approved Shorts
 - (6) Duty Weapon, Handcuffs, Extra Magazine instead of full duty belt
 - (7) No Campaign Hat. May substitute with Straw Style Campaign Hat or other approved headgear
 - (8) Class D Subdued Uniform Version: Modify material print and patches for camouflage or special unit identification purposes
- i) SWORN CLASS E: (Non-Uniform) Business Professional Dress
- (1) Business Suit, Sport Coat or Jacket
 - (2) Dress Pants or Skirt, Knee length for women
 - (3) Belt or Suspenders
 - (4) Dress Shirt or Blouse for women
 - (5) Necktie (Optional wear for women)
 - (6) Dress Shoes
 - (7) Duty Weapon, Handcuffs, Extra Magazine
- j) SWORN CLASS F: (Non-Uniform) Business Casual
- (1) Casual Dress Pants or Skirt, Knee Length for women (No Jeans, Shorts or TDUs)
 - (2) Casual Dress Collared Shirt or Blouse for women (No T-Shirts or Tank Tops)
 - (3) Casual Dress Shoes or Boots (No Athletic Shoes)

- (4) Duty Weapon, Handcuffs, Extra Magazine
- (5) Casual Dress Cover Jacket (“Hidden Agenda” Jackets OK)

2. SWORN UNIFORM CONDITION REQUIREMENTS:

- a) All classes of uniform attire listed above will be clean and neatly pressed. Firearms, handcuffs, extra magazines and other items of safety equipment shall be kept clean, neat and serviceable. Shoes and/or boots and all other leather gear will be kept dyed and polished. Metal accessories shall be shined.

3. SWORN UNIFORM ACCESSORIES

- a) NAME TAG, METAL – (Uniform Classes A, B and C) engraved block letters of the last name in black ink, or first initial and last name. The metal Name tag is the standard for all Class A and Class B uniforms. The Name tag will be worn on the right shirt pocket with the top of the Name tag aligned with the top of the pocket.

- (1) Silver colored metal for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
- (2) Gold colored metal for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff.

- b) NAME TAG, CLOTH (includes embroidered) – (Uniform Class D and the Field Jacket) 1” x 5” standard military style name tag with embroidered block letters of the last name, or first initial and last name, or badge number for Crowd Control Unit uniform. The full color cloth name tag is the standard for the Class D uniform. However, some special teams may be authorized to wear the subdued Class D uniform. Check the Special Unit Uniforms section for those teams authorized to wear subdued patches. The cloth Name tag will be worn centered above the right shirt pocket and on left rear pant pocket.

- (1) Full Color - Dark green cloth tape with silver colored thread lettering for the Ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
- (2) Full Color - Dark green cloth tape with gold colored thread lettering for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff.
- (3) Subdued - Black cloth tape with green colored thread lettering for authorized subdued Class D uniforms.
- (4) Subdued – Green cloth tape with black colored thread lettering for authorized subdued Class D uniforms.

4. BADGES – authorized and issued departmental badges to be worn on the left side of

the shirt and above the pocket. The metal badge is the standard. However, some special teams may be authorized to wear the full color or the subdued cloth badge with the Class D uniform. Check the Special Unit Uniforms section for those teams authorized to wear the cloth badges.

- a) **BADGE, METAL** – (Uniform Classes A, B and C) The metal badge is to be worn above the left pocket.
 - (1) Silver colored metal for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
 - (2) Gold colored metal for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff
 - b) **BADGE, CLOTH** (includes embroidered) – (Uniform Class D). The cloth badge (color or subdued) is authorized for the Class D uniform.
 - (1) Full Color - Silver colored thread for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
 - (2) Full Color - Gold colored thread for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff
 - (3) Subdued – Black or green colored thread for authorized subdued Class D uniforms.
 - (4) Color, Underwater Search Unit (USU) badge with red diver
5. **SHOULDER PATCHES** – (Uniform Classes A, B, C and D). The full color dress patch is the standard for Class A, B, C and D uniforms. However, some special teams may be authorized to wear the subdued departmental shoulder patch with the Class D uniform. Check the Special Unit Uniforms section for those teams authorized to wear subdued patches.
- a) Full Color - The authorized department dress shoulder patch shall be sewn onto the shoulder of each Class A, B, C and D uniform shirt and uniform outerwear except rain gear, polo shirts, and “Hidden Agenda” jackets.
 - b) Subdued – The authorized department subdued shoulder patch shall be sewn onto the shoulder of each Class D subdued uniform as authorized.
6. **HASH MARKS** – (Uniform Classes A, B, and C. Hash marks on the Class D uniform are optional wear.)
- a) Style – Royal blue slash with yellow outline and black border to be worn on the left sleeve of long sleeve uniform shirts and outerwear. (Except rain gear, polo shirts, and the “Hidden Agenda” jacket.) The Hash Marks are optional wear on the Class D Uniform and on the Field Jacket.
 - b) Number – Except as authorized by the Sheriff, one for each five years of

service as a regular sworn officer with Santa Clara County.

7. SWORN STANDARD UNIFORMS AND ACCESSORY SPECIFICATIONS

a) OUTERWEAR

(1) Jacket (Ike Jacket) – (Uniform Class A)

- (a) Material - forest green wool or wool blend.
- (b) Style - peak lapel jacket with coat sleeves, regulation collar, and epaulets. Front to be fastened with a zipper from the bottom vertically to base of the lapels. Golf pleats on each side seam extending from the shoulder seams to bottom of jacket. Adjustment straps with two buttons at side seams. Stitched-down belt in back. Bottom of jacket made with turn-up. No separate waistband.
- (c) Length of jacket - to be tailored to fit the individual. Back of the jacket to extend below the belt line to the top edge of the hip pockets.
- (d) Jacket to be worn straight down, and not with a blouse effect.
- (e) Pockets – two breast pockets to be patch pocket style, with center box pleats and three-point flaps with buttons and buttonholes.
- (f) Buttons – all buttons to be California Eureka.
- (g) Silver colored for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
- (h) Gold colored for the ranks: Lieutenant, Captain, Assistant Sheriff, Undersheriff and Sheriff.
- (i) Sleeves - no cuffs or buttons.
- (j) Cloth Stripes – One half inch colored cloth stripe to be sewn three inches from bottom of each sleeve, and extend halfway around sleeve from seam to seam, and set into the seams at both sides.
- (k) Silver colored cloth stripe for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
- (l) Gold colored cloth stripe for the ranks: Lieutenant and Captain.

- (m) Two half inch wide gold colored cloth stripe for the rank: Assistant Sheriff.
 - (n) Three half inch wide gold colored cloth stripe for the rank: Undersheriff.
 - (o) Hash marks shall be worn on the left sleeve above the silver or gold stripe(s).
 - (p) Rank Insignia (Refer to Section: UNIFORM DESIGNATION OF RANK)
- (2) Field Jacket – (Uniform Classes A Modified, B, C and D)
- (a) Material – nylon or gortex. Dark green in color to match the Class A uniform pant.
 - (b) Style – waist length with $\frac{3}{4}$ shirred (gathered elasticized) waistband. Jacket may have removable hood and zip-out liner. Two front chest or cargo style pockets. A zippered gun slot is optional. If jacket has buttons, they will be black or silver for sergeant ranks and below, and gold for lieutenant ranks and above.
 - (c) Cloth Name Tag (Green with respective rank colored lettering)
 - (d) Metal Badge – The metal badge is the standard for the field jacket.
 - (e) Rank Insignia (Refer to Section: UNIFORM DESIGNATION OF RANK)
- (3) Rainwear – (Uniform Class A, B, C and D)
- (a) Style - department issued or similar in black or yellow.
 - (b) Metal Badge
 - (c) No Name Tags or Rank Insignia on Rain Gear
- (4) “Hidden Agenda” Jackets – (Uniform Class A Modified, B, C and D.) Black with pull down cloth deputy badge on left chest, pull down cloth “SHERIFF” placards for right front chest and back, in yellow lettering. Jackets can only be worn when authorized by the division captain.
- (a) No Name Tags or Rank Insignia on “Hidden Agenda” Jacket

b) SHIRTS

- (1) Long Sleeve / Short Sleeve – (Uniform Class A, B and C)
 - (a) Material - color: sand tan; Class A and B in wool, tropical worsted, or wool/polyester blend; Class C in cotton / polyester blend with Teflon® coating.
 - (b) Buttons - sand tan to match color of shirt.
 - (c) Collar - to be of the semi-dress type with the height in proportion to the build of the individual.
 - (d) Epaulets - to be of two thicknesses of the same material as the shirt. Fastened at the top end by a button.
 - (e) Hidden document pocket authorized for Class C Shirt
- (2) Undershirts – (Uniform Class A, B, C and D) - Undershirts are mandatory wear when not wearing a necktie.
 - (a) White Crew Neck - to be worn with the Class A, B and C Uniforms
 - (b) White Turtle Neck – may be authorized for the Class A Modified or Class C PDU
 - (c) Black Crew Neck – to be worn with the Class D Uniform
 - (d) Black Turtle Neck and or Mock Turtle Neck – may be authorized for the Class D Uniform.
- c) NECKWEAR – (Uniform Class A). A tie is to be worn at all times with the dress (Ike) jacket and as required by the division captain (e.g. winter season for Court Assignment). Neckwear is also required for court appearances, except for traffic court. Under no circumstances shall a tie be worn with a short sleeved shirt.
 - (1) Regular plain black four-in-hand clip on tie.
 - (2) Cross-style plain black for female personnel is authorized as an option to the four-in-hand style.
 - (3) Tie Clasp
 - (a) Bar - plain silver colored bar or silver colored bar with Sheriff's star for sergeants and below; gold for lieutenants and above.
 - (b) Tack – plain silver colored tack or silver colored tack with the Sheriff's star for sergeants and below; gold for lieutenants and above.

- (c) Trousers / Pants
- (4) Trousers / Pants – (Uniform Class A, B and C)
 - (a) Material – color: dark green; Class A and B in wool or wool / polyester blend; Class C in cotton / polyester blend with Teflon® coating.
 - (b) Cloth Stripes – Colored one-half inch wide cloth stripe to be sewn on each pant starting from the bottom of the side pockets to the bottom of the pant leg.
 - (c) Silver colored cloth stripe for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
 - (d) Gold colored cloth stripe for the ranks: Lieutenant, Captain, Assistant Sheriff and Sheriff.
 - (e) Pockets - to have two-side, two-hip, and one or two utility pockets.
 - (f) Cuffs – no cuffs.
- (5) Motor Britches – (Uniform Class A, B, and C). (Motor britches to be worn by motorcycle traffic enforcement deputies) - Similar in color, style and material to the Class A, B or C pants.
- (6) Shorts – (Uniform Class D Modified.) - (to be worn when authorized by a division captain for special details e.g. bicycle patrol and parks) - black bicycle shorts or cargo shorts; cotton/polyester blend.
- (7) Uniform Belt – (Uniform Class: All) A black leather belt with plain chrome or gold buckle shall be worn with all uniform pants. A buckle is not required with a Velcro closure belt.
- d) FOOTWEAR – (Uniform Class A, B, C and D)
 - (1) Boots/Shoes
 - (a) Material - black leather with plain toe and polish finish.
 - (b) Low-cut oxford (military style dress shoes).
 - (c) Ankle-high oxford.
 - (d) High-top army or paratrooper boot (jungle boots excluded).
 - (e) High-top police style.
 - (f) Wellington-style with at least a twelve-inch top measured

from the bottom of the heel.

- (g) Knee-high riding boots are to be worn with motor britches during motorcycle traffic enforcement.
- (h) Mid-calf off-road motorcycle boots are authorized for off-road motorcycle detail.
- (i) Appropriate western style boots are authorized for the mounted unit and shall be black in color.
- (j) Rubber boots - (optional for field enforcement deputies during inclement weather) - plain black or dark green rubber.
- (k) Other Approved Footwear

(2) Socks - black (if visible)

e) HEADGEAR

(1) Campaign Hats

- (a) Campaign Hat / Dress (Class A, B, C and D) – felt style worn year round. Color is Conservation Green by Stratton; Model F-40 and will be worn with the department issued hat piece.
- (b) Silver acorns affixed by a two piece black chin strap for the ranks: Deputy Sheriff, Correctional Deputy Sheriff, Correctional Officer and Sergeant.
- (c) Gold acorns affixed by a two piece black chin strap for the ranks: Lieutenant, Captain, Assistant Sheriff and Sheriff.
- (d) Campaign Hat (Class B, C and D) – Straw style, Color is Conservation Green by Stratton; Model S-40 and will be worn with the department issued hat piece.
- (e) Two piece black chin strap and leather hat strap for all ranks.

(2) Baseball Cap – (*Modified* Uniform Classes A, B, C and D.) Style as authorized by the Sheriff. (Only to be worn at appropriate times as approved by the Division Captain or as approved in this policy for special team uniforms). Baseball caps will NOT be approved in a blanket fashion for entire divisions and they are not to be worn with the Class A - Full Dress Uniform.

(3) Boonie Style Hat – (Uniform Class D) Solid cloth color to match the Tactical Dress Uniform (TDU).

- (a) Cloth name tag color to match TDU with “SHERIFF” in

respective rank color thread to be sewn on the front of the hat.
(Only to be worn at appropriate times as approved by the Division Captain or as approved in this policy for special team uniforms). Boonie style hats will NOT be approved in a blanket fashion for entire divisions and they are not to be worn with the Class A, B or C uniforms.

(4) Other Approved Headgear e.g., Motorcycle Helmet, Riot Helmet, Hard Hat, etc...

f) PATROL DRESS UNIFORM (PDU) – (Uniform Class C): The PDU is permanent press style cotton / polyester blend uniform and follows the same style and wear regulations as the Class A and Class B uniforms.

g) TACTICAL DRESS UNIFORM (TDU) – (Uniform Class D): The TDU shall be solid dark green cotton/polyester blend. The dark green TDU is the standard. However, some special teams may be authorized to wear black, tan or a camouflaged print TDU. Refer to your specific Special Unit Uniform Regulations.

(1) Shirt

(a) Long sleeves – The long sleeve TDU shirt with two-side and two-breast pockets is the standard.

(b) Short Sleeves - In some cases, the short sleeve TDU shirt may be authorized. Refer to your specific Special Team or Division regulations.

(2) Badge - The metal badge will be worn with the TDU uniform and is the standard. However, some special teams may be authorized to wear the cloth badge (full color or subdued) with the TDU uniform.

(a) Metal Badge – Standard as described within this policy.

(b) Full Color, Cloth Badge (includes embroidered), full color respective of rank (silver or gold) – Authorized for special units as described within this policy.

(c) Subdued Cloth Badge (includes embroidered), subdued – Authorized for special units as described within this policy.

(3) Name Tag - The full color cloth name tag (green tape with silver or gold lettering) is the standard for the TDU uniform. However, some special teams may be authorized to wear the subdued Name tag with the subdued Class D uniform.

(a) Full Color, Cloth Name Tag (includes embroidered). The standard name tag for this uniform is green tape with respective rank colored lettering (silver or gold). The name

- (b) Subdued – Cloth Name Tag (includes embroidered). Green tape with black lettering or black tape with green lettering depending on TDU color. The name tag shall be sewn or embroidered above right breast pocket and on the left rear pant pocket.
- (4) Shoulder Patches
 - (a) Full Color (Dress Patch) - The departmental colored dress patch is the standard for the TDU and shall be sewn on each shoulder.
 - (b) Subdued Patch – The subdued patch is authorized for wear with the Class D Modified subdued TDU uniform. Refer to your specific Special Team Uniform Regulations.
- (5) Hash Marks - Hash Marks are optional wear on the TDU uniform.
- (6) Trousers – TDU style with two side pockets, two rear pockets and two cargo pockets. Trousers are to be worn bloused. Cloth name tag on left rear pocket.
- (7) Rank Insignia (Refer to Section: UNIFORM DESIGNATION OF RANK)
- (8) Headgear
 - (a) Campaign Hat, Felt is the standard.
 - (b) Campaign Hat, Straw.
 - (c) Baseball Cap – Authorized Style
 - (d) “Boonie” style hat, Color to match pants and shirt.
 - (e) Name Tag – Full color, cloth color to match hat, with “SHERIFF,” in respective rank color thread (gold or silver) embroidered and sewn on the front of the hat.
 - (f) Duty Belt Equipment - All duty belts and attached safety equipment will be solid black in color and may include colored metal e.g. buckles and snaps. Any belts or equipment with colored metal parts shall only be black or colored respective to rank (silver colored/chrome or yellow gold).
- (9) Leather Gear – All leather gear will be Black basket weave leather or faux leather.

- (a) Duty belt
 - (b) Belts with Velcro closures or may be worn.
 - (c) Holsters
 - (d) Issued uniform holsters will be black basket weave
 - (e) All off duty and plain-clothes holsters will be of such a design that it will securely hold the firearm, will remain unobtrusive and will be compatible with the dress of the deputy.
 - (f) Miscellaneous Equipment: All pouches, keepers, or other items worn on the duty belt must be black basket weave leather for the leather duty belt or nylon for the nylon duty belt.
 - (g) Any issued or non-issued exposed pager or cell phone must be black or silver in color and may be worn on the duty belt.
- (10) Nylon Gear – Nylon gear may be authorized for medical reasons or for special team wear. Refer to your Special Team or Division regulations.
- (11) Other Equipment
- (a) Baton specifications
 - (b) Plain baton - standard 26” or 29” baton with rubber grommet. Black or dark wood. No leather thongs or other devices are allowed.
 - (c) ASP (expandable) baton - standard 16”, 21”, 26” or 31” baton in black basket weave case. (May be carried after completion of a Sheriff’s Office authorized training class.)
 - (d) Handcuffs - standard handcuffs with closed-type case.

8. SPECIAL UNIT UNIFORMS AND ACCESSORY SPECIFICATIONS

- a) BICYCLE PATROL UNIFORM – Uniform Class D Modified. Solid black cargo shorts and white polo shirt.
 - (1) Shirts – white or other approved color, short or long sleeve polo type shirt (long sleeve shirts to be fitted at the wrists) with a collar and top buttons.
 - (2) Badge – Full color respective of rank, cloth badge sewn or embroidered on left breast.

- (3) Name Tag - Full color respective of rank – Last name or first initial and last name embroidered on right breast.
- (4) Patches or Silk Screen - “Santa Clara County Sheriff” will be in green approximately one inch in height. The lettering will be shadowed in gold, approximately three inches in height. The logo will be a patch or silk screened on upper back of shirt.
- (5) Shorts – black nylon/cotton blend cargo type or black bicycle shorts.
- (6) Pants – black nylon/cotton blend cargo type with elastic at the ankles.
- (7) Socks – (long or short) white socks will be worn with shorts.
- (8) Footwear – low or medium-cut, solid black, athletic-type shoes.
- (9) Gloves – required and only black bicycle type will be accepted.
- (10) Duty belt – a standard-leather or nylon duty belt must be worn.
- (11) Helmets – bicycle helmets must be worn while in uniform on a marked Sheriff’s Office bicycle. The word “SHERIFF” must be displayed on each side of the helmet.
 - (a) Deputies may use their personal bicycle helmet as long as it is covered with a DEPARTMENT ISSUED black cover with GOLD LETTERS and with the SHERIFF’s LOGO on each side.

b) **CROWD CONTROL UNIT UNIFORM** – Uniform Class D Modified. TDU Style, Solid Dark Green, Cotton/Polyester Blend. Shirt, Pants, and Hat to match.

- (1) **Shirts**
 - (a) TDU style, solid dark green with two breast pockets and must be able to be tucked into pants.
 - (b) Badge – Cloth, full color of respective rank (silver or gold) and to be worn over left breast pocket.
 - (c) Name Tag – Full color, green cloth tape with badge number embroidered in respective rank color (silver or gold) block lettering and sewn above the right shirt pocket and on left rear pant pocket.
 - (d) Shoulder Patch, Full Color – Authorized Sheriff’s Office shoulder patch, color, on each shoulder.
 - (e) American Flag Shield, color, above right breast pocket

- (f) Undershirts - Black cotton/polyester blend – Depending on weather and deployment conditions, members will have available each of the following:
 - (g) Black Crewneck T-shirt
 - (h) Black Turtleneck or Dickie
- (2) Pants – Solid dark green TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.
 - (a) Name Tag – Full color, green cloth tape with badge number embroidered in respective rank color (silver or gold) block lettering and sewn on left rear pant pocket.
- (3) Hat – “Boonie” style hat, Solid dark green.
 - (a) Name Tag – Full color, green cloth with “SHERIFF,” in respective rank color thread (gold or silver) embroidered and sewn on the front of the hat.
 - (b) Name Tag – Full color, green cloth with badge number in respective rank color thread (gold or silver) embroidered and sewn on the back of the hat.
- (4) Footwear – Black high top military style boots.
- (5) Gloves, Plain, Black
- (6) Other Equipment that may be worn or issued
 - (a) Riot helmet
 - (b) radio ear piece
 - (c) riot baton
 - (d) gas mask w/case
 - (e) duty belt with all required equipment
 - (f) Hydration System
 - (g) Pads and Guards
- (7) Special Unit Pin
 - (a) American Flag Shield pin may be worn by crowd control unit members as outlined in the general order section entitled, “Other Insignia: Awards, Medals and Pins.

- c) **CRIME SCENE UNIT UNIFORM - Uniform Class D Modified (Subdued).** TDU Style Solid Black, Cotton/Polyester Blend. Shirt, Pants, and Hat to match.
- (1) **Shirts**
 - (a) TDU style, solid black with two breast pockets and must be able to be tucked into pants.
 - (b) Badge – Cloth, Subdued - Black and Dark Green colored thread. Cloth badge to be worn over left breast pocket.
 - (c) Name Tag – Subdued, black cloth tape with last name or first initial and last name embroidered in green block lettering and sewn above the right shirt pocket and on left rear pant pocket.
 - (d) Shoulder Patch – Subdued, Authorized Sheriff’s Office subdued patch on each shoulder.
 - (e) Undershirts
 - (f) Black Crewneck T-shirt
 - (g) Black Turtleneck or Dickie
 - (h) Optional Shirt – Polo Shirt, grey or authorized color
 - (i) Badge - Full color respective of rank, cloth or embroidered badge on left breast
 - (2) **Pants – Solid black TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.**
 - (a) Name Tag – Subdued, black cloth tape with last name or first initial and last name embroidered in green block lettering and sewn on left rear pant pocket.
 - (3) **Jacket, “Hidden Agenda” – black with pull down cloth deputy badge on left chest, pull down cloth “SHERIFF” placards for right chest and back in yellow lettering. Authorized by division captain.**
 - (4) **Hat – “Boonie” style hat, solid black.**
 - (a) Name Tag - Subdued, black cloth with “SHERIFF,” in green block lettering embroidered and sewn on the front of the hat.
 - (5) **Footwear – black, leather, high top military style jump boots.**
- d) **BOMB SQUAD UNIFORM - Uniform Class D Modified (Subdued).** TDU Style, Solid Green Pants with Solid Green Shirt, Cotton/Polyester Blend.

- (1) Shirts
 - (a) TDU style, solid green with two breast pockets and must be able to be tucked into pants.
 - (b) Badge – Cloth, Subdued - Black and Dark Green colored thread. Cloth badge to be worn over left breast pocket.
 - (c) Name Tag – Subdued, green cloth tape with last name or first initial and last name embroidered in black block lettering and sewn above the right shirt pocket.
 - (d) Shoulder Patch – Subdued, Black and Green – Authorized Sheriff’s Office shoulder patch on each shoulder.
 - (e) Patch, “BOMB SQUAD” – Subdued, Green and Black to be sewn on upper back of the TDU shirt.
 - (f) Undershirts
 - (g) Black Crewneck T-shirt
 - (h) Black Turtleneck or Dickie
 - (2) Pants – Solid black TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.
 - (a) Name Tag – Subdued, green cloth tape with last name or first initial and last name embroidered in black block lettering and sewn on left rear pant pocket.
 - (3) Hat – “Boonie” style hat, solid green.
 - (a) Name Tag - Subdued, green cloth with “SHERIFF,” in black block lettering embroidered and sewn on the front of the hat.
 - (4) Footwear – black, leather, high top military style jump boots.
 - (5) Special Unit Pin
 - (a) When wearing the uniform of the day or Class A uniform, all Bomb Technicians are authorized to wear the “HDS” pin over their name tag. as outlined in the general order section entitled, “Other Insignia: Awards, Medals and Pins.
- e) SHERIFF’S EMERGENCY RESPONSE TEAM (SERT) UNIFORM-Uniform Class D Modified (Subdued / Camouflaged.) TDU Style with authorized Camouflage Pattern, Cotton/Polyester Blend. Shirt, Pants, and Hat to match.

- (1) Shirts
 - (a) TDU style in authorized camouflage pattern with two breast pockets and must be able to be tucked into pants.
 - (b) Name Tag – Subdued, green cloth tape with last name or first initial and last name embroidered in black block lettering and sewn above the right shirt pocket and on left rear pant pocket.
 - (c) Name Tag – Subdued, green cloth tape with “SERT” embroidered in black block lettering and sewn above the left shirt pocket.
 - (d) Badge – Cloth, Subdued - Black and Dark Green colored thread. Cloth badge to be worn over left breast pocket and above “SERT” name tag.
 - (e) Shoulder Patch – Subdued. Authorized Sheriff’s Office subdued shoulder patch on each shoulder.
 - (f) Undershirts
 - (g) Black Crewneck T-shirt
 - (h) Black Turtleneck or Dickie
 - (i) Sweatshirt - In cold or inclement weather, black hooded or hoodless sweatshirts with “SERT Sans Peur” embroidered on the left breast in green thread or department issued.
- (2) Pants – Authorized camouflage pattern TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.
 - (a) Name Tag – Subdued, green cloth tape with last name or first initial and last name embroidered in black block lettering and sewn on left rear pant pocket.
- (3) Headgear
 - (a) Hat “Boonie” style hat, authorized camouflage pattern.
 - (b) Name Tag - Subdued, green cloth with “SHERIFF,” in black block lettering embroidered and sewn on the front of the hat.
 - (c) Baseball Cap – Solid black with “SERT” embroidered in green block lettering on the front of the hat.
 - (d) Ballistic Helmet
- (4) Footwear – black or approved color or camouflage pattern, leather or

other approved material, high top military style boots.

- (5) Gloves – Green Nomex or other approved special purpose hand gear.
- (6) Rain Poncho, black, green or approved camouflage pattern.
- (7) Socks - Outer layer must be black.
- (8) Special Unit Pin
 - (a) Sheriff's Emergency Response Team (SERT) pin may be worn by members of the Sheriff's Emergency Response Team as outlined in the general order section entitled, "Other Insignia: Awards, Medals and Pins.

f) **MOTORCYCLE TRAFFIC ENFORCEMENT UNIT UNIFORM** – The standard duty uniform for the Motorcycle Traffic Enforcement Unit is Class A Modified and B Modified. The Class C or D uniform may be authorized by the Division Commander for specific purposes, e.g. motorcycle riding skills training or foul weather. The following uniform modifications are also approved:

- (1) **Headgear**
 - (a) Safety Helmet – open faced or an approved closed face, flip-up style, painted green and tan. The helmet shall meet the federal standards imposed by Federal Motor Vehicle Safety Standard No. 218 (49 C.F.R. Sec. 571.218)
 - (b) Baseball Cap – Authorized style
- (2) **Undershirts**
 - (a) White Crewneck Undershirt
 - (b) White Turtleneck Shirt or Dickie may be worn with long sleeve Class A shirts.
- (3) **Boots** – Knee high black leather "riding style" with lace ties.
- (4) **Gloves** – Solid black or tan gloves.
- (5) **Safety Glasses** – Clear, yellow, or polarized.
- (6) **Jacket, Leather or Nylon**, plain black and may have, a liner, padded inserts, reflecting stripes and/or removable sleeves. (Optional Wear) – Style as approved by Sheriff. The Office will purchase only one style as Safety Equipment.
 - (a) **Badge** – Metal badge to be worn on the left breast of jacket. Cloth badge approved for liner if cloth name tape is also worn

on right breast.

(7) Motor britches.

(8) Special Unit Pin

(a) Winged Wheel pins may be worn by members of the Motorcycle Traffic Enforcement Unit as outlined in the general order section entitled, "Other Insignia: Awards, Medals and Pins.

g) SHERIFF'S OFF ROAD ENFORCEMENT UNIT (SORE) UNIFORM – Uniform Class D Modified. TDU Style, Solid Dark Green, Cotton/Polyester Blend. Shirt, Pants, and Hat to match.

(1) Shirts

(a) TDU style, solid dark green with two breast pockets and must be able to be tucked into pants.

(b) Badge – Cloth, full color of respective rank (silver or gold). Cloth badge to be worn over left breast pocket.

(c) Name Tag – Full color, green cloth tape with last name or first initial and last name embroidered in respective rank color (silver or gold) block lettering and sewn above the right shirt pocket and on left rear pant pocket.

(d) Shoulder Patch, Full Color – Authorized Sheriff's Office shoulder patch, color, on each shoulder.

(e) Undershirts

(f) Black Crewneck T-shirt

(g) Black Turtleneck or Dickie

(2) Pants – Solid dark green TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.

(a) Name Tag – Full color, green cloth tape with badge number embroidered in respective rank color (silver or gold) block lettering and sewn on left rear pant pocket.

(3) Headgear

(a) Safety Helmet – Full face, motocross style, white or painted green and tan. The helmet shall meet the federal standards imposed by Federal Motor Vehicle Safety Standard No. 218

(49 C.F.R. Sec. 571.218)

- (b) Baseball Cap – Authorized style
 - (c) Hat – “Boonie” style hat, Solid dark green.
 - (d) Name Tag – Full color, green cloth with “SHERIFF,” in respective rank color thread (gold or silver) embroidered and sewn on the front of the hat.
 - (e) Baseball Cap – Authorized style
 - (f) Goggles, Dirt bike style with dark colored strap.
- (4) Boots: Black, full length, dirt bike style.
- (5) Duty belt with safety gear:
- (a) Nylon gear authorized, black with holster, handcuffs case, ASP holder, OC spray and magazine holder.
 - (b) Standard leather gear with safety equipment may also be worn.
- (6) Gloves – Dirt bike style, black or tan
- (7) Jacket – Touring style, nylon, plain black and may have padded inserts, reflecting stripes and/or removable sleeves.
- (a) Name Tag – Full color, black cloth tape with last name or first initial and last name embroidered in respective rank color (silver or gold) block lettering and sewn on right breast.
 - (b) Shoulder Patches – Full color, authorized Sheriff’s Office shoulder patch on each shoulder.
- (8) Other Equipment that may be worn or issued
- (a) Hydration System
 - (b) Pads and Guards
 - (c) Tactical Vest
- (9) Special Unit Pin
- (a) SORE pin may be worn by members of the SORE Unit as outlined in the general order section entitled, “Other Insignia: Awards, Medals and Pins.
 - (b) HONOR GUARD UNIFORM – The Class A (Full Dress)

uniform will be the standard uniform for members of the Honor Guard. The following uniform modifications are also mandatory:

- (10) White Gloves
- (11) Special Unit Pin
 - (a) Honor Guard pin may be worn by members of the Honor Guard as outlined in the general order section entitled, “Other Insignia: Awards, Medals and Pins.
- h) UNDERWATER SEARCH UNIT (USU) UNIFORM – Uniform Class D Modified. TDU style pants, black, cotton/polyester blend. Polo shirt, green.
 - (1) Shirt – Dark green short sleeve polo shirt.
 - (a) Badge – Cloth (Embroidered), Underwater Search Unit Deputy Sheriff Badge embroidered above the left breast.
 - (b) Name Tag - Embroidered last name or first initial and last name and badge number above the right breast.
 - (2) Pants – Solid black TDU style with two front waist pockets, two rear pockets, and one cargo pocket on each thigh area. Pants are to be worn bloused.
 - (a) Name Tag – Full color, black cloth tape with last name or first initial and last name embroidered in respective rank color (silver or gold) block lettering and sewn on left rear pant pocket.
 - (3) Headgear
 - (a) Baseball Cap - Dark green with the Underwater Search Deputy Sheriff badge embroidered on front face and “Underwater Search” embroidered on the rear.
 - (b) Hat – “Boonie” style hat, Solid dark green.
 - (c) Name Tag – Full color, green cloth with “SHERIFF,” in respective rank color thread (gold or silver) embroidered and sewn on the front of the hat.
 - (4) Special Unit Pin
 - (a) Underwater Search Unit (USU) Diver pin may be worn by members of the Underwater Search Unit as outlined in the general order section entitled, “Other Insignia: Awards, Medals and Pins.

9. OTHER INSIGNIA

a) Awards, Ribbons, Medals and Pins

- (1) A combination of three awards and special pins may be worn at any one time on the dress shirt and Ike jacket. However, no more than two pins may be worn at one time. All awards, medals and pins must be pre-approved by the Sheriff. (For a list of approved awards, medals and pins contact Personnel and Training.) Unless otherwise specified, awards, ribbons, medals and pins are to be worn directly above the Name tag and centered above the right pocket.
 - (a) Ribbons will be worn stacked, centered above the Name tag and below any other pins or awards.
 - (b) Other pins and awards (no more than two) will be worn “stacked” centered above any ribbons or above the Name tag if no other ribbons.
- (2) Motorcycle traffic enforcement deputies - Silver Winged Wheel pins to be worn on each shirt collar and do not count as part of the two pin limitation discussed above in 3.a) (1).

10. UNIFORM DESIGNATION OF RANK

a) Sergeant's Uniform

- (1) Triple Chevrons Patch– Blue with gold and black outline.
 - (a) Shirt - One triple chevron patch will be sewn on each sleeve of all shirts and jackets (with the exception of polo shirts) one half inch directly below the bottom of the shoulder patch.
 - (b) Jackets
 - (c) Field Jackets – One triple chevron patch will be sewn on each sleeve of all jackets (with the exception of rain gear and Hidden Agenda jackets) one half inch directly below the bottom of the shoulder patch.
- (2) Cloth Stripes
 - (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with one one-half inch wide silver stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).
 - (b) Pants – Silver colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

- (3) Headgear
 - (a) Hat Piece
 - (b) Silver color with the word “Sergeant” across the top.
 - (c) Silver color with the words “Correctional Sergeant” across the top.

b) Lieutenant's Uniform

(1) Single Bar Pin, Yellow Gold in Color

- (a) Jacket - One large (1” x 3/8”) single bar pin, yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.
- (b) Shirt – One small (3/4” x 5/16”) single bar pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.

(2) Cloth Stripes

- (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with one one-half inch wide yellow gold stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).
- (b) Pants – Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

(3) Headgear

- (a) Hat Piece
- (b) Yellow gold color with the word “Lieutenant” across the top.
- (c) Yellow gold color with the word “Correctional Lieutenant” across the top.
- (d) Yellow gold acorns affixed by a two piece black chin strap on the Campaign Hat.

(4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.

(5) Jacket (Ike Jacket) – plain, no cuffs or buttons, with one one-half inch

wide yellow gold stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

c) Captain's Uniform

(1) Double Bar Pin, Yellow Gold in Color

- (a) Jacket - One large (1" x 1") Double bar pin, yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.
- (b) Shirt – One small (3/4" x 3/4") double bar pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.

(2) Cloth Stripes

- (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with one one-half inch wide yellow gold stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).
- (b) Pants – Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

(3) Headgear

- (a) Hat Piece
- (b) Yellow gold color with the word "Captain" across the top.
- (c) Yellow gold color with the word "Correctional Captain" across the top.
- (d) Yellow gold acorns affixed by a two piece black chin strap on the Campaign Hat.

(4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.

(5) Jacket (Ike Jacket) – plain, no cuffs or buttons, with one one-half inch wide yellow gold stripe. Stripe to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

d) Assistant Sheriff's Uniform

(1) Two Five-Pointed Stars Pin, Yellow Gold in Color

- (a) Jacket - One large (1 1/4" x 3/4") two five-pointed stars pin, yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.
- (b) Shirt – One small (1 1/8" x 1/2") two five-pointed stars pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.

(2) Cloth Stripes

- (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with two one-half inch wide yellow gold stripes. Stripes to start at three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides). Subsequent stripes will be placed one-quarter inch apart moving up the sleeve.
- (b) Pants – Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

(3) Headgear

- (a) Hat Piece
- (b) Yellow gold color with the word "Assistant Sheriff" across the top.
- (c) Yellow old acorns affixed by a two piece black chin strap on the Campaign Hat.

(4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.

(5) Jacket (Ike Jacket) – plain, no cuffs or buttons, with two one-half inch wide yellow gold stripe. Stripes to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

e) Undersheriff's Uniform

(1) Three Five-Pointed Stars Pin, Yellow Gold in Color

- (a) Jacket - One large (1 3/4" x 3/4") three five-pointed stars pin, yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.
- (b) Shirt – One small (1 1/2" x 1/2") three five-pointed stars pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.

(2) Cloth Stripes

- (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with three one-half inch wide yellow gold stripes. Stripes to start at three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides). Subsequent stripes will be placed one-quarter inch apart moving up the sleeve.
- (b) Pants – Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

(3) Headgear

- (a) Hat Piece (Campaign Hat or Round)
- (b) Yellow gold color with the word “Undersheriff” across the top.
- (c) Campaign Hat - Yellow gold acorns affixed by a two piece black chin strap on the Campaign Hat.
- (d) Round - Dark green with gold colored brim cord and a polished black visor with gold colored oak leaves.

(4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.

- (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with three one-half inch wide yellow gold stripe. Stripes to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

f) Sheriff's Uniform

(1) Four Five-Pointed Stars Pin, Yellow Gold in Color

- (a) Jacket - One large (2" x 3/4") four five-pointed stars pin,

yellow gold in color to be pinned on each shoulder strap of the jacket three-fourths inch from and parallel to the shoulder seam of the garment.

- (b) Shirt – One small (1 3/4” x 1/2”) four five-pointed stars pin, yellow gold in color to be pinned on each collar three-fourths inch from and parallel to collar flap front and midway between top and bottom of collar flap. Bar is to be three-fourths inch in length and five-sixteenths inch in width.

(2) Cloth Stripes

- (a) Jacket (Ike Jacket) – plain, no cuffs or buttons, with four one-half inch wide yellow gold stripes. Stripes to start at three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides). Subsequent stripes will be placed one-quarter inch apart moving up the sleeve.
- (b) Pants – Yellow gold colored one-half inch wide cloth stripe to be sewn on each Class A and B pant starting from the bottom of the side pockets to the bottom of the pant leg.

(3) Headgear

- (a) Hat Piece (Campaign Hat or Round)
- (b) Yellow gold color with the word “Sheriff” across the top.
- (c) Campaign Hat - Yellow gold acorns affixed by a two piece black chin strap on the Campaign Hat.
- (d) Round - Dark green with gold colored brim cord and a polished black visor with gold colored oak leaves.

- (4) Metal Pieces - all visible metal pieces on leather gear and name tags to be yellow gold in color.

- (5) Jacket (Ike Jacket) – plain, no cuffs or buttons, with four one-half inch wide yellow gold stripe. Stripes to be three inches from bottom of sleeve and extend halfway around sleeve from seam to seam (set into the seams at both sides).

11. REQUIRED ACCESSORIES FOR SWORN PERSONNEL WHILE IN DEPARTMENT UNIFORM

- a) Other Mandatory Accessories and Equipment – In addition to complying with all uniform regulations contained within this policy, all badge personnel will at minimum maintain and utilize the following while on duty and in uniform:

- (1) Duty Belt
 - (a) Holster
 - (b) Issued handgun with full magazine
 - (c) Two full extra magazines
 - (d) Handcuff Case
 - (e) Handcuffs (Approved Style)
 - (f) Handcuff Key
 - (g) O.C. Canister (Full and Operational)
 - (h) O.C. Canister Holder
 - (i) Baton Ring or Asp Holder
 - (j) Baton or Asp
 - (k) Black Flashlight
 - (l) Whistle
 - (m) Department Identification Card
 - (n) Miranda Card
 - (o) Valid California Driver's License
 - (p) Valid County Driver's License
 - (q) Writing Instrument (Pen and/or Pencil)

D. NON-SWORN PERSONNEL

1. All non-sworn personnel provided with a uniform allowance shall appear for their shift in their required uniforms while performing their duties unless otherwise excused by their supervisor. If not in uniform, a uniform must be available upon immediate notice and the clothing worn during the shift shall be appropriate business attire.
2. **NON-SWORN UNIFORM CLASSES:** The Class A and Class B uniforms are standard duty wear. The modified wear of these Uniform Classes require Supervisor Approval.
 - a) **NON-SWORN CLASS A: Long Sleeve Full Dress Uniform**
 - (1) Black Dress Trousers or Skirt
 - (2) White Long Sleeve Shirt
 - (3) White Crewneck Undershirt (Optional)
 - (4) Necktie
 - (5) Black Shoes or Boots
 - (6) Black Socks when wearing trousers.
 - (7) Black Belt

- b) NON-SWORN CLASS A (Modified): The Class A uniform may be modified in the following manner with authorization:
 - (1) White Short-Sleeve Shirt
 - (2) No Necktie
 - (3) White Turtleneck or Dickie (No Unapproved Logos)
- c) NON-SWORN CLASS B: Casual Dress / Utility Uniform
 - (1) Black Tactical Pants (not bloused) or Skirt
 - (2) Black Long-Sleeve or Short Sleeve polo style shirt
 - (3) Black Turtleneck or Dickie (Optional)
 - (4) Black Shoes or Boots
 - (5) Black Socks when wearing pants.
 - (6) Black Belt

3. NON-SWORN UNIFORM CONDITION REQUIREMENTS:

- a) All classes of uniform attire listed above will be clean and neatly pressed. Shoes and/or boots and all other leather gear will be kept dyed and polished. Metal accessories shall be shined.

4. NON-SWORN UNIFORM ACCESSORIES

- a) NAME TAGS - Employees shall wear the proper name tag at all times.
 - (1) METAL – (Uniform Classes A and Sweaters) Metal tag, gold in color, with engraved block letters of the last name in black ink, or first initial and last name on the first line. The title of position held or unit assigned may be engraved on a second line. The metal name tag is the standard for all Class A uniforms. The metal name tag will be worn on the right side of white shirts, black sweaters and black sweater vests.
 - (2) CLOTH / EMBROIDERED – (Uniform Class B and Outerwear) 1” x 5” standard military style name tag with embroidered block letters of the last name in silver thread, or first initial and last name. Name may be embroidered in silver thread directly onto right side of garment.
- b) SHERIFF’S PATCH: CLOTH / EMBROIDERED – (Uniform Classes A and B and Outerwear) small style Sheriff’s Patch sewn or embroidered.

- c) BELT: Plain black leather with gold or silver in color buckle

5. NON-SWORN STANDARD UNIFORMS AND ACCESSORY SPECIFICATIONS

- a) OUTERWEAR (items to be worn at employee's discretion unless ordered to wear item-specific accessories per this Order or by a supervisor)

- (1) JACKET – Field style as approved by the sheriff; black in color, cotton / polyester blend, water resistant with optional liner, Slit pockets in front of jacket.

- (a) Sheriff's Patch to be sewn or embroidered above left breast

- (b) Name tag – Cloth or embroidered and to be worn on the right side.

- (2) SWEATER / SWEATER VEST – V-neck Cardigan, 2 pockets, transfer ribbed cuffs and hemmed bottom band or V-neck pullover sweater vest. Style as approved by the Sheriff. Black, knit jersey of acrylic fiber, cotton or polyester / cotton blend

- (a) Sheriff's Patch to be sewn or embroidered above left breast

- (b) Name tag - Metal to be worn on right side.

- b) SHIRTS

- (1) NON-SWORN CLASS A: Long Sleeve and Short Sleeve – White, collard, aviator style as approved by the Sheriff. Cotton / polyester blend with white buttons and epaulets that also button. Sewn in military creases approved.

- (a) Sheriff's Patch to be sewn or embroidered above left breast

- (b) Name tag - Metal to be worn on right side and aligned with the top of the pocket.

- (2) NON-SWORN CLASS B: Long Sleeve and Short Sleeve – Black polo style as approved by the Sheriff. Collared, cotton, knit, or cotton / polyester blend.

- (a) Sheriff's Patch to be sewn or embroidered above left breast

- (b) Name tag – Cloth or embroidered and to be worn on the right side.

- c) NECKWEAR (Class A Uniform)

- (1) Plain black necktie, Four-in-hand knot, clip-on only, plain gold in color tie bar or County years-of-service tie tack is authorized as optional wear.

- (2) Plain black necktie, cross-style for female personnel is authorized as optional wear.
- d) TROUSERS
 - (1) NON-SWORN CLASS A: Black dress pants, style as approved by the Sheriff, polyester, wool, cotton or blended material. Plain leg, no outside cuffs.
 - (2) NON-SWORN CLASS B: Black tactical pants, cotton, polyester or blended material. Plain leg, no outside cuffs and not to be worn bloused or tucked into boots.
- di) SKIRTS – Note: Optional wear except for Custody Support Assistants and Sheriff's Technicians.
 - (1) NON-SWORN CLASS A: Black pencil style or modified A-line kick pleat. Style as approved by the Sheriff, Polyester, wool, cotton or blended material. The hem must be worn at a range of just above the knee to right below the knee. Uniform shirt must be worn tucked in when wearing a skirt.
- dii) FOOTWEAR
 - (1) NON-SWORN CLASS A and B:
 - (a) Shoes, plain black, with a plain toe, to be worn with black socks.
 - (b) Boots, plain black ankle-high boots with plain toes to be worn with black socks.
 - (c) Pumps, No more than 2" high. (Keep safety in mind.) Sandals, Zories, or similar footwear not permitted. The wearing of flesh colored nylons is optional.
- diii) HEADGEAR - Optional wear for Sheriff's Technicians and Custody Support Assistants Only.
 - (1) Baseball Cap – Style as approved by the Sheriff and wear as authorized by Division Captain. Black with small Sheriff's Patch sewn or embroidered on face.
- div) MATERNITY WEAR
 - (1) The uniform is not required wear for pregnant employees Professional business attire is approved as maternity wear. However, employees are not precluded from wearing the maternity style equivalent to their daily uniform.

- i) AWARDS AND OTHER INSIGNIA – to be worn above right breast pocket
 - (1) Sheriff’s Leadership Development (SLD)
 - (2) Small American Flag
 - (3) Years of Service Pin
 - (4) Others as authorized by the Sheriff

- j) MEDICAL EXEMPTIONS
 - (1) A written medical excuse from a physician is required to exempt an employee from wearing any uniform standards listed above.

E. UNIFORM COMMITTEE

- 1. The uniform committee makes recommendations to the Sheriff regarding uniform policy, standards, and specifications. The committee will forward its recommendations to the Sheriff, who will make the final determination.

- 2. The uniform committee may contact a manufacturer, supplier or vendor to consider new items, or when it is determined that an item being sold or offered for sale to members of the Sheriff’s Office may fail to meet the agency’s standards or specifications.

- 3. The uniform committee shall consist of: Personnel and Training Division Captain or his or her designee, one representative each from the DSA and SEIU Local 521, at least one male deputy and one female deputy, one representative designated by each division captain.

- 4. The chairperson of the committee will be designated by the Personnel and Training Division Captain. The chairperson will convene meetings of the committee as needed, but no less than once per year.

- 5. Any member of the Sheriff’s Office may submit a recommendation regarding uniforms directly to the uniform committee. Each recommendation will contain a statement of the reason for the recommendation, the proposed addition or change, a description of any research conducted, and any samples, drawings, supportive literature or data of the proposed addition or change.

NOTE: Over time, it may become difficult to find specific items of uniform apparel as outlined in this policy. There are several reasons for this, i.e., clothing manufacturers go out of business, change proprietors and/or start buying different fabric or dyes for the manufacturing process. This can cause not only the shades of green and tan to change slightly, but fit and protection can be altered as well. Styles and safety equipment also change over time based on lessons learned and best practices. Therefore, it is incumbent upon every member of the Sheriff’s Office to confirm uniform standards as to manufacturer, style, and color prior to purchase. **An approved Uniform Specification Sheet can be obtained in the Personnel and Training Division.**

Laurie Smith

**LAURIE SMITH
SHERIFF**



PROTECTIVE VESTS GENERAL ORDER #10.02

Adopted: 07/11/2011
Replaces: G.O. #10.02 dated 7/7/2010

Updated: 07/11/2011
Reviewed: 07/11/2011

POLICY

The concealed soft body armor protective vest is provided to deputies for their personal protection during normal operations and working hours. All Deputies are encouraged to wear the vest under their uniform shirt or civilian clothing while on duty and regardless of their assignment. If the protective vest is not worn, the vest must be immediately available to all on-duty deputies.

PROCEDURE

I. GUIDELINES FOR WEAR

A. MANDATORY WEAR

1. Deputies assigned to Field Operations shall wear the soft body armor vest except as authorized by the Division Commander.
2. Deputies shall wear the soft body armor vest in making forced entry to a building during field operations.

B. OPTIONAL WEAR

1. The soft body armor vest is optional wear for Deputies not assigned to Field Operations or as authorized by the Division Commander.
 - a) The vest must be immediately available to all on-duty deputies.

II. SPECIFICATIONS

- A. The soft body armor vest required by the Sheriff's office will be lightweight, flexible, concealable, able to provide protection against blunt trauma, and able to provide protection against projectile penetration.
- B. All soft body armor issued by the Sheriff's Office shall meet the standards set by the Department of Justice.
- C. The required soft body armor vest of the Sheriff's Office shall consist of front and back ballistic-protective panels. The panels shall be encased within an outer vest garment carrier.
- D. Deputies may utilize the body armor issued by the Sheriff's Office or any body armor which meets or exceeds minimum department standards for durability, impact-resistance, and comfort.
- E. The vest shall be designed to provide adequate stability on the body under all conditions of use that might normally occur on active duty. To provide proper fit, all shoulder and side straps shall be adjusted with velcro fasteners. The top of the front panel shall be moderately scooped and the top corners tapered to provide maximum concealability and freedom of movement.
- F. The minimum vest threat level shall be Level II, as certified.



**LAURIE SMITH
SHERIFF**



GROOMING AND APPEARANCE GENERAL ORDER #10.03

Adopted: 07/07/2010
Replaces: G.O. #10.03 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

All on-duty Sheriff's Office personnel will present a professional image in their grooming and appearance. All personnel will exhibit a neat, clean, business-like appearance at all times, unless required to appear otherwise due to particular duties or responsibilities. All on-duty personnel shall abide by the Sheriff's Office standards for grooming and appearance, unless an exception is granted by the Sheriff, the Undersheriff, a Assistant Sheriff, or a division captain due to particular duties or responsibilities.

PROCEDURE

A. STANDARDS FOR GROOMING AND APPEARANCE

- 1. Hair and headgear (male and female)**
 - a.** Hair will be neat, clean, and present a well-groomed professional appearance.
 - b.** Varying hair styles are permitted so long as they do not interfere with proper wearing of Sheriff's Office headgear or gas mask. Exaggerated or bizarre styles are not permitted and hairstyles will not reflect radical fashions or styles.
 - c.** Departmental headgear must fit properly and in no case shall the bulk or length of hair interfere with the proper wearing of Sheriff's Office headgear or gas mask.
 - d.** Wigs and hairpieces that meet the Sheriff's Office standards for hair and headgear are acceptable.

- 2. Hair (male)**
 - a.** Hair will be trimmed so that it does not extend over the top of the shirt collar.
 - b.** Sideburns shall be neatly trimmed and not extend below the bottom of the ear lobe.
 - c.** If a mustache is worn, it will be well-groomed and neatly trimmed in order not to present a ragged or extreme appearance. Mustaches will not extend below the lower lip line. “Handlebar” and “fu manchu” mustaches are not permitted.
 - d.** Goatees or beards are permitted for non-sworn personnel only and must be well kept and trimmed.
- 3. Hair (female)**
 - a.** Hair is to be secured in a manner to maintain professional appearance and not to interfere with the safe performance of duties.
 - b.** Pins, combs, or barrettes may be worn.
- 4. Fingernails**
 - a.** Fingernail length is to be maintained to provide a professional appearance and not to interfere with the safe performance of duties.
 - b.** Nail color should be conservative, not distracting. Multi-colored or designed nails are not permitted.
- 5. Jewelry (male and female)**
 - a.** Jewelry (costume or valuable) will not be worn visibly with the Sheriff’s Office uniform, except:
 - 1.** Two rings may be worn. A wedding ring and an engagement ring worn together will be considered as one ring.
 - 2.** A wristwatch may be worn. It should appear conservative. Exaggerated or bizarre styles are not authorized.
 - 3.** Medical alert bracelet or a similar type of health protection device may be worn.

4. Female deputies and female Sheriff's technicians may wear a single silver-colored or gold-colored metal "post" type earring in each ear lobe. Each earring shall be no larger than 3/8" with no more than one earring per ear. Other Sheriff's Office female employees may wear earrings which shall be no larger than 1 1/2" with not more than two earrings per ear. Female Sheriff's Office civilian personnel may wear no more than two bracelets which do not interfere with the safe performance of duties.

6. Tattoos, scarifications, and brands

a. Definitions:

1. Tattoo – the act or practice of marking the skin with indelible designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment.
2. Scarification – the act of intentional cutting of the skin for the purpose of creating a design, form figure or art.
3. Branding – the act of intentional burning of the skin for the purpose of creating a design, form, figure or art.
4. Inappropriate tattoo, scarification or brand – Any markings considered inappropriate, unprofessional or offensive, regardless of its location, by any member of the Sheriff's Office while on duty, or representing the Office in any official capacity. The following includes, but is not limited to, the types of tattoos, scarifications or brands unauthorized by this order:
 - Depictions of nudity or violence.
 - Sexually explicit or vulgar art, words, phrases or profane language.
 - Symbols likely to incite a strong reaction in the workplace, e.g., swastikas, pentagrams or similar symbols.
 - Initials, acronyms or numbers that represent criminal or historically oppressive organizations, e.g., AB, KKK, SS, MM, BGF, HA, 666 or any gang street names, numbers, and/or symbols.

b. Uniformed Personnel

1. Any tattoos, scarifications or brands worn by uniformed personnel shall not be visible while on duty or representing the Sheriff's Office in any official capacity. These markings shall be covered with an approved uniform including, but not limited to, a long-sleeve shirt, jacket, sweater, or pants.

c. Non-uniformed Personnel

1. Any tattoos, scarifications or brands worn by non-uniformed personnel shall not be visible while on duty or representing the Sheriff's Office in any official capacity. These markings shall be covered with approved clothing as outlined in the General Orders.

d. Covering of inappropriate tattoo, scarification, or brand

1. Any inappropriate tattoo, scarification, or brand shall be covered by clothing, or a bandage of similar color to the wearer's skin tone, at all times while utilizing Sheriff's Office facilities or equipment.

e. Exemptions

1. Personnel may apply for and may be granted a one-time exemption by the Sheriff for tattoos, scarifications, or brands already in existence prior to the initial effective date of this order that cannot be covered by adherence to the uniform standards of the Sheriff's Office General Orders. Exemptions shall be in writing and placed in the employee's personnel file. No exemptions will be granted for any unauthorized tattoos, scarifications or brands considered inappropriate, unprofessional, or offensive.
2. Special Duties or responsibilities exemption.

B. APPLICATION OF STANDARDS

This order applies to all Sheriff's Office personnel, as all may serve members of the public at any time.



**LAURIE SMITH
SHERIFF**



**PATRIOTIC COURTESY
GENERAL ORDER #10.04**

Adopted: 07/07/2010
Replaces: G.O. #10.04 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Sheriff's Office personnel shall adhere to rules of decorum and conduct when attending funerals, public gatherings, or other ceremonial occasions.

PROCEDURE

A. Presentation of National Colors.

- | | |
|--------------------------------|---|
| 1. Uniformed personnel: | Indoors -- With or without headgear,
Stand at attention. |
| | Outdoors -- With or without headgear,
Stand at attention,
Hand salute. |
| 2. Civilian attired personnel: | Indoors -- Stand at attention,
Remove headgear (if worn). |
| | Outdoors -- Stand at attention,
Place right hand over heart.
If wearing headgear,
Remove and hold over heart with right
hand. |

B. National Anthem.

- | | |
|-------------------------|---|
| 1. Uniformed personnel: | Indoors -- With or without headgear,
Stand at attention, |
|-------------------------|---|

Face colors.

Outdoors -- With or without headgear,
Stand at attention,
Face colors,
Hand salute.

2. Civilian Attired Personnel: Indoors -- Remove headgear (if worn).
Stand at attention,
Face colors.

Outdoors -- Face colors,
Stand at attention,
Remove headgear (if worn).
And hold over heart with
Right hand.

If no headgear is worn,
Right hand over heart.

3. When no colors are present, face the sound source of the anthem. Maintain a military bearing through out the scope of the playing of the National Anthem.

C. Pledge of Allegiance.

1. Uniformed Personnel: Indoors -- With or with headgear,
Stand at attention with
Right hand over heart

Outdoors -- With or without headgear,
Stand at attention with
Right hand over heart.

2. Civilian attired personnel: Indoors -- Remove headgear (if worn),
Stand at attention with
Right hand or headgear over heart.

Outdoor -- Remove headgear (if worn),
Stand at attention with
Right hand or headgear over heart.

D. Movement of casket at "Military" funerals.

1. Uniformed personnel:
- Indoors -- Stand at attention,
Remove headgear
Unless serving as a pallbearer.
- Outdoors -- With or without headgear,
Stand at attention,
Render hand salute as
Casket passes, or upon order of
Honor guard commander.
2. Civilian attired personnel:
- Indoors -- Stand at attention,
Remove headgear (if worn).
- Outdoors -- Remove headgear (if worn),
Stand at attention with
Right hand or headgear
Over heart.



LAURIE SMITH
SHERIFF



HARD ARMOR PLATE VEST CARRIER GENERAL ORDER #10.05

Adopted: 07/07/2017
Replaces: New
Number of Pages: 4

Updated:
Reviewed: 06/30/2017
Distribution: 07/07/2017

PURPOSE

The purpose of this policy is to provide guidance and direction in the voluntary use of Hard Armor Plate Vest Carriers by sworn Deputy Sheriff's while assigned to patrol enforcement or by individuals in assignments likely to respond to an active shooter, first responder incident, or weapons call as determined by Sheriff's Administration. Deputies assigned to a patrol enforcement may elect to be issued a hard armor plate vest carrier. The hard armor plate vest carrier is specifically designed to be used by deputies to increase their personal protection during critical incidents (e.g., active-shooter, first responder incidents or weapons calls). The hard armor plate vest carrier is not a replacement for the currently issued soft body armor protective vest. The plates in this specific vest carrier shall meet or exceed the NIJ 0101.06 level III performance standards. Once a hard armor plate vest carrier is issued per this policy, the hard armor plate vest carrier must be readily available to on-duty deputies, when feasible.

POLICY

I. HARD ARMOR PLATE VEST CARRIER ISSUANCE

- A.** Hard armor plate vest carriers include two hard armor plates and an outer vest carrier for the plates. Hard armor plate vest carriers will be issued to individual deputies assigned to patrol enforcement or specific assignments likely to respond to an active-shooter, first responder incident or weapons call as determined by Sheriff's Administration. The deputy assigned the plate carrier will ensure that their issued equipment is properly maintained and regularly inspected for signs of damage in accordance with the manufacturer's specifications. As determined by availability and identification of high risk duty stations, "pool" hard armor

plate vest carriers will be made available for use by deputies as needed per this policy.

II. GUIDELINES FOR WEAR

- A.** The hard armor plate vest carrier is not authorized for full-time wear. This equipment may be utilized anytime a deputy reasonably believes there exists a threat or potential threat for a deadly force encounter involving a firearm (e.g., critical incident such as an active-shooter, first responder incident or weapons call) or when directed by a superior, provided the deputy has elected to have a vest carrier issued to them. The plate vest carrier should be worn over assigned uniforms and currently issued soft body armor protective vests.
- B.** Upon issuance of a hard armor plate vest carrier, deputies shall bring their vest carrier with them to their next scheduled firearms qualification at the range to participate in a familiarization exercise as determined by range staff. All manufacturers suggested care and use guidelines in addition to the department provided use/care reference card are the responsibility of the individual deputy to follow to ensure maximum life and effectiveness of the hard armor plate vest carriers.

III. SPECIFICATIONS

- A.** The hard armor plates, also referred to as hard body armor, plates, and/or rifle plates, shall meet or exceed NIJ 0101.06 level III performance standards. The hard armor plate vest carrier shall be maintained within manufacturer's specifications and will not be deployed after the written warranty expiration date.
- B.** The hard armor plate vest carrier cover shall be tan, green, or black as issued and made of cotton, nylon, Cordura or other durable cloth material and sleeveless.
- C.** The hard armor plate vest carrier cover shall be of an appropriate size to securely house the hard armor plates in the front/back plate pockets when worn by the deputy.
- D.** The side panel closures of the hard armor plate vest carrier shall consist of Velcro/elastic material. The cover shall not contain any exposed plastic or metal.
- E.** Insignia

1. The hard armor plate vest carrier shall have an insignia that reads "SHERIFF" on the front and back, and may not be modified without approval of Sheriff's Administration.
2. The rear cover of the hard armor vest carrier shall have a rectangular Velcro patch, centered below the lower portion of the neckline. The patch background shall be black. The patch shall be a minimum of three inches high and eight inches long. Embroidered on the patch in gold thread shall be the word "SHERIFF."
3. The upper front right chest area of the hard armor vest carrier shall have a Velcro rectangular patch. The patch shall be the same color and style as the rear patch. The patch shall be a minimum of two inches high and four inches long and read "SHERIFF".
4. On the upper front left chest area of the hard armor vest carrier, there shall be a Velcro Sheriff's Office cloth badge. Deputies and sergeants shall have a silver cloth badge and ranks of Lieutenant and above shall have a gold cloth badge.
5. A name tag shall be adhered by Velcro to the front and rear of the hard armor vest carrier. The name tag shall be made of dark green cloth tape. Deputies and sergeants shall have silver colored thread lettering in a block style. Ranks of lieutenant or above shall have gold colored thread lettering in a block style. Name tags will have a first initial, last name and badge number. The tags shall be one inch high and five inches long, and shall be placed on the upper front right chest area, and one on the rear of the hard armor vest carrier above the "SHERIFF" patch. Deputies using a "pool" hard armor plate vest carrier shall use a name tag if available. A patch of the American Flag may be added to the hard armor vest carrier and placed above the name patch on the upper front right chest area. No other patches are authorized on the vest, with the exception of a specialized team (SERT/CNT/SORE/Bomb Squad, etc.) or unit and the additional patch has been authorized by Sheriff's Administration.
6. The hard armor plate vest carrier will be issued with molle pockets made of matching material/color as the outer cover. These pockets shall be used to carry additional AR15 /Glock magazines and a medical pack. If personnel add additional pouches to an issued hard armor plate vest carrier, they must match the color and type already provided. Any additional equipment a deputy desires to carry on the hard armor vest carrier must be approved by the Training and Compliance Captain.

IV. RETURN OF EQUIPMENT

When a deputy is transferred out of a patrol enforcement assignment, the issued hard armor plate vest carrier may be collected and re-assigned by the Sheriff's Office.

V. PERSONALLY OWNED PLATES AND CARRIER

Enforcement Bureau deputies assigned to any division or assignment may deploy personally owned hard armor plate vest carriers pursuant to Section II(A) and (B) of this General Order. Personally owned hard armor plate vest carriers may be utilized, provided the specifications are consistent with Section III of this General Order. The hard armor plates must be made by a reputable manufacturer (US Armor, Safariland, etc.) as approved by the Training and Compliance Captain or his/her designee. The hard armor plates shall meet or exceed the NIJ 0101.06 Level III performance standard and may be utilized only within the manufacturer's warranty period. The Training and Compliance Captain, or his/her designee, must give written approval that the personally owned hard armor plate vest carrier individually owned by a deputy comport with this General Order. Upon the effective date of this General Order, deputies who currently own a personal hard armor plate vest carrier shall have a grace period until the deputy's next regularly scheduled range qualification to have their hard armor plate vest carrier inspected by Range Staff or Training Staff at the Richey Facility.

VI. CARE AND MAINTENANCE

- A.** Deputies shall routinely inspect their departmentally issued hard armor plate vest carrier (plates and outer cover) for signs of damage and for general cleanliness, in accordance with the manufacture's specifications.
- B.** Deputies are responsible for the proper storage, maintenance, and care of the hard armor plate vest carrier, in accordance with the manufacture's specifications.
- C.** Deputies are responsible for reporting damage or excessive wear of an issued hard armor plate vest carrier to their supervisor. Deputies are responsible for removing personally owned hard armor plate vest carriers from service if the outer carrier and or plate(s) becomes worn or damaged.



**LAURIE SMITH
SHERIFF**



**BODY WORN CAMERA (BWC) SYSTEM
GENERAL ORDER #10.06**

Adopted: 12/8/17
Replaces: NEW
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Updated: 12/1/17
Reviewed: 12/1/17
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PROCEDURE

I. PURPOSE

This policy is intended to provide deputies with guidelines on when and how to use body-worn cameras (BWCs) including both audio and video recording so that deputies may reliably record their contacts with the public, arrestees and inmates in accordance with the law. BWCs provide documentary evidence for criminal investigations, internal or administrative investigations and civil litigation. Peace officers and public officers employed by the Sheriff's Office ("deputy") shall utilize this device appropriately and in accordance with the provisions in this General Order to maximize the effectiveness of the audio/video documentation, to achieve operational objectives, and to ensure evidence integrity. While BWC recordings can provide an objective record of events, it is understood that video/audio recordings may not necessarily reflect the entire experience or state of mind of the individual deputy in a given incident. In some circumstances, the BWC will capture information that may not have been heard and/or observed by the involved deputy(ies). Similarly, there will be situations where the BWC will not capture information that was heard and/or observed by the involved deputy(ies). BWCs have also been proven to be valuable in their ability to direct and supplement deputy training. BWCs also provide transparency for the community as well as individual and organizational accountability. BWCs can help build community trust, improve conduct and behavior, and reinforce community policing.

BWCs are small video cameras typically attached to a deputy's clothing. They capture, from a deputy's point of view, video and audio recordings of the deputy's activities, including traffic stops, arrests, searches, interrogations, and critical incidents such as deputy-involved shootings. The primary objective of the BWC system is to document deputy contacts, arrests, and critical incidents. Video footage collected by the BWCs will be used as evidence in both criminal and administrative investigations.

Video footage not relevant to any investigation will be discarded after a defined retention period.

It is the policy of the Sheriff's Office that deputies shall activate the BWCs when such use is appropriate in the proper performance of their official duties, where the recordings are consistent with this policy and law.

This policy does not govern the use of surreptitious recording devices in investigative operations. The Santa Clara County Sheriff's Office will provide deputies BWCs for use during the performance of their official duties. Deputies will only use the BWC system issued and approved by the Sheriff's Office for official duties. The wearing of any other personal video recorder for the same purpose is not authorized without permission of the Division Commander.

II. GENERAL USE

A. Authorized Use of BWC Footage:

- Use as evidence in criminal investigations
- Use as evidence in administrative investigations (e.g., allegations of deputy misconduct)
- Use to enhance the accuracy of deputies' reports and testimony in court, unless otherwise prohibited by this Policy
- Use for deputy evaluation and training
- Use as a training aid, if an incident captured on a recording has training value
- Supervisors will randomly audit BWC recordings to ensure that the equipment is operating properly and that deputies are using BWCs appropriately and in accordance with policy and procedure

B. Use of Body Worn Camera

1. At the beginning of each shift, deputies shall determine whether their recording equipment is operational in accordance with the BWC manufacturer's specifications. If a problem is found, the deputy shall arrange for repair or adjustment. The deputy shall also ensure that the camera is fully charged and that the data from the previous shift has been downloaded. If the system is malfunctioning, the deputy shall immediately report this to their supervisor.
2. If a BWC malfunctions or is inoperable and the deputy cannot utilize a BWC during their shift, this shall be noted in all written reports so that there is a contemporaneous record.
3. During their shift, deputies shall:
 - a. Ensure that the BWC is properly worn and positioned to record events.
 - b. Wear the recorder in a conspicuous manner.
 - c. Make every reasonable effort to activate the BWC prior to making contact in any of the following incidents:

- (1) Any investigative encounter to confirm, or dispel a suspicion that the person may be involved in criminal activity. This includes detentions, vehicle stops, jail altercations, pedestrian stops and consensual encounters.
 - (2) Probation searches, Parole searches, post release community supervision searches, mandatory supervision, cell extractions or consent searches; however, strip searches shall not be recorded unless a confrontation occurs.
 - (3) Service of search or arrest warrants; and,
 - (4) All suspect statements.
- d. Make every reasonable effort to record any contact should the contact become confrontational, assaultive, or enforcement-oriented.
4. The deputy will not edit or delete any files recorded by the BWC without supervisor approval.
 5. This policy is not intended to describe every possible circumstance. In addition to the required conditions of operation, deputies should activate the system any time they feel its use would be appropriate and/or valuable to document an incident. Recording such contacts shall be the rule and not the exception. If circumstances prevent a deputy from recording such a contact, then this must be noted along with the explanation in any subsequent report.
 6. Deputies shall activate their BWC prior to making contact in any of the following circumstances:
 - a. Enforcement encounters where there is a reasonable suspicion that the person is involved in criminal activity or a violation of law. This includes, but is not limited to, dispatched calls where criminal activity is reported and/or suspected, self-initiated activities including consensual contacts, traffic stops, pedestrian checks, or any other investigative or enforcement encounters.
 - b. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 7. Deputies may activate the BWC before/during any other incident at their discretion.
 8. Unless it is unsafe or impractical to do so, or mechanical issues impede the use of the device, it is recommended that deputies record any interview, pedestrian or inmate contacts, and other events.
 9. Deputies shall not use the BWC to record any conversations of or between another department member or employee without the member's/employee's knowledge or consent.

10. Once activated, the recording should not be intentionally terminated until the deputy's direct participation in the incident is complete; or the situation no longer fits the criteria for activation (e.g. prisoner in custody and seated in a patrol car); or for purposes of exchanging confidential information or conducting interviews with crime victims, confidential informants or witnesses who do not wish to be recorded (examples of this can include witness interviews or victim interviews on sensitive cases, e.g. sexual assault, child abuse, etc.) or unless tactical, safety, privacy concerns or practical reasons dictate otherwise. If the recording is terminated prior to the conclusion of the incident or contact for reasons other than those contemplated by this section, or if the mute feature is utilized under such circumstances, the reasons for the premature termination or muting of the audio must be documented in the report. In the event no report is prepared, then the fact that the recording was terminated prematurely or muting feature was activated must be documented in an Employee's Report or Blue Team Entry and provided to the supervisor.
11. Deputies are not required to advise or obtain consent from a private person when:
 - a. In a public place,
 - b. At any jail of the jail facilities, or
 - c. In a location where there is an expectation of privacy but the deputy is lawfully present
12. Whenever possible, deputies should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
13. In general, deputies should not activate the BWC and/or use caution when entering a public locker room, changing room, restroom, hospital or health facility, doctor's or lawyer's office or other place where individuals unrelated to the investigation are present and would have a heightened expectation of privacy. Deputies should not record the provision of patient care at any hospital or health facility unless the circumstances dictate the need for BWC activation, such as the contact becoming uncooperative or resistive.
14. If a deputy fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the deputy shall document why a recording was not made, was interrupted, or was terminated.
15. Sheriff's Emergency Response Team (SERT) personnel who are issued BWCs and are engaged in an active Tactical SERT event shall defer to the SERT Tactical Commander for direction on the activation of the BWC.

16. Deputies are not required to activate the BWC when engaged in privileged communication as defined by the Evidence Code.

C. Custody Bureau

Deputies assigned to the Custody Bureau shall activate their BWCs in accordance with the general procedures set forth in this policy, as well as while in the performance of the following duties:

1. Anytime an inmate is removed or escorted from their cell or holding area
2. Entering a cell, dormitory housing, or holding area occupied by an inmate (i.e. conducting a count inside a minimum housing setting, window checks)
 - a. Exception- supervising a pod time or conducting general observation and intensive observation checks, unless a situation arises that dictates otherwise
3. Processing of new arrestees (except during the supervision of medical screenings or classification interviews)
4. Resistive Inmate Movement (RIM) activations
5. Searches of a cell, dormitory housing, or holding area (i.e. shakedowns)
6. Supervising inmate workers who are in close proximity to security exit/entry points or perimeters
7. During on-loading and off-loading of Transportation vehicles
8. Responding to inmate fights or disturbances, emergency situations, uncooperative inmate(s), use of force situations, unusual or suspicious circumstances, and interactions with inmates with a history of uncooperative or unpredictable behavior.
9. Deputies shall not record inmates while conducting a strip search, conducting a classification or medical interview, during the time medical care or treatment is provide to an inmate, or during inmates' use of a toilet or shower. There may be circumstances which dictate the need for BWC activation, such as the inmate becoming uncooperative or resistive, or the possibility of an allegation of misconduct arises from the contact.

D. Prohibited Uses

Prohibited uses of the BWC system include:

- Using the BWC system for personal purposes
- Recording conversations between other employees without their consent
- Making copies of BWC videos for personal use, or disseminating those videos in any form or manner outside the parameters of this Surveillance Use Policy. Accessing, copying, or releasing files for non-law enforcement purposes is prohibited.

- Removing, dismantling, or tampering with any hardware and/or software component of the BWC system
- Recording the provision of patient care at any hospital or health facility, unless the circumstances dictate the need for BWC activation, such as the patient becoming uncooperative or resistive/assaultive

III. DATA COLLECTION

A. The BWC collects video and audio recordings of events occurring in the user's presence. As each video is created, the system automatically stamps the video with the current date I time and the camera user's identity. The user has the option to add metadata manually to existing recordings after they are created. Such metadata may include but is not limited to:

- Category of contact (from Sheriffs' Office defined list)
- Disposition of contact (arrest, citation, etc.)
- Associated case number

B. Any data obtained through the BWC footage must be used and handled pursuant to this policy.

C. Recordings :

1. Unauthorized use, duplication, and/or distribution of BWC files is prohibited.
 - a. Personnel shall not make copies of any BWC file for their personal use, to include but not limited to, uploading files to public or social media internet web sites, and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWC files.
 - b. All recorded media, images, and audio from the BWC shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the express consent of the Sheriff or his or her designee.
 - c. The BWC data should be uploaded in a timely manner.
2. Deputies shall not remove, dismantle, or tamper with any hardware and/or software component or part of the BWC.

IV. DATA ACCESS AND PUBLIC REQUESTS

A. Departmental File Review

1. Sheriff's personnel may review BWC files as follows:
 - a. For their involvement in an incident, in order to complete a criminal investigation and/or prepare official reports.

- b. Prior to courtroom or deposition testimony or for courtroom presentation.
 - c. By a supervisor reviewing a specific incident;
 - d. By a Sheriff's Office detective or investigator who is participating in an official investigation, such as a criminal investigation, a personnel complaint or an administrative inquiry;
 - e. By others with the permission of a supervisor if they are participating in an official investigation or other official reasons.
2. In accordance with the "Officer-Involved Incident," as defined by the Santa Clara County Police Chiefs Protocol or case involving a serious bodily injury, the involved deputy will provide an initial statement to investigators prior to reviewing any recorded footage of the incident. The involved deputy will have an opportunity to review recordings after the initial statement has been taken and provide a supplemental statement if desired. A deputy may review the BWC file prior to completing an incident report for other events that are not an "Officer-Involved Incident," or case involving a serious bodily injury.
 3. Critical Incidents: Deputies will be allowed to consult legal representation prior to providing a statement pursuant to an administrative and/or criminal inquiry.
 - a. When safe and practical, an on scene supervisor may retrieve the BWC from the involved deputy(ies) at the scene. The supervisor will be responsible for assuring the camera is docked and uploaded to the storage server.
 - b. Following a time sensitive critical incident, a video may only be viewed by the on scene supervisor prior to being uploaded to the storage server:
 - (1) When exigent circumstances occur, such as when a deputy is injured, or to obtain identifying suspect information or other pertinent information.
 - (2) To allow investigators, such as Internal Affairs personnel, to view video in order to assist in an investigation.
 4. The server shall only be accessed from Department authorized computers.

B. BWC File Request

1. Departmental Requests
 - a. Copies of the BWC data shall only be released to authorized personnel following a formal request to the relevant Division Commander, Assistant Sheriff, Undersheriff or Sheriff.
 - b. BWC recordings shall be treated as other forms of direct evidence and subject to discovery and disclosure in accordance with law.

2. Non-Departmental requests must be approved by the Sheriff or his/her designee and in accordance with the following:
 - a. All other requests for a BWC file shall be accepted and processed in accordance with federal, state, local statutes and Departmental policy as set forth in General Order 16.01 Release of Records and Information.
 - b. Media inquiries and/or requests shall be received and processed in accordance with General Order 24.00.
 - c. Any identifiable personnel captured on either audio or video will be advised in writing, prior to any release under CPRA (California Public Records Act) and the guidelines consistent with the General Orders and Penal Code §832.5.
 - d. An individual who has filed an officer-misconduct complaint against Sheriff's Office personnel may view applicable BWC footage with Sheriff's Administrative Investigators, subject to the following conditions:
 - (1) When viewing the BWC footage is not prohibited by applicable law as determined by County Counsel;
 - (2) When the BWC footage is not part of a criminal investigation, civil lawsuit, or government tort claim process;
 - (3) When the person viewing the BWC footage is the subject or recipient of the alleged officer misconduct;
 - (4) When viewing the BWC footage will not hinder or damage subsequent investigative processes or violate the integrity of the investigation, as determined by the investigating agency;
 - (5) When privacy protections are utilized to protect the privacy interests of other individuals who may appear in the footage.

C. Copying Procedures

1. A copy of the BWC file may be made by Records, Administration or Investigations personnel in accordance with the provisions of this Surveillance Use Policy for evidence, District Attorney requests or other approved reasons.
2. If the video is evidence in a case, Investigations personnel shall make a copy of the video, and book the copy into evidence.
3. Other than as provided in this General Order, no member of this Department shall download any video onto any computer, device, drive, CD, DVD or any other format without the express consent of the Division Commander or his/her designee.

4. No member of this Department shall use an external recording device to copy or record BWC video when the video is displayed on another computer or device.

V. DATA PROTECTION AND RETENTION

BWC data will be uploaded to a Criminal Justice Information System (CJIS) compliant off-site Evidence Management System (EMS) managed by the BWC vendor. CJIS standards include very strict requirements for data security, including at-rest encryption, strict access control to the physical data center, and background checks for all employees who have access to the servers. The system contains detailed configurable permissions limiting access to specific groups of videos to authorized users. An audit log is maintained of all access to video footage.

Once a successful upload of the data to the EMS has occurred, the uploaded data will be evaluated and authenticated. At this point, all the data on the BWC device will be automatically deleted. The stored data will be held in the EMS for the data retention period explained below. The BWCs will be stored in restricted areas not accessible to the general public. Except for a brief period while the BWCs are uploading their data, BWCs stored in this manner will have no data stored on them.

A. Storage

1. All files for each BWC deployed on a shift shall be securely uploaded by the individual deputy to whom the BWC was issued periodically and no later than the end of each shift. Uploading should occur during the deputy's regularly schedule shift. Deputies must secure prior approval from their supervisor for overtime if upload after the end of each shift is necessary. Each file shall contain information related to the date, BWC identifier, the type of event or incident and assigned deputy.
 - a. As soon as it is practicable, the appropriate supervisor will take charge of a/all deputy's(ies') BWC(s) if the deputy(ies) has/have been involved in a deputy-involved-shooting, or an incident resulting in a death, or other use-of-force incident. The appropriate supervisor will be responsible for uploading the files from the BWC(s).
2. All images and sounds recorded by the BWC are the exclusive property of this department.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Sheriff, or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with California records retention laws and no longer than useful for the purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
5. Files will be stored in the cloud and managed by a third party with the necessary infrastructure to securely maintain restricted information in accordance with legal requirements.

B. Request for Deletion of Accidental Recording

1. In the event of an accidental activation of the BWC where the resulting recording is of no investigative or evidentiary value, a deputy may request the recording be deleted by submitting an email request to the Division Commander or designee with sufficient information to locate the recording. The Division Commander or designee shall review the file, approve or deny the request, and forward to the System Administrator for action. The requesting employee shall be notified of the outcome.
2. In the event of an activation of a BWC where the Sheriff, or his or her designee, determines that a BWC recording contains personal and/or private conversations or images of any individual unrelated to an ongoing criminal or internal affairs investigation, or otherwise has no valid official purposes, and which has no apparent evidentiary or investigatory value, may be deleted.

C. Retention

1. All BWC recordings/files (including copies) in the Sheriff's Office's possession relating to incidents where criminal charges are filed shall be retained in the Investigation file according to the relevant evidentiary statute.
2. All BWC recordings/files (including copies) in the Sheriff's Office's possession relating to potential criminal charges that are not filed shall be retained for no longer than one year after the statute of limitations has expired.
3. All BWC recordings/files (including copies) in the Sheriff's Office's possession relating to Internal Affairs Complaints (whether externally or internally generated) shall be preserved in accordance with Penal Code §832.18, or until the statute of limitations has expired for any criminal, administrative, or civil proceeding, whichever is later. BWC recordings/files (including copies) in the Sheriff's Office's possession shall then be deleted.
4. All BWC recordings/files (including copies) in the Sheriff's Office's possession of routine events that are not associated with either a criminal or administrative investigation or a civil litigation or administrative matter shall be retained for no longer than one year.

VI. THIRD-PARTY SHARING

The Evidence Management System is customizable and can allow or deny any level of data-sharing. Sheriff's Office limits but recognizes the need for data-sharing. The following agencies or situations are some of the potential third party data-sharing:

- Other law enforcement agencies with respect to a criminal or administrative investigation
- District Attorney's Office for use as evidence to aid in prosecution, in accordance with the laws governing evidence
- An outside administrative investigator who has been retained by Administration

VII. TRAINING

Training conducted by the vendor for the BWC Unit will include operation of the camera and software necessary to implement the BWC program. Training conducted by the Sheriff's Office BWC Unit will cover the applicable policy governing the use of the BWC system and operation of the BWC equipment and software. BWC training shall be provided in Sheriff's Office training academies.

1. Deputies should not use any BWC devices unless they have successfully completed training in the proper use of such equipment.
2. Training will include field applications, a review of the proper function and use of recording devices, mandatory use, recommended use, and agency policy and procedures as they pertain to the use of the BWCs.
3. A written record of the training provided will be completed by the trainer and maintained in the deputy's training file.

VIII. OVERSIGHT

A. Audit and Other Use of BWC Files

1. An account must be created for each BWC user in the BWC system.
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that deputies are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. It is not the intent of the policy for supervisors to review BWC recordings to proactively discover policy violations. However, Supervisors may review BWC recordings in order to evaluate a deputy's performance for the purpose of meeting standards set forth in the General Orders or develop training curriculum to improve performance. Supervisors who inadvertently discover non-criminal policy violations shall have the discretion to resolve the violation with training or counseling or formal discipline. Should the policy violation rise to the level of formal discipline, the supervisor will adhere to all contractual and statutory procedures.
3. Should there be a specific complaint made against a deputy, the Supervisor or Internal Affairs personnel may access BWC recordings for administrative investigations limited to the specific complaint against the deputy(ies). The investigation may be expanded due to inadvertent discovery of other allegations, policy violations or other impermissible conduct during the initial review. Such expansions of investigations will be in compliance with all contractual and statutory procedures.

3. Field Training Officers (FTO) and FTO supervisors may review BWC recordings to evaluate the performance of deputies in the field training program.
4. Jail Training Officers (JTO) and JTO supervisors may review BWC recordings to evaluate the performance of deputies assigned to them in the jail training program.
5. Prior to using BWC footage for training purposes, the Department will contact any deputies involved or depicted in the footage and advise them of the desire to present said footage for training.

If an involved deputy or employee objects to the showing of a recording, his/her objection will be submitted to the Division Commander to determine if the deputy's or employee's objection outweighs the training value. If the Division Commander allows the footage to be used, the deputy or employee will be provided notice at least 24 hours before the footage is presented.



LAURIE SMITH
SHERIFF



**Mourning Band / Peace Officer Fatality
GENERAL ORDER #10.07**

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POLICY

The Sheriff's Office recognizes the importance of honoring fallen law enforcement officers. To show respect for fallen officers and deputies it shall be the policy of the Sheriff's Office for all badged personnel to be authorized to wear a black mourning band on their badge upon the death of a fellow law enforcement officer.

PROCEDURE

A. CIRCUMSTANCES WHEN MOURNING BAND IS AUTHORIZED

1. Upon the line of duty death of a sworn member of the Santa Clara County Sheriff's Office, the mourning band is authorized to be worn for a period of thirty days from the date of death.
2. Upon the line of duty death of an active duty law enforcement officer from any agency within the State of California. The mourning band is authorized to be worn from the date of death and removed at the conclusion of the day of the funeral.
3. While sworn staff are in uniform attending the funeral of an active duty law enforcement officer.
4. While sworn staff are in uniform attending the funeral of an honorably retired law enforcement officer.
5. National Peace Officers Memorial Day (May 15th).
6. At any local, state or national memorial service honoring law enforcement officers who have died in the line of duty.
7. At the direction of the Sheriff, when special circumstances dictate that a display of official mourning is appropriate.

B. STANDARDS AND UNIFORMITY OF MOURNING BANDS

1. The approved mourning band is a solid black only band not more than ½” in width that will fit tightly around the duty badge. The mourning band shall be worn from 1:00 to 7:00 as you face your badge as if you’re looking at the face of a clock.
2. In the event of a Sheriff's Office line of duty death the star displayed on patrol vehicles shall also have a black band. Black 1” electrical tape or black 1” magnets shall be used. Vehicles used in a funeral procession shall also display the band.



**LAURIE SMITH
SHERIFF**



**MILITARY EQUIPMENT FUNDING,
ACQUISITION AND USE POLICY
GENERAL ORDER #10.08**

Adopted:
Replaces:

Updated: 7/28/2022
Reviewed: 7/28/2022

POLICY

It is the policy of the Santa Clara County Sheriff’s Office to have legally enforceable safeguards, including transparency, oversight, and accountability, in place to protect the public’s welfare, safety, civil rights, and civil liberties with respect to the funding, acquisition, and use of equipment defined by statute as military equipment. The acquisition of military equipment and its deployment in our communities may impact the public’s safety and welfare. The public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency’s decision to fund, acquire, or use such equipment. Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public’s welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input. The members of this office will comply with the provisions of Government Code § 7070, et. seq. with respect to military equipment.

PURPOSE AND SCOPE

The purpose of this policy is to provide rules for the approval, acquisition, use, and reporting requirements of military equipment, as outlined in Government Code § 7070, et. seq., in order to safeguard the public’s welfare, safety, civil rights, and civil liberties.

DEFINITIONS

The definitions related to this policy are defined in Government Code § 7070.

Governing body – The elected or appointed body that oversees the Office, which is the County of Santa Clara Board of Supervisors [Government Code § 7070(a)].

Law Enforcement Agency – Among other entities encompassed, a Sheriff’s Office [Government Code § 7070(b)(2)].

Military equipment – Defined military equipment includes, but not limited to, the following [Government Code § 7070(c)(1)-(15)]:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in § 30510 and §30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepperballs,” excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and Long Range Acoustic Devices (LRADs).

14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

MILITARY EQUIPMENT COORDINATOR

The Sheriff shall designate a member of this office to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

1. Acting as liaison to the governing body for matters related to the requirements of this policy.
2. Identifying equipment that qualifies as military equipment in the current possession of the Sheriff’s Office, or the equipment the Sheriff’s Office intends to acquire that requires approval by the governing body.
3. Conducting an inventory of all military equipment at least annually.
4. Collaborating with any allied agencies that may use military equipment within the jurisdiction of Santa Clara County Sheriff’s Office (Government Code § 7071).
5. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - a. Publicizing the details of the meeting.
 - b. Preparing for public questions regarding the Sheriff’s Office funding, acquisition, and use of equipment.
6. Preparing the annual military equipment report for submission to the governing body and ensuring that the report is made available on the Sheriff’s Office website (Government Code § 7072).

APPROVAL FOR FUNDING, ACQUISITION, AND USE

The Sheriff or authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and shall make the proposed policy available on the office website at least 30 days prior to any public hearing concerning the military equipment at issue. The military equipment policy must be approved by the governing body prior to engaging in any of the following

[Government Code § 7071]:

1. Requesting military equipment made available pursuant to 10 USC § 2576a.
2. Seeking funds for military equipment including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this office.
5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
7. Acquiring military equipment through any means not provided above.

Notwithstanding the above, the Sheriff's Office may acquire military equipment without first obtaining Board approval in the following situations:

1. In the event of an emergency, the Sheriff's Office may acquire additional stock of approved military equipment without Board approval only if the Sheriff determines that doing so is necessary to respond to the emergency.
2. If there is an unanticipated exhaustion or reduction in the stock of ammunition, flash bangs, or chemical agents covered by this policy that would impair the Sheriff's Office's ability to maintain essential public safety functions or ensure the safety and security of the jails, the Sheriff's Office may acquire the minimum additional stock necessary to maintain these functions until Board approval can be obtained. This exception applies only to ammunition, flash bangs, or chemical agents, and does not permit the Sheriff's Office to acquire any other military equipment without prior Board approval.

MILITARY EQUIPMENT USE CONSIDERATIONS

Military equipment shall only be used by a Sheriff's Office employee and only after applicable training, including any course required by the Commission on Peace Officer Standards and Training (POST) has been completed, unless exigent circumstances arise. The military equipment acquired and authorized by the Santa Clara County Sheriff's Office is:

1. Necessary because there is no reasonable alternative that can achieve the same

objective of officer and civilian safety.

2. Reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

The use of items of military equipment listed in this policy is referenced in Sheriff's Office General Order #12.00 [Use of Force], #12.02 [Use of Firearms], #12.04 [Use of Less Lethal Munitions], #13.05 [Sheriff's Command Vehicle], #13.07 [Armored Rescue Vehicle], #17.03 [Demonstrations and Civil Disorders], #19.02 [Sheriff's Emergency Response Team], the Custody Use of Force Policy #9.01, the Custody Use of Force Investigation, Reporting and Review Policy #9.02, and the Custody De-Escalation Policy #9.04. These policies, as well as associated trainings, outline common situations in which military equipment may be deployed to de-escalate and bring incidents under control. However, in recognition of the reality that emergency situations may present unique facts and circumstances and may be rapidly evolving, these policies do not offer a comprehensive list of each and every potential scenario where military equipment may be deployed. Nevertheless, in every instance, deployment of military equipment must comply with the legal and policy parameters described in these policies, including, but not limited to, the use of reasonable and proportional force, the use of de-escalation and alternatives to force where feasible, the limits on the less-lethal weapons in crowd control settings, and other requirements described in these policies and in compliance with legislation. The referenced policies are available to the public on the Santa Clara County Sheriff's Office webpage (<https://countysheriff.sccgov.org/about-us/so-policies-procedures>).

MILITARY EQUIPMENT REPORTING

Upon approval of a military equipment policy, the Sheriff or the authorized designee shall submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use [Government Code § 7072].

1. The Sheriff's Office shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use.
2. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 - a. A summary of how the military equipment was used and the purpose of its use.
 - b. A summary of any complaints or concerns received concerning the military equipment.
 - c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

- d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- e. The quantity possessed for each type of military equipment.
- f. If the Sheriff's Office intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Sheriff's Office shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Sheriff's Office should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of the Sheriff's Office shall be approved for use and in accordance with this policy when used in conjunction with other jurisdictions.

When Sheriff's Office Receives Mutual Aid: When mutual aid assistance is provided in support of a Sheriff's Office incident, the Sheriff's Office shall retain full operational command and control over responding agency personnel and resources. The following guidelines will safeguard against military equipment being used during a Sheriff's Office incident in County jurisdiction that is outside the scope of approved use.

1. Assisting law enforcement agencies and any associated military equipment would be used under the guidelines of their respective agency policies, however, the deployment of these assets will be coordinated, directed, and managed through the Sheriff's Office Incident Commander.
2. The Incident Commander will make every attempt to ensure military equipment is deployed in a manner consistent with the Sheriff's Office policy and in a manner approved by the governing body through communication with assisting law enforcement liaison officers.

When Sheriff's Office Provides Mutual Aid: When the Sheriff's Office provides mutual aid assistance to another law enforcement agency, Sheriff's Office personnel and resources will be coordinated, directed, and managed through the Incident Commander for the agency of jurisdiction in conjunction with a Sheriff's Office liaison officer. The following guidelines will safeguard against prohibited uses of Sheriff's Office military equipment when providing mutual aid:

1. Sheriff's Office personnel shall adhere to Sheriff's Office policies on the use of military equipment and the other associated policies (Use of Force, etc.) at all times regardless of an outside request to do so.
2. Sheriff's Office personnel and military equipment shall not be used if the mutual aid request is in violation of Sheriff's Office policies.
3. A Sheriff's Office liaison officer will be assigned and remain with the allied agency's Incident Commander for the duration of the involvement by the Sheriff's Office.
4. The liaison officer will assist with the coordination of assets and maintain a level of oversight with respect to Sheriff's Office policies.

Use of Military Equipment Not Possessed by the Sheriff's Office: There may be instances where the Sheriff's Office may need the assistance of military equipment not currently possessed by the Sheriff's Office in order to limit safety risks to both the public and deputies in an emergency situation. Additionally, the assistance of certain equipment can help mitigate liability on behalf of the Sheriff's Office and County by minimizing or limiting potential force encounters. One such example is that the Sheriff's Office does not currently possess unmanned aerial vehicles (UAV). This particular military equipment is a benefit as it can assist in searching an area for a wanted or violent subject where the Sheriff's Office would otherwise have to deploy deputies and apprehension canines to search for a suspect and potentially escalating the situation into a force encounter. The following guidelines will safeguard against blatant misuse of military equipment not currently possessed by or authorized for use by the Sheriff's Office:

1. The Sheriff's Office will not employ the assistance of such equipment solely as a work around to avoid governing body approval but may do so as a resource in seeking a quick resolution to a rapidly evolving emergency situation.
2. The request for assistance of such equipment shall be made through a field supervisor or watch commander.
3. The nature and circumstances of the crime shall be taken into consideration prior to making any request to weigh the use of equipment not covered in this policy against public safety concerns.
4. Sheriff's Office personnel shall not operate any military equipment not outlined in this policy and a liaison shall be assigned to the assisting agency in their deployment military equipment.
5. In every instance, deployment of military equipment must comply with the legal and policy parameters described in this policy, including, but not limited to, the use of reasonable and proportional force, the use of de-escalation and alternatives to force where feasible, the limits on the less-lethal weapons in crowd control settings, and other requirements described in these policies and in compliance with legislation.

INQUIRY AND COMPLAINT PROCESS

Inquiries can be made the following ways:

1. In person at Sheriff's Office Headquarters or at any substation.
2. By telephone to the Sheriff's Office at (408) 808-4400.
3. By email at militaryequipmentinquiries@shf.sccgov.org.
4. By mail to:

Santa Clara County Sheriff's Office
Re: Military Equipment Coordinator
55 W. Younger Ave
San Jose, CA 95110

General questions or concerns will be routed to the Military Equipment Coordinator for response within 30 days. The Military Equipment Coordinator shall track all inquiries and responses for inclusion into the Military Equipment Report.

A complaint or allegation of misconduct by any member of the Santa Clara County Sheriff's Office related to the use of military equipment can be made in the following ways:

1. In person at Sheriff's Office Headquarters or at any substation.
2. By telephone to the Sheriff's Office Internal Affairs Unit at (408) 918-9000.
3. By mail to the Sheriff's Office Internal Affairs Unit at:

Santa Clara County Sheriff's Office
Attn: Internal Affairs Unit
2460 N. First Street, Suite 280
San Jose, CA 95131

4. Via the online Internal Affairs Unit Complaint Form at:

<https://countysheriff.sccgov.org/internal-affairs-unit-complaint-form>

The Sheriff's Office will investigate any incidents of noncompliance with the Military Equipment Use Policy. The Military Equipment Coordinator will conduct annual inspection to ensure the Military Equipment Use Policy is followed and the items listed in the Military Equipment Report

are utilized within policy and in accordance with applicable laws. Any violation of policy or law will be investigated accordingly and reported in the annual Military Equipment Use Report.

MECHANISMS TO ENSURE COMPLIANCE

The Sheriff's Office has the following internal and external mechanisms in place to ensure compliance with Departmental policy and the law:

1. Division commanders will be tasked with auditing the use of military equipment by their staff to ensure compliance.
2. The Sheriff's Office has consistently had a means for the public to submit questions or complaints which are outlined in the inquiry and complaint process above. Allegations of misconduct are objectively investigated by the Internal Affairs Division and can potentially lead to employee discipline up to and including termination depending on the findings.
3. The Office of Corrections and Law Enforcement Monitoring (OCLEM) may review reports and offer opinions.
4. The Sheriff's Office will submit findings in its annual report to the Board of Supervisors.
5. Current legislation (SB2) establishes a process for the California Peace Officers Standards and Training (POST) to decertify peace officers found culpable of serious misconduct including, but not limited to, physical abuse and/or excessive force.

MILITARY EQUIPMENT INVENTORY

The following is the current qualifying list of equipment utilized by the Sheriff's Office. The Office does not currently possess controlled or prohibited equipment acquired from the United States military. Instead, the Office's current inventory consists of commercially available equipment or military equipment modified for law enforcement uses. Please refer to the attached lists:

- Appendix A – Military Equipment List (Enforcement Bureau)
- Appendix B – Military Equipment List (Custody Bureau)
- Appendix C – Military Equipment List (Stanford University)



**LAURIE SMITH
SHERIFF**



Appendix A

Santa Clara County Sheriff's Office

Enforcement Bureau Military Equipment List

The following list contains the inventory of equipment in the possession of the Santa Clara County Sheriff's Office Enforcement Bureau as of March 18, 2022, that qualifies as military equipment under state law. Although specific manufacturers are listed for certain equipment below, the Sheriff's Office may acquire substantially identical equipment from a different manufacturer for the same purpose and authorized use and subject to the same restrictions and training requirements. This list shall be updated, and Board approval sought as required by Gov. Code § 7071, in the event that the Sheriff's Office acquires new or additional equipment or if the uses or training requirements for existing equipment change.

1. ROBOTS (CATEGORY 1):

a. Quantity, Description, Capabilities, and Purchase Cost:

- i. **Remotec Andros Mark VI F6B (1997);** Cost: \$131,400; Quantity: 1.
The Remotec Andros Mark VI F6B is a remote operated medium-large sized bomb disposal robot with a manipulator capable of confronting improvised explosive devices (IED), vehicle borne improvised explosive devices (VBIED), and large vehicle borne improvised explosive devices (LVBIED).
- ii. **Remotec Mini-Andros II (2004);** Cost: \$151,790; Quantity: 1.
The Remotec Mini-Andros II is a remote operated medium sized bomb disposal robot with a manipulator capable of confronting improvised explosive devices (IED).
- iii. **Qinetiq Dragon Runner 20 (2012);** Cost: \$30,000; Quantity: 1.
The Qinetiq Dragon Runner 20 is a remote operated short-range, small bomb disposal robot with a manipulator capable of confronting improvised explosive devices (IED).
- iv. **Remotec Spartan (*Purchase-Pending BOS Approval*);** Cost: \$465,000; Quantity: 1.
The Remotec Spartan is a remote operated medium-large sized bomb disposal robot with a manipulator capable of confronting improvised explosive devices (IED), vehicle borne improvised explosive devices (VBIED) and large vehicle borne improvised explosive devices (LVBIED). *If approved by the BOS, this robot will be purchased using State Homeland Security Grant Program funds.*

b. Purpose:

The Sheriff's Office Bomb Squad utilizes bomb disposal robots to complete tasks in environments hazardous to human life. Generally, items believed to contain explosive devices, explosive materials, hazardous materials or anything thought to be dangerous are confronted with bomb disposal robots as they are operated remotely and greatly enhance the safety of citizens and law enforcement officers. A supplemental use of the bomb disposal robots is to deploy them in critical incidents and/or diffuse potentially deadly situations.



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c. **Authorized Use and Training:**

The use of the bomb disposal robots shall be limited to Sheriff's Bomb Squad members and in a manner consistent with Departmental policy and training. The bomb disposal robots are primarily used to mitigate and/or render safe vehicle and large vehicle borne improvised explosive devices (VBIED and LBIED), mitigate and/or render safe any suspicious packages, bombs, or improvised explosive devices (IED); mitigate and/or render safe any homemade explosives (HME), explosive mixture or compound; enter, observe or mitigate dangerous situations where the environment is unsafe due to chemical, biological or other hazardous circumstances or hazardous materials release; observe and/or locate suspects/terrorists donning a suicide bomber vest or other explosive materials;

Other authorized uses of the bomb disposal robots shall again be limited to Sheriff's Bomb Squad members to respond to an incident or event involving potential confrontation of armed suspects; assist with search-and-rescue operations; gather intelligence and/or communicate with a barricaded suspect; during the execution of a high-risk search warrant to gather intelligence; gather intelligence and/or communicate with subjects in a hostage situation; gather intelligence in fortified locations; locate and/or gather intelligence related to a suspect in hiding; to gather intelligence during violent critical incidents including an active shooter scenario; any incident or event involving the potential confrontation of armed suspects; assisting the Crisis Negotiations Team (CNT) with establishing and maintaining communication between a Crisis Negotiator and a victim, suspect, or other involved party to de-escalate a crisis incident;

Initial training on these bomb disposal robots is typically provided by the vendor at the time of purchase. Additional on the job training is passed down from unit members and in joint trainings with other area bomb teams. These bomb disposal robots are industry standard and many of the other bomb teams have the same or similar units.

The Sheriff's Office has a Board approved Surveillance Use Policy for the use of all bomb disposal robots under the Santa Clara County Surveillance-Technology and Community-Safety Ordinance . Additionally, the Sheriff's Office has an approved Surveillance Use Policy for the VIP Gander and Mini Gander camera attachments for the bomb disposal robots.

d. **Expected Lifespan:**

The lifespan of a particular bomb disposal robot depends on a number of factors including, but not limited to, frequency of use, proper maintenance, technological advances, manufacturer support and availability of replacement parts. The typical lifespan is 10-15 years. Staff have been able to maintain this equipment and all of the bomb disposal robots currently remain operational, but the oldest robots should be replaced in the near future to ensure that the intended use and



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public safety protections that this technology provides remain available. bomb disposal robots, in general, will be a necessary requirement indefinitely as they are required safety equipment for bomb squads and part of FEMA national typing of bomb squads under NIMS/SIMS.

e. **Fiscal Impact:**

There are no recurring annual costs associated to the operation of the bomb disposal robots, however, a bomb disposal robot occasionally experiences damage requiring repairs outside of the ability of staff and specialized repair costs are incurred.

2. **ARMORED PERSONNEL CARRIERS (CATEGORY 2):**

a. **Quantity, Description, Capabilities, and Purchase Cost:**

i. **Lenco Bearcat G3 (2009); Cost: \$310,000; Quantity: 1.**

The Lenco BearCat is an armored transport vehicle with an open floorplan that allows for the rescue of citizens and law enforcement officers and/or provide protection to perform life saving measures during active critical incidents. The BearCat is designed to withstand a variety of projectiles and provides greater safety to law enforcement officers than the protection level of ballistic shields and personal body armor during critical incidents or dangerous planned operations. This BearCat is specifically designed and outfitted to operate in rural settings. It is equipped with emergency lights, siren, and a public address system. The BearCat is a regional mutual aid asset specifically awarded to benefit south Santa Clara County.

ii. **Chevrolet Suburban 4WD 2500 (1998); Cost: \$109,361; Quantity 1.**

The Chevrolet Suburban is an armored sport utility vehicle with a large cargo area behind the rear passenger bench that allows for the transportation of equipment and/or the extraction of severely injured citizens and law enforcement officers from active critical incidents. The Chevrolet Suburban is outfitted with armor to stop a variety of projectiles and provides greater safety to law enforcement officers than the protection level of ballistic shields and personal body armor during critical incidents or dangerous planned operations.

b. **Purpose:**

To be used in response to critical incidents or dangerous planned operations to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c. **Authorized Use and Training:**



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The use of armored rescue vehicles shall only be authorized by a patrol watch commander or the Sheriff's Emergency Response Team (SERT) commander based on the specific circumstances of a given critical incident. Armored rescue vehicles shall be used only by deputies trained in their deployment and in a manner consistent with Departmental policy and training. The driver of the vehicle shall have a valid California Driver License and County Driver Permit. The use of Sheriff's Office armored rescue vehicles is outlined in Sheriff's Office General Order #13.07 [Armored Rescue Vehicle].

d. **Expected Lifespan:**

- i. Lenco BearCat: 25 years.
- ii. Chevrolet Suburban: Per FAF, vehicle is past due for replacement.

e. **Fiscal Impact:**

- i. Lenco BearCat: annual maintenance cost is approximately \$1,000.
- ii. Chevrolet Suburban: annual maintenance cost is approximately \$4,050.

3. **COMMAND & CONTROL VEHICLES (CATEGORY 5):**

a. **Quantity, Description, Capabilities, and Purchase Cost:**

- i. **SERT Tactical Command Post (2006);** Cost: \$228,482; Quantity: 1.
The Sheriff's Emergency Response Team's (SERT) Tactical Command Post (TCP) serves as a mobile command and control center for tactical operations to include tactical radio operations. TCP also serves as a tactical equipment storage and transportation vehicle for SERT personnel.
- ii. **Mobile Command Post (*Purchase Pending BOS Approval*);** Cost: \$450,000; Quantity: 1.
The Mobile Command Post will be primarily used as a mobile office and shelter during prolonged critical incidents to aid in the command, control, and deployment of personnel. Should this vehicle be approved, it would be outfitted with equipment including, but not limited to, a communications (radio) console and accessories, a large monitor to display live incident updates and tactical considerations, a boom camera for operational security, a conference table, several workstations, chairs, and storage space. *If approved by the BOS, this Mobile Command Post will be purchased using State Homeland Security Grant Program funds.*



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b. **Purpose:**

The SERT Tactical Command Post is generally utilized for SERT/Crisis Negotiation operations and the proposed Mobile Command Post would be primarily used as a mobile office for law enforcement ran major critical incidents, however, they can be deployed to assist in other significant incidents such as fires, natural disasters, and mutual aid requests as needed.

c. **Authorized Use and Training:**

The Command Posts shall be used by deputies trained in its deployment and in a manner consistent with Department policy and training. The driver of the vehicle shall have a valid California Driver License and County Driver Permit. The use of Sheriff's Office Command Vehicles is outlined in Sheriff's Office General Order #13.05 [Sheriff's Office Command Vehicle].

The Command Posts themselves do not fall under the purview of the County Surveillance Ordinance, they can be outfitted with technology that does meet that criteria. For instance, the SERT Tactical Command Post is outfitted with a boom camera that was utilized for site security and operational intelligence. The technology was reported in the approved Sheriff's Office Command Vehicle Surveillance Use Policy. Unfortunately, the technology has become obsolete and the Sheriff's Office is in the process of identifying a suitable replacement/retrofit. Once that equipment is identified, the Sheriff's Office will seek approval of a new Surveillance Use Policy that identifies the new technology and replaces the existing policy.

d. **Expected Lifespan:**

- i. SERT Tactical Command Post: 25 years.
- ii. Mobile Command Post: 25 years.

e. **Fiscal Impact:**

- i. SERT Tactical Command Post: annual maintenance cost is about \$1,500.
- ii. Mobile Command Post: annual maintenance cost would be about \$1,500.

4. **SPECIALIZED FIREARMS & AMMUNITION (CATEGORY 10):**

a. **Quantity, Description, Capabilities, and Purchase Cost:**

- i. **Colt AR-15 (.223);** Cost: \$1,700/rifle; Quantity: 249
The Colt AR-15 carbine rifle is a specialized firearm carried by deputies in field assignments and members of special teams to enhance the safety of citizens and law



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enforcement. Carbine rifles are lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapons designed for semi-automatic and selective fire. The .223 cartridge is used as a lethal option designed to stop a violent encounter with greater accuracy from longer distances and is capable of penetrating soft body armor.

- ii. **Colt 11.5" Carbine LE6943 (.223)**; Cost: \$1,935/rifle; Quantity: 23
The Colt LE6943 carbine rifle is a specialized firearm carried exclusively by SERT members in tactical operations involving a heightened threat of violence and/or known weapons. These carbine rifles are also lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapons designed for semi-automatic & selective fire. The .223 cartridge is used as a lethal option designed to stop a violent encounter with greater accuracy from longer distances and is capable of penetrating soft body armor.
- iii. **Accuracy International Bolt Action Rifle (.338)**; Cost: \$12,000/rifle; Quantity: 2
The Accuracy International Bolt Action Rifle is a specialized firearm chambered for .338 ammunition. These rifles are carried exclusively by the SERT sniper team and are designed for precision shooting and expert marksmanship from long distances during tactical operations.
- iv. **Accuracy International Bolt Action Rifle (.308)**; Cost: \$9,000/rifle; Quantity: 6
The Accuracy International Bolt Action Rifle is a specialized firearm chambered for .308 ammunition. These rifles are carried exclusively by the SERT sniper team and are designed for precision shooting and expert marksmanship from long distances during tactical operations.
- v. **Mossberg 590A1 Breaching Shotgun**; Cost: \$1,000/shotgun; Quantity: 8
The Mossberg 590A1 is the agency's standard issued shotgun that has been modified specifically to be used as a breaching shotgun carried solely by SERT personnel. The purpose of this tool is to defeat metal doors, heavy locks, hinges, and dead-bolts in situations where immediate entry into a structure or dwelling is necessary.
- vi. **Mossberg 590A1 Chemical Munitions Shotgun**; Cost: \$1,000/shotgun; Quantity: 2
The Mossberg 590A1 is the agency's standard issued shotgun that has been modified specifically to be used to deploy chemical munitions and is carried solely by SERT personnel. The purpose of this tool is to deny a designated area to gain compliance of or disorient a suspect during a tactical operation.
- vii. **Speer .223 62-Grain Gold Dot**; Cost: \$250/500 round case; Quantity: 112,500 rounds
The Speer .223 62-Grain Gold Dot cartridge is the duty ammunition deployed during potential lethal encounters.



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- viii. **PMC .223 55-Grain FMJ-BT**; Cost: \$356/1000 round case; Quantity: 235,000 rounds
The PMC .223 55-Grain cartridge is the practice ammunition used for the carbine rifles.
- ix. **Hornady 308 Win 155-Grain ELD Match**; Cost: \$340/200 round case; Quantity: 4,200 rounds
The Hornady 308 Win 155-Grain ELD Match cartridge is the current duty ammunition used with the .308 bolt action rifles in potential lethal encounters during tactical operations. This ammunition is capable of penetrating soft body armor worn by armed suspects.
- x. **Federal 308 Win 168-Grain Match King**; Cost: \$399/500 round case; Quantity: 2,000 rounds
The Federal 308 Win 168-Grain Match King cartridge was the former duty ammunition used with the .308 bolt action rifles. The remaining stock is left over from when the sniper team transitioned to the Hornady cartridge and is used as training ammunition.
- xi. **Federal 308 Win 168-Grain Bonded Tip**; Cost: \$269/200 round case; Quantity: 3,600 rounds
The Federal 308 Win 168-Grain bonded tip cartridge is a specialty ammunition used with the .308 bolt action rifles in potential lethal encounters during tactical operations. This ammunition is specifically designed to defeat barriers with minimal deflection.
- xii. **SWISS P Styx Action .338 Lapua 247-Grain**; Cost: \$95/20 round box; Quantity: 60 rounds
The SWISS P Styx Action .338 Lapua 247-Grain cartridge is a specialty ammunition used with the .338 bolt action rifles specifically designed for sniper elements requiring precision accuracy and marksmanship at long ranges during tactical operations.
- xiii. **SWISS P Armor Piercing .338 Lapua 260-Grain**; Cost: \$95/20 round box; Quantity: 120 rounds
The SWISS P Armor Piercing .338 Lapua 260-Grain cartridge is a specialty ammunition used with the .338 bolt action rifles specifically designed for sniper elements requiring precision accuracy and marksmanship at long ranges. The purpose of this ammunition is to defeat armor or disable vehicles with minimal deflection during tactical operations.
- xiv. **Royal Arms International Tesar #1 275-Grain**; Cost: \$30/5 round box; Quantity: 250 rounds
The Royal Arms International Tesar #1 275-Grain breaching shotgun cartridge is a specialty ammunition used with the Mossberg 590A1 breaching shotgun during tactical operations. The purpose of this ammunition is to defeat metal doors, heavy locks, hinges, and dead bolts.



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- xv. **Royal Arms International Tesar #2 425-Grain**; Cost: \$30/5 round box; Quantity: 250 rounds
The Royal Arms International Tesar #2 425-Grain breaching shotgun cartridge is a specialty ammunition used with the Mossberg 590A1 breaching shotgun during tactical operations. The purpose of this ammunition is to defeat metal doors, heavy locks, hinges, and dead bolts.
- xvi. **Royal Arms International Tesar #4 750-Grain**; Cost: \$30/5 round box; Quantity: 0 rounds
The Royal Arms International Tesar #4 750-Grain breaching shotgun cartridge is a specialty ammunition used with the Mossberg 590A1 breaching shotgun during tactical operations. The purpose of this ammunition is to defeat metal doors, heavy locks, hinges, and dead bolts. The Sheriff's Office typically keeps this ammunition in inventory, but does not currently have any available for field use.
- xvii. **Royal Arms International Hollow Point Rebar Cutter 450-Grain**; Cost: \$30/5 round box; Quantity: 0 rounds
The Royal Arms International Hollow Point Rebar Cutter 450-Grain breaching shotgun cartridge is a specialty ammunition used with the Mossberg 590A1 breaching shotgun during tactical operations. The purpose of this ammunition is to cut re-bar, penetrates security glass, car doors, punches into engine blocks. The Sheriff's Office typically keeps this ammunition in inventory, but does not currently have any available for field use.
- xviii. **Royal Arms International Flash Bang 82-Grain**; Cost: \$30/5 round box; Quantity: 0 rounds
The Royal Arms International Flash Bang 82-Grain breaching shotgun cartridge is a specialty ammunition used with the Mossberg 590A1 breaching shotgun during tactical operations. The purpose of this ammunition is to cut re-bar, penetrates security glass, car doors, punches into engine blocks. The Sheriff's Office typically keeps this ammunition in inventory, but does not currently have any available for field use.
- xix. **CTS Model 2595 Muzzle Bang 12 GA**; Cost: \$188/25 round box; Quantity: 0 rounds
The Combined Tactical Systems (CTS) Model 2595 Muzzle Bang 12 Gauge shotgun cartridge is a specialty ammunition used with the Mossberg 590A1 during tactical operations. The purpose of this ammunition is to deploy chemical munitions from the Mossberg 590A1 Chemical Munitions Shotgun. The Sheriff's Office typically keeps this ammunition in inventory, but does not currently have any available for field use.
- xx. **SWISS P .308 Win Styx 167-Grain**; Cost: \$52/20 round box; Quantity: 60 rounds



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The SWISS P.308 Win Styx 167-Grain cartridge is a specialty ammunition used with the .308 bolt action rifles specifically designed for sniper elements requiring precision accuracy and marksmanship at long ranges during tactical operations.

- xxi. **SWISS P .308 Win AP 196-Grain**; Cost: \$95/20 round box; Quantity: 60 rounds
The SWISS P.308 Win AP 196-Grain cartridge is a specialty ammunition used with the .308 bolt action rifles specifically designed for sniper elements requiring precision accuracy and marksmanship. The purpose of this ammunition is to defeat armor or disable vehicles with minimal deflection during tactical operations.
- xxii. **SWISS P .308 Win Tactical 163-Grain**; Cost: \$125/20 round box; Quantity: 60 rounds
The SWISS P.308 Win Tactical 196-Grain cartridge is a specialty ammunition used with the .308 bolt action rifles specifically designed for sniper elements requiring precision accuracy and marksmanship. The purpose of this ammunition is specifically designed to defeat barriers, such as glass, with minimal deflection during tactical operations.
- xxiii. **SWISS P Tactical .338 Lapua 250-Grain**; Cost: \$99/20 round box; Quantity: 600 rounds
The SWISS P Tactical .338 Lapua 250-Grain cartridge is a specialty ammunition used with the .338 bolt action rifles specifically designed for sniper elements requiring precision accuracy and marksmanship shooting through intermediate barriers at long ranges during tactical operations.
- xxiv. **SWISS P Target .338 Lapua 250-Grain**; Cost: \$92/20 round box; Quantity: 1200 rounds
The SWISS P Target .338 Lapua 250-Grain cartridge is a specialty ammunition used with the .338 bolt action rifles specifically designed for sniper elements requiring precision accuracy and marksmanship shooting at long ranges during tactical operations.

b. **Purpose:**

The patrol AR-15 rifles are to be used as precision weapons to address a violent and/or armed threat with greater precision and/or at greater distances than a handgun, if necessary and feasible. The other specialized rifles are exclusively used by SERT personnel during tactical operations as precision weapons to address a violent and/or armed threat with greater precision and/or at greater distances than a handgun, if necessary and feasible. The breaching shotgun is a specialized entry tool exclusively utilized by highly trained SERT personnel to effectuate a forced entry into a structure or dwelling as part of a tactical operation under instruction of a Court Order or exigent circumstances exist to protect life.



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c. **Authorized Use and Training:**

- i. The Colt AR-15 semi-automatic carbine rifle has been the primary rifle utilized by patrol deputies and other enforcement divisions within the Sheriff's Office. The Colt AR-15 semi-automatic carbine rifle is considered an entry level and standard issue once a deputy completed a California Peace Officer Standards and Training (POST) rifle course; however, in an abundance of caution, the Sheriff's Office is reporting these rifles as military equipment. The issuance and use of these firearms are outlined in Sheriff's Office General Orders #12.00 [Use of Force], #12.01 [Firearm Issuance and Training], and #12.02 [Use of Firearms].
- ii. The Colt LE6943 semi-automatic carbine rifle is exclusively used by members of the Sheriff's Emergency Response Team (SERT) for tactical operations. A California Peace Officer Standards and Training (POST) rifle course must be completed for issuance of the Colt LE6943 semi-automatic carbine rifle to a SERT member. Once this weapon is assigned, the SERT member is required to attend a POST certified tactical rifle course to gain knowledge and skills specific to this short-barreled rifle pursuant to California Penal Code section 33220(b). The use of these firearms is outlined in Sheriff's Office General Orders #12.00 [Use of Force], #12.02 [Use of Firearms], and #19.02 [Sheriff's Emergency Response Team].
- iii. The Accuracy International .338 bolt action rifle is exclusively used by members of the Sheriff's Emergency Response Team (SERT) sniper team for tactical operations. A California Peace Officer Standards and Training (POST) sniper course will be completed prior to the issuance the Accuracy International .338 bolt action rifle to a sniper team member and authorized for use. The use of these firearms is outlined in Sheriff's Office General Orders #12.00 [Use of Force], #12.02 [Use of Firearms], and #19.02 [Sheriff's Emergency Response Team].
- iv. The Accuracy International .308 bolt action rifle is exclusively used by members of the Sheriff's Emergency Response Team (SERT) sniper team for tactical operations. A California Peace Officer Standards and Training (POST) sniper course will be completed prior to the issuance the Accuracy International .308 bolt action rifle to a sniper team member and authorized for use. This rifle is designed for precision shooting and expert marksmanship. The use of these firearms is outlined in Sheriff's Office General Orders #12.00 [Use of Force], #12.02 [Use of Firearms], and #19.02 [Sheriff's Emergency Response Team].
- v. The Mossberg 590A1 breaching shotgun is exclusively used by members of the Sheriff's Emergency Response Team (SERT) for tactical operations. A specialty breaching course must be completed for issuance of this shotgun to a SERT member. Once this weapon is



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assigned, the SERT member is required to attend a basic school to learn knowledge and skills specific to this weapon system. The use of these firearms is outlined in Sheriff's Office General Orders #12.00 [Use of Force], #12.02 [Use of Firearms], and #19.02 [Sheriff's Emergency Response Team].

- vi. The Mossberg 590A1 chemical munitions shotgun is exclusively used by members of the Sheriff's Emergency Response Team (SERT) for tactical operations. Once this weapon is assigned, the SERT member is required to attend a basic school to learn knowledge and skills specific to this weapon system and on-going training will be. The use of these firearms is outlined in Sheriff's Office General Orders #12.00 [Use of Force], #12.02 [Use of Firearms], and #19.02 [Sheriff's Emergency Response Team].

d. **Expected Lifespan:**

- i. Colt AR-15 (.223)* - No Expiration
- ii. Colt 11.5" Carbine LE6943 (.223)* - No Expiration
- iii. Accuracy International Bolt Action Rifle (.338)* - No Expiration
- iv. Accuracy International Bolt Action Rifle (.308)* - No Expiration
- v. Mossberg 590A1 Breaching Shotgun* - No Expiration
- vi. Mossberg 590A1 Chemical Munitions Shotgun* - No Expiration
- vii. Speer .223 62-Grain Gold Dot - No Expiration
- viii. PMC .223 55-Grain FMJ-BT - No Expiration
- ix. Hornady 308 Win 155-Grain ELD Match - No Expiration
- x. Federal 308 Win 168-Grain Match King - No Expiration
- xi. Federal 308 Win 168-Grain Bonded Tip - No Expiration
- xii. SWISS P Styx Action .338 Lapua 247-Grain - No Expiration
- xiii. SWISS P Armor Piercing .338 Lapua 260-Grain - No Expiration
- xiv. Royal Arms International Tesar #1 275-Grain - No Expiration
- xv. Royal Arms International Tesar #2 425-Grain - No Expiration
- xvi. Royal Arms International Tesar #4 750-Grain - No Expiration
- xvii. Royal Arms International Hollow Point Rebar Cutter 450-Grain - No Expiration
- xviii. Royal Arms International Flash Bang 82-Grain - No Expiration
- xix. CTS Model 2595 Muzzle Bang 12 GA - No Expiration
- xx. SWISS P .308 Win Styx 167-Grain - No Expiration
- xxi. SWISS P .308 Win AP 196-Grain - No Expiration
- xxii. SWISS P .308 Win Tactical 163-Grain - No Expiration
- xxiii. SWISS P Tactical .338 Lapua 250-Grain - No Expiration
- xxiv. SWISS P Target .338 Lapua 250-Grain - No Expiration

**These weapon systems do not have expiration dates, but these will need to be serviced or replaced when an individual firearm fails or breaks*



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e. **Fiscal Impact:**

- i. Colt AR-15 (.223) - Annual cost between \$0 - \$50.
- ii. Colt 11.5" Carbine LE6943 (.223) - Annual cost between \$0 - \$1000.
- iii. Accuracy International Bolt Action Rifle (.338) - Annual cost between \$0 - \$3000.
- iv. Accuracy International Bolt Action Rifle (.308) - Annual cost between \$0 - \$8500.
- v. Mossberg 590A1 Breaching Shotgun - Annual cost between \$0 - \$500.
- vi. Mossberg 590A1 Chemical Munitions Shotgun - Annual cost between \$0 - \$500.
- vii. Speer .223 62-Grain Gold Dot - Annual cost between \$0 - \$25,000.
- viii. PMC .223 55-Grain FMJ-BT - Annual cost between \$0 - \$15,000.
- ix. Hornady 308 Win 155-Grain ELD Match - Annual cost between \$0 - \$3,500.
- x. Federal 308 Win 168-Grain Match King - Annual cost between \$0 - \$5,500.
- xi. Federal 308 Win 168-Grain Bonded Tip - Annual cost between \$0 - \$4,000.
- xii. SWISS P Styx Action .338 Lapua 247-Grain - Annual cost between \$0 - \$1000.
- xiii. SWISS P Armor Piercing .338 Lapua 260-Grain - Annual cost between \$0 - \$1,400.
- xiv. Royal Arms International Tesar #1 275-Grain - Annual cost between \$0 - \$800.
- xv. Royal Arms International Tesar #2 425-Grain - Annual cost between \$0 - \$800.
- xvi. Royal Arms International Tesar #4 750-Grain - Annual cost between \$0 - \$800.
- xvii. Royal Arms International Hollow Point Rebar Cutter 450-Grain - Annual cost between \$0 - \$800.
- xviii. Royal Arms International Flash Bang 82-Grain - Annual cost between \$0 - \$1000.
- xix. CTS Model 2595 Muzzle Bang 12 GA - Annual cost between \$0 - \$1000.
- xx. SWISS P .308 Win Styx 167-Grain - Annual cost between \$0 - \$2000.
- xxi. SWISS P .308 Win AP 196-Grain - Annual cost between \$0 - \$2000.
- xxii. SWISS P .308 Win Tactical 163-Grain - Annual cost between \$0 - \$2000.
- xxiii. SWISS P Tactical .338 Lapua 250-Grain - Annual cost between \$0 - \$2000.
- xxiv. SWISS P Target .338 Lapua 250-Grain - Annual cost between \$0 - \$2000.

5. **DIVERSIONARY DEVICES & CHEMICAL AGENTS (CATEGORY 12):**

a. **Quantity, Description, Capabilities, and Purchase Cost:**

- i. **CTS Model 7290M Flash Bang;** Cost: \$45/unit; Quantity: 212
The Combined Tactical Systems (CTS) 7290M is a single use flash-bang that emits a loud "bang" and a flash of light as a diversion.
- ii. **CTS Model 7290-2 Flash Bang;** Cost: \$45/unit; Quantity: 1
The Combined Tactical Systems (CTS) 7290-2 is a single use flash-bang that emits a thunderous "bang" and a flash of light as a diversion.
- iii. **CTS Model 7290-9 Flash Bang;** Cost: \$45/unit; Quantity: 0



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The Combined Tactical Systems (CTS) 7290-2 is a single use flash-bang that emits a thunderous “bang” and a flash of light as a diversion. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use.

- iv. **CTS Practice Flash Bang; Cost: \$51/unit; Quantity: 19**
The Combined Tactical Systems (CTS) practice flash bang is a re-useable flash-bang utilized in training such as SWAT school. The practice flash bang accepts practice fuses and has an unlimited life. The practice fuses are sold separately at \$16 a piece.
- v. **CTS Model S230 CS Smoke Grenade; Cost: \$43/unit; Quantity: 4**
The Combined Tactical Systems (CTS) Model S230 CS smoke grenade is a large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports to gain compliance from a subject(s).
- vi. **CTS Model 5210B Smoke Grenade; Cost: \$43/unit; Quantity: 2**
The Combined Tactical Systems (CTS) Model 5210B baffled white smoke grenade is a pyrotechnic smoke grenade used as a diversion, for concealment or as a signaling device.
- vii. **CTS Model 6210 Smoke Grenade; Cost: \$32/unit; Quantity: 0**
The Combined Tactical Systems (CTS) Model 6210G white smoke grenade is a pyrotechnic smoke grenade used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- viii. **Defense Technology Saf-Smoke Grenade; Cost: \$45/unit; Quantity: 0**
The Defense Technology Saf-Smoke grenade is a pyrotechnic white smoke grenade used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- ix. **Defense Technology Saf-Smoke Pocket Tactical Grenade; Cost: \$28/unit; Quantity: 60**
The Defense Technology Saf-Smoke Pocket Tactical grenade is a smaller, lightweight version of the Saf-Smoke pyrotechnic white smoke grenade used as a diversion, for concealment or as a signaling device.
- x. **CTS Model 6210B Smoke Grenade; Cost: \$46/unit; Quantity: 0**
The Combined Tactical Systems (CTS) Model 6210B blue smoke grenade is a pyrotechnic smoke grenade used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.



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- xi. **Defense Technology Blue Smoke Grenade;** Cost: \$46/unit; Quantity: 0
The Defense Technology blue smoke grenade is a pyrotechnic smoke grenade used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xii. **CTS Model 6210G Smoke Grenade;** Cost: \$46/unit; Quantity: 0
The Combined Tactical Systems (CTS) Model 6210G green smoke grenade is a pyrotechnic smoke grenade used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xiii. **Defense Technology Green Smoke Grenade;** Cost: \$46/unit; Quantity: 0
The Defense Technology green smoke grenade is a pyrotechnic smoke grenade used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xiv. **Defense Technology Red Smoke Grenade;** Cost: \$46/unit; Quantity: 0
The Defense Technology red smoke grenade is a pyrotechnic smoke grenade used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xv. **Defense Technology Triple-Chaser Smoke Grenade;** Cost: \$46/unit; Quantity: 0
The Defense Technology Triple-Chaser smoke grenade is a pyrotechnic smoke grenade consisting of 3 separate aluminum canisters pressed together with separate charges between each canister. When deployed, the grenade will separate over a broad space to give a wider area of coverage to be used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xvi. **CTS Model 5211 White Smoke Triple Phaser Grenade;** Cost: \$44/unit; Quantity: 0
The Combined Tactical Systems (CTS) Model 5211 white smoke triple phaser is a large diameter grenade consisting of 3 separate aluminum canisters pressed together with separate charges between each canister. When deployed, the grenade will separate over a broad space to give a wider area of coverage to be used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xvii. **CTS Model 8210 Tactical Smoke Grenade;** Cost: \$25/unit; Quantity: 0



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The Combined Tactical Systems (CTS) Model 8210 white smoke grenade is a pyrotechnic smoke grenade used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.

- xviii. **Defense Technology Triple-Chaser CS Grenade;** Cost: \$46/unit; Quantity: 0
The Defense Technology Triple-Chaser CS grenade is a large diameter grenade consisting of 3 separate aluminum canisters pressed together with separate charges between each canister. When deployed, the grenade will separate over a broad space to give a wider area of coverage to disperse the chemical agent to gain compliance from a subject(s). The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xix. **CTS Model 5230JL CS Smoke Grenade;** Cost: \$42/unit; Quantity: 8
The Combined Tactical Systems (CTS) Model 5230JL Jet Lite CS smoke grenade is a large diameter burning grenade designed to discharge a high volume of smoke and chemical agent rapidly through multiple emission ports to gain compliance from a subject(s). The smoke composition is formulated to burn rapidly decreasing the possibility that the grenade can be picked up and thrown back at deputies.
- xx. **CTS Model 5231 CS Smoke Grenade;** Cost: \$48/unit; Quantity: 8
The Combined Tactical Systems (CTS) Model 5231 Riot CS smoke triple phaser is a large diameter grenade consisting of 3 separate aluminum canisters pressed together with separate charges between each canister. When deployed, the grenade will separate over a broad space to give a wider area of coverage to disperse the chemical agent to gain compliance from a subject(s).
- xxi. **CTS Model 8230 CS Smoke Grenade;** Cost: \$26/unit; Quantity: 16
The Combined Tactical Systems (CTS) Model 8230 Tactical Grenade CS smoke is specifically for outdoor use that discharges a high volume of smoke and chemical agent through multiple emission ports to gain compliance from a subject.
- xxii. **CTS Model 5230B CS Smoke Grenade;** Cost: \$45/unit; Quantity: 33
The Combined Tactical Systems (CTS) Model 5230B Baffled Riot CS smoke is a pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms to gain compliance from a subject.
- xxiii. **CTS Model 6330 CS Vapor Grenade;** Cost: \$45/unit; Quantity: 10
The Combined Tactical Systems (CTS) Model 6330 CS Vapor Grenade is a unique device for delivering an invisible vapor and rendering an intense respiratory effect to a non-compliant subject.



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- xxiv. **CTS Model 6340A OC Vapor Grenade;** Cost: \$45/unit; Quantity: 12
The Combined Tactical Systems (CTS) Model 6340A OC Vapor Grenade is a unique grenade delivers an invisible OC vapor and renders an intense respiratory effect to a non-compliant subject.
- xxv. **Defense Technology Model 1092 CS Han-Ball Grenade;** Cost: \$52/unit; Quantity: 120
The Defense Technology Model 1092 CS rubber ball grenade is an outdoor use grenade expelling its CS payload in approximately 15-20 seconds.

b. **Purpose:**

Diversions devices create smoke, a brilliant flash and/or a loud sound to temporarily divert the attention of subjects in the immediate area. Diversions devices are used to distract and/or temporarily incapacitate dangerous suspects by overwhelming their senses of vision and hearing. The ensuing short-term (6-8 seconds) physiological/psychological sensory deprivation allows deputies to seize a moment of opportunity to take control of high-risk situations.

Chemical agents, which are commonly referred to as "tear gas," are used as a non-lethal de-escalation tool in many potentially violent situations including, but are not limited to, a barricaded suspect and riot dispersal. The chemical agents deployed by the Santa Clara County Sheriff's Office are CS (2-Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum), both of which are standard across United States law enforcement.

c. **Authorized Use and Training:**

All diversions devices and chemical agents, other than standard issue personal use OC canisters, are exclusively used by members of SERT and the Crowd Control Unit to safely de-escalate and resolve critical situations such as high-risk tactical operations and riot situations. Diversions devices shall only be used by deputies that have been trained in their proper use. A California Peace Officer Standards and Training (POST) chemical agent course must be completed by the deputies charged with the deployment of chemical agents in crowd control situations pursuant to AB 48 and the use of these munitions must be in compliance with the law. The use of these tools is outlined in Sheriff's Office General Orders #12.00 [Use of Force], #12.04 [Use of Less Lethal Munitions Firearms], #17.03 [Demonstrations and Civil Disorders] and #19.02 [Sheriff's Emergency Response Team].

d. **Expected Lifespan:**

- i. CTS Model 7290M Flash Bang – 5 years
- ii. CTS Model 7290-2 Flash Bang – 5 years



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- iii. CTS Model 7290-9 Flash Bang – 5 years
- iv. Defense Technology Practice Diversionary – 5 years
- v. CTS Model S230 CS Smoke Grenade – 5 years
- vi. CTS Model 5210B Smoke Grenade – 5 years
- vii. CTS Model 6210 Smoke Grenade – 5 years
- viii. Defense Technology Saf-Smoke Grenade – 5 years
- ix. Defense Technology Saf-Smoke Pocket Tactical grenade – 5 years
- x. CTS Model 6210B Smoke Grenade – 5 years
- xi. Defense Technology Blue Smoke Grenade – 5 years
- xii. CTS Model 6210G Smoke Grenade – 5 years
- xiii. Defense Technology Green Smoke Grenade – 5 years
- xiv. Defense Technology Red Smoke Grenade – 5 years
- xv. Defense Technology Triple-Chaser smoke grenade – 5 years
- xvi. CTS Model 5211 White Smoke Triple Phaser Grenade – 5 years
- xvii. CTS Model 8210 Tactical Smoke Grenade – 5 years
- xviii. Defense Technology Triple-Chaser CS grenade – 5 years
- xix. CTS Model 5230JL CS Smoke Grenade – 5 years
- xx. CTS Model 5231 CS Smoke Grenade – 5 years
- xxi. CTS Model 8230 CS Smoke Grenade – 5 years
- xxii. CTS Model 5230B CS Smoke Grenade – 5 years
- xxiii. CTS Model 6330 CS Vapor Grenade – 5 years
- xxiv. CTS Model 6340A OC Vapor Grenade – 5 years
- xxv. Defense Technology Model 1092 CS Han-Ball Grenade – 5 years

e. **Fiscal Impact:**

- i. CTS Model 7290M Flash Bang – Annual cost between \$0 - \$2,500.
- ii. CTS Model 7290-2 Flash Bang – Annual cost between \$0 - \$500.
- iii. CTS Model 7290-9 Flash Bang – Annual cost between \$0 - \$2,500.
- iv. Defense Technology Practice Diversionary – Annual cost between \$0 - \$500.
- v. CTS Model S230 CS Smoke Grenade – Annual cost between \$0 - \$500.
- vi. CTS Model 5210B Smoke Grenade – Annual cost between \$0 - \$500.
- vii. CTS Model 6210 Smoke Grenade – Annual cost between \$0 - \$500.
- viii. Defense Technology Saf-Smoke Grenade – Annual cost between \$0 - \$500.
- ix. Defense Technology Saf-Smoke Pocket Tactical grenade – Annual cost between \$0 - \$500.
- x. CTS Model 6210B Smoke Grenade – Annual cost between \$0 - \$500.
- xi. Defense Technology Blue Smoke Grenade – Annual cost between \$0-\$500.
- xii. CTS Model 6210G Smoke Grenade – Annual cost between \$0 - \$500.
- xiii. Defense Technology Green Smoke Grenade – Annual cost between \$0-\$500.
- xiv. Defense Technology Red Smoke Grenade – Annual cost between \$0-\$500.



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- xv. Defense Technology Triple-Chaser smoke grenade – Annual cost between \$0-\$500.
- xvi. CTS Model 5211 White Smoke Triple Phaser Grenade – Annual cost between \$0 - \$500.
- xvii. CTS Model 8210 Tactical Smoke Grenade – Annual cost between \$0 - \$500.
- xviii. Defense Technology Triple-Chaser CS grenade – Annual cost between \$0 - \$500.
- xix. CTS Model 5230JL CS Smoke Grenade – Annual cost between \$0 - \$500.
- xx. CTS Model 5231 CS Smoke Grenade – Annual cost between \$0 - \$500.
- xxi. CTS Model 8230 CS Smoke Grenade – Annual cost between \$0 - \$500.
- xxii. CTS Model 5230B CS Smoke Grenade – Annual cost between \$0 - \$500.
- xxiii. CTS Model 6330 CS Vapor Grenade – Annual cost between \$0 - \$500.
- xxiv. CTS Model 6340A OC Vapor Grenade – Annual cost between \$0 - \$500.
- xxv. Defense Technology Model 1092 CS Han-Ball Grenade – Annual cost between \$0 - \$500.

6. PROJECTILE LAUNCH PLATFORMS & ASSOCIATED MUNITIONS (CATEGORY 14):

a. Quantity, Description, Capabilities, and Purchase Cost:

- i. **FN Herstal – FN 303 Launcher;** Cost: \$875/unit; Quantity: 25
The FN 303 is a less lethal force option that uses compressed air to fire projectiles from a 15-round magazine. The kinetic energy projectiles are designed to incapacitate a target without causing critical injuries and is most widely used for riot control.
- ii. **FN 303 Pava/OC Powder Projectiles;** Cost: \$2,500/600 round case; Quantity: 1,050 rounds
The Pava/OC Powder Projectiles are less lethal ammunition designed for the FN 303 launcher. These .68 caliber, 8.5-gram projectiles utilize a fin-stabilized polystyrene body and a non-toxic bismuth forward payload to provide more accuracy and greater effective range than other less lethal systems. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is chemical agent delivery to gain compliance of a subject.
- iii. **FN 303 Washable Paint Projectiles;** Cost: \$2,500/600 round case; Quantity: 750 rounds
The Washable Paint Projectiles are less lethal ammunition designed for the FN 303 launcher. These .68 caliber, 8.5-gram projectiles utilize a fin-stabilized polystyrene body and a non-toxic bismuth forward payload to provide more accuracy and greater effective range than other less lethal systems. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is marking subjects for identification with a washable colorant.
- iv. **Penn Arms 40mm Launcher;** Cost: \$785/unit; Quantity: 5



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The Penn Arms 40mm Launcher but is a single-shot less lethal system that delivers 40mm munitions from a safe distance. The Less-Lethal launcher is capable of launching 40mm munitions at a subject up to 40 yards. The Less-Lethal launcher is a single launcher, which allows the deputy to assess after every spent munition. The kinetic energy projectiles are designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The launcher is also used when it is necessary to breach glass windows or doors for access to a person in structure or vehicle in a rescue or apprehension scenario.

- v. **Lewis Machine & Tool (LMT) 40mm Launcher**; Cost: \$875/unit; Quantity: 39
The LMT 40mm Launcher is a single-shot less lethal system that delivers 40mm munitions from a safe distance. The Less-Lethal launcher is capable of launching 40mm munitions at a subject up to 40 yards. The Less-Lethal launcher is a single launcher, which allows the deputy to assess after every spent munition. The kinetic energy projectiles are designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The launcher is also used when it is necessary to breach glass windows or doors for access to a person in structure or vehicle in a rescue or apprehension scenario.
- vi. **Defense Technology 40mm Impact Sponge Baton**; Cost: \$29/unit; Quantity: 1226
The Defense Technology 40mm impact sponge baton munition is designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable.
- vii. **Defense Technology 40mm Spede-Heat OC**; Cost: \$25/unit; Quantity: 0
The Defense Technology 40mm Spede-Heat OC munition is designed to deliver a cloud of irritant to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- viii. **Defense Technology 40mm Spede-Heat CS**; Cost: \$25/unit; Quantity: 0
The Defense Technology 40mm Spede-Heat CS munition is designed to deliver a cloud of irritant to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- ix. **Defense Technology 40mm Spede-Heat Saf-Smoke**; Cost: \$25/unit; Quantity: 0
The Defense Technology 40mm Spede-Heat Saf-Smoke munition is designed to deliver a pyrotechnic smoke cannister used as a diversion, for concealment or as a signaling



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device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.

- x. **CTS Model 4530 40mm Impact CS Powder**; Cost: \$30/unit; Quantity: 23
The Combined Tactical Systems (CTS) Model 4530 40mm frangible impact munition delivers greater energy on the target with extreme accuracy and simultaneously dispersing a cloud of irritant or marking powder.
- xi. **Defense Technology 40mm Impact OC**; Cost: \$30/unit; Quantity: 0
The Defense Technology 40mm impact OC munition consists of a plastic body and crushable foam nose that contains an OC payload designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xii. **Defense Technology 40mm Impact CS**; Cost: \$30/unit; Quantity: 0
The Defense Technology 40mm impact CS munition consists of a plastic body and crushable foam nose that contains a CS payload designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xiii. **Defense Technology 40mm Muzzle Blast OC**; Cost: \$30/unit; Quantity: 0
The Defense Technology 40mm Muzzle Blast OC munition is designed for immediate and close quarters deployment of OC to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xiv. **Defense Technology 40mm Muzzle Blast CS**; Cost: \$30/unit; Quantity: 0
The Defense Technology 40mm Muzzle Blast CS munition is designed for immediate and close quarters deployment of CS to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xv. **Defense Technology 40mm Skat Shell OC**; Cost: \$30/unit; Quantity: 0
The Defense Technology 40mm Skat Shell OC munition is designed to deliver four separate sub-munitions of OC to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The Sheriff's



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Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.

- xvi. **Defense Technology 40mm Skat Shell CS; Cost: \$30/unit; Quantity: 0**
The Defense Technology 40mm Skat Shell CS munition is designed to deliver four separate sub-munitions of CS to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xvii. **Defense Technology 40mm Skat Shell Saf-Smoke; Cost: \$30/unit; Quantity: 0**
The Defense Technology 40mm Skat Shell Saf-Smoke munition is designed to deliver four separate sub-munitions of smoke. When deployed, the cartridge will separate over a broad space to give a wider area of coverage to be used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xviii. **CTS Model 4441 40mm OC Barricade Projectile; Cost: \$29/unit; Quantity: 12**
The Combined Tactical Systems (CTS) Model 4441 40mm is a powder filled projectile that penetrates intermediate barriers and delivers irritant agents into an adjacent room.
- xix. **CTS Model 4213 40mm White Smoke Multi-Cartridge; Cost: \$30/unit; Quantity: 0**
The Combined Tactical Systems (CTS) Model 4213 40mm aluminum cartridge launches 3 sub-munitions that emit smoke via rapid burning. When deployed, the cartridge will separate over a broad space to give a wider area of coverage to be used as a diversion, for concealment or as a signaling device. The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xx. **CTS Model 4233 40mm CS Smoke Multi-Cartridge; Cost: \$33/unit; Quantity: 0**
The Combined Tactical Systems (CTS) Model 4233 40mm aluminum cartridge launches 3 sub-munitions that emit CS via rapid burning smoke. When deployed, the cartridge will separate over a broad space to give a wider area of coverage to discharge a high volume of smoke and chemical agent through multiple emission ports to gain compliance from a subject(s). The Sheriff's Office typically keeps this device in its inventory, but do not currently have any available for field use as they are expired.
- xxi. **PepperBall Launcher; Cost: \$700; Quantity: 1**
The PepperBall Launcher uses high pressure air to deliver projectiles (similar to a paint ball delivery system). The PepperBall Launcher is capable of launching projectiles at a subject up to 60 feet. The kinetic impact projectiles are designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is



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prohibited or inadvisable. The use of the launcher to deliver chemical agents is intended and designed to be used to overcome resistance and/or to subdue persons with minimal injuries to deputies, arrestees and others.

- xxii. **PepperBall Pava/OC Live-X Powder Projectiles;** Cost: \$370 per case (90); Quantity: 90
The Pava/OC Live-X Powder Projectiles are less lethal impact munitions designed for the PepperBall launcher. The PepperBall Live-X round contains 5.0% PAVA/OC. It is effective for direct impact and area saturation. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is chemical agent delivery to gain compliance of a subject.
- xxiii. **PepperBall Pava/OC Live-MAXX Powder Projectiles;** Cost: \$648 per case (90); Quantity: 900
The Pava/OC Live-MAXX Powder Projectiles are less lethal impact munitions designed for the PepperBall launcher. The PepperBall Live-MAXX round contains 5.0% MAXSAICINPAVA. It is effective for direct impact and area saturation. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is chemical agent delivery to gain compliance of a subject.
- xxiv. **PepperBall Pava/OC Live-SD Powder Projectiles;** Cost: \$250 per case (90); Quantity: 90
The Pava/OC Live-SD Powder Projectiles are less lethal munitions designed for the Pepperball launcher. The PepperBall Live-SD round contains 2.0% PAVA/OC. It is effective for direct impact and area saturation. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is chemical agent delivery to gain compliance of a subject.
- xxv. **PepperBall Inert Projectiles;** Cost: \$300 per case (375); Quantity: 375
The Inert Projectiles are less lethal impact munitions designed for the Pepperball launcher. The PepperBall Inert round contains a harmless scented powder and is best suited for practice or direct impact when chemical exposure is not desired. When used for direct impact, the primary effect of the projectile is trauma, which directly neutralizes the aggressor.
- xxvi. **PepperBall Water or Paint Marker Projectiles;** Cost: \$300 per case (375); Quantity: 375
The Water or Paint Marker Projectiles are less lethal impact munitions designed for the Pepperball launcher. The PepperBall Water or Paint round contains water and is best suited for practice or direct impact when chemical exposure is not desired. When used for



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direct impact, the primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is marking subjects for identification with a washable colorant.

b. **Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or inadvisable.

c. **Authorized Use and Training:**

The FN 303 is currently only used as an impact weapon and/or chemical agent delivery system by members of the SERT and Crowd Control Unit. The Penn Arms and Lewis Machine & Tool 40mm launchers are utilized as an impact weapon by patrol, specialized units, and SERT. SERT and the Crowd Control Unit also utilize the launcher as an impact weapon as well as a chemical agent delivery system. The PepperBall launcher is exclusively used by SERT and the Crowd Control Unit as an impact weapon as well as a chemical agent delivery system. The various projectile launch platforms and associated munitions deployed by the Sheriff's Office shall be used by deputies trained in its deployment and in a manner consistent with Department policy and training. The use of these tools is outlined in Sheriff's Office General Orders #12.00 [Use of Force], #12.04 [Use of Less Lethal Munitions Firearms], #17.03 [Demonstrations and Civil Disorders] and #19.02 [Sheriff's Emergency Response Team].

Situations authorized for use of the less lethal weapon systems may include, but are not limited to:

- Self-destructive, dangerous and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises.

d. **Expected Lifespan:**

- i. FN Herstal – FN 303 Launcher* – No Expiration
- ii. FN 303 Pava/OC Powder Projectiles – 3 years
- iii. FN 303 Washable Paint Projectiles – 3 years
- iv. Penn Arms 40mm Launcher* – No Expiration
- v. Lewis Machine & Tool (LMT) 40mm Launcher* – No Expiration
- vi. Defense Technology 40mm Impact Sponge Baton – 3 years
- vii. Defense Technology 40mm Spede-Heat OC – 5 years
- viii. Defense Technology 40mm Spede-Heat CS – 5 years
- ix. Defense Technology 40mm Spede-Heat Saf-Smoke – 5 years



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- x. CTS Model 4530 40mm Impact CS Powder – 5 years
- xi. Defense Technology 40mm impact OC munition – 5 years
- xii. Defense Technology 40mm impact CS munition – 5 years
- xiii. Defense Technology 40mm Muzzle Blast OC munition – 5 years
- xiv. Defense Technology 40mm Muzzle Blast CS munition – 5 years
- xv. Defense Technology 40mm Skat Shell OC munition – 5 years
- xvi. Defense Technology 40mm Skat Shell CS munition – 5 years
- xvii. Defense Technology 40mm Skat Shell Saf-Smoke munition – 5 years
- xviii. CTS Model 4441 40mm Impact OC Barricade Projectile– 5 years
- xix. CTS Model 4213 40mm White Smoke Multi-Cartridge – 5 years
- xx. CTS Model 4233 40mm CS Smoke Multi-Cartridge – 5 years
- xxi. PepperBall Launcher* – No Expiration
- xxii. PepperBall Pava/OC Live-X Powder Projectiles – 3 years
- xxiii. PepperBall Pava/OC Live-MAXX Powder Projectiles – 3 years
- xxiv. PepperBall Pava/OC Live-SD Powder Projectiles – 3 years
- xxv. PepperBall Inert Practice Projectiles – 3 years
- xxvi. PepperBall Water or Paint Marker Projectiles – 3 years

**These weapon systems do not have expirations dates, but these will need to be serviced or replaced when an individual launcher fails or breaks*

e. **Fiscal Impact:**

- i. FN Herstal – FN 303 Launcher – Annual cost between \$0 - \$10,000.
- ii. FN 303 Pava/OC Powder Projectiles – Annual cost between \$0 - \$5,000.
- iii. FN 303 Washable Paint Projectiles – Annual cost between \$0 - \$5,000.
- iv. Penn Arms 40mm Launcher – Annual cost between \$0 - \$5,000.
- v. Lewis Machine & Tool (LMT) 40mm Launcher – Annual cost between \$0 - \$10,000.
- vi. Defense Technology 40mm Impact Sponge Baton – Annual cost between \$0 - \$20,000.
- vii. Defense Technology 40mm Spede-Heat OC – Annual cost between \$0 - \$500.
- viii. Defense Technology 40mm Spede-Heat CS – Annual cost between \$0 - \$500.
- ix. Defense Technology 40mm Spede-Heat Saf-Smoke – Annual cost between \$0 - \$500.
- x. CTS Model 4530 40mm Impact CS Powder – Annual cost between \$0 - \$500.
- xi. Defense Technology 40mm impact OC munition – Annual cost between \$0 - \$500.
- xii. Defense Technology 40mm impact CS munition – Annual cost between \$0 - \$500.
- xiii. Defense Technology 40mm Muzzle Blast OC munition – Annual cost between \$0 - \$500.
- xiv. Defense Technology 40mm Muzzle Blast CS munition – Annual cost between \$0 - \$500.
- xv. Defense Technology 40mm Skat Shell OC munition – Annual cost between \$0 - \$500.
- xvi. Defense Technology 40mm Skat Shell CS munition – Annual cost between \$0 - \$500.
- xvii. Defense Technology 40mm Skat Shell Saf-Smoke munition – Annual cost between \$0 - \$500.



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- xviii. CTS Model 4441 40mm Impact OC Barricade Projectile– Annual cost between \$0 - \$500.
- xix. CTS Model 4213 40mm White Smoke Multi-Cartridge – Annual cost between \$0 - \$500.
- xx. CTS Model 4233 40mm CS Smoke Multi-Cartridge – Annual cost between \$0 - \$500.
- xxi. PepperBall Launcher – Annual cost between \$0 - \$2100.
- xxii. PepperBall Pava/OC Live-X Powder Projectiles – Annual cost between \$0 - \$3,500.
- xxiii. PepperBall Pava/OC Live-MAXX Powder Projectiles – Annual cost between \$0 - \$3,500
- xxiv. PepperBall Pava/OC Live-SD Powder Projectiles – Annual cost between \$0 - \$2,500.
- xxv. PepperBall Inert Practice Projectiles – Annual cost between \$0 - \$1,500.
- xxvi. PepperBall Water or Paint Marker Projectiles – Annual cost between \$0 - \$1,500.



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The following list contains the inventory of equipment in the possession of the Santa Clara County Sheriff's Office Custody Bureau as of March 18, 2022, that qualifies as military equipment under state law. Although specific manufacturers are listed for certain equipment below, the Sheriff's Office may acquire substantially identical equipment from a different manufacturer for the same purpose and authorized use and subject to the same restrictions and training requirements. This list shall be updated, and Board approval sought as required by Gov. Code § 7071, in the event that the Sheriff's Office acquires new or additional equipment or if the uses or training for existing equipment change.

1. CHEMICAL AGENTS (CATEGORY 12):

a. Quantity, Description, Capabilities, and Purchase Cost:

- i. **SABRE Red Stream (MK-9);** Cost: \$56/unit; Quantity: 227
The SABRE Red MK-9 High Volume Streamer is an OC chemical agent delivery system that contains 1.33% Major Capsaicinoids that is used to deploy a long-range stream that is used to gain compliance from (a) subject(s) at a further distance.
- ii. **SABRE Red PHANTOM Delivery System (MK-9);** Cost \$180/unit; Quantity: 95
The SABRE Red PHANTOM Evaporating Fog Delivery System is an OC chemical agent delivery system that contains 1.33% Major Capsaicinoids that is used to deploy an evaporating fog that is used to gain compliance from (a) subject(s) over a large area.
- iii. **SABRE Red PHANTOM Cell Buster (MK-9);** Cost: \$170/unit; Quantity: 16
The SABRE Red PHANTOM Evaporating Fog Delivery Cell Buster is an OC chemical agent delivery system that contains 1.33% Major Capsaicinoids that is used to deploy an evaporating fog with a wand attachment that is used to gain compliance from (a) subject(s) in a cell or small confined area.
- iv. **SABRE Red MK-46 High Volume Streamer;** Cost: \$672/unit; Quantity: 17
The SABRE Red MK-46 High Volume Streamer is an OC chemical agent delivery system that contains 1.33% Major Capsaicinoids that is used to deploy a long-range stream that is used to gain compliance from (a) subject(s) at a further distance and is ideal for crowd management and correctional applications.
- v. **SABRE Red MK-46 1.33% MC High Volume Streamer Refill;** Cost: \$63/unit; Quantity: 16
The SABRE Red MK-46 1.33% MC High Volume Streamer Refill is a container of non-flammable OC chemical agent that contains 1.33% Major Capsaicinoids that is used to refill the SABRE Red MK-46 High Volume Streamer.
- vi. **Defense Technology First Defense MK-46V;** Cost: \$601.56/unit; Quantity: 4



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The Defense Technology First Defense MK-46V Stream OC Aerosol is an OC chemical agent delivery system that contains 1.3% Major Capsaicinoids that is used to deploy a stream with a wand attachment that is used to gain compliance from (a) subject(s) in a cell or small confined area.

- vii. Aerko International CLEAR OUT Grenade 6 oz Actuator;** Cost: \$18.66/unit;
Quantity: 39

The Aerko International CLEAR OUT Grenade 6 oz is a chemical agent delivery system that contains 1% CS and 1% OC that is used to deploy an invisible fog that is used to gain compliance from (a) subject(s) and force them from a larger barricaded position. Equipped with a lock down total release actuator system.

- viii. Aerko International CLEAR OUT Grenade 6 oz Flip Top;** Cost: \$26.64/unit;
Quantity: 29

The Aerko International CLEAR OUT Grenade 6 oz is a chemical agent delivery system that contains 1% CS and 1% OC that is used to deploy an invisible fog that is used to gain compliance from (a) subject(s) and force them from a larger barricaded position. Equipped with a high-volume fogger flip top.

- ix. Aerko International CLEAR OUT Grenade 2 oz;** Cost: \$22.29/unit; Quantity: 35

The Aerko International CLEAR OUT Grenade 2 oz is a chemical agent delivery system that contains 1% CS and 1% OC that is used to deploy an invisible fog that is used to gain compliance from (a) subject(s) and force them from a smaller barricaded position.

- x. Aerko International CLEAR OUT KEYHOLER;** Cost: \$27.03/unit; Quantity: 25

The Aerko International CLEAR OUT Grenade 6 oz is a chemical agent delivery system that contains 1% CS and 1% OC that is used to deploy an invisible fog with 1/8-inch tubing through any existing small entry point that is used to gain compliance from (a) subject(s) and force them from a barricaded position.

b. Purpose:

Chemical agents, which are commonly referred to as “tear gas,” are used as a non-lethal de-escalation tool in many potentially violent situations including, but are not limited to, a barricaded suspect and crowd dispersal. The chemical agents deployed by the Santa Clara Sheriff's Office are CS (2-Chlorobenzylidene Malononitrile) and OC (Oleoresin Capsicum), both of which are standard across United States law enforcement.

c. Authorized Use and Training:

All chemical agents, other than standard issue personal use OC cannisters, are exclusively used by members of the Emergency Response Team or deputies during critical incidents to safely de-



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escalate and resolve critical situations such as cell extractions, multiple inmate assaults, and riot situations. Chemical agents shall only be used by deputies that have been trained in their proper use. A California Peace Officer Standards and Training (POST) chemical agent course must be completed by the deputies charged with the deployment of chemical agents in crowd control situations outside the jail facility as required by AB 48, and the use of these systems must be in compliance with the law. The use of these tools is governed by Sheriff's Office Custody Bureau Policy 9.01 [Use of Force].

d. Expected Lifespan:

- i. SABRE Red Stream (MK-9) – 5 years
- ii. SABRE Red PHANTOM Delivery System (MK-9) – 5 years
- iii. SABRE Red PHANTOM Delivery Cell Buster (MK-9) – 5 years
- iv. SABRE Red MK-46 High Volume Streamer – 5 years
- v. SABRE Red MK-46 High Volume Streamer Refill – 5 years
- vi. Defense Technology First Defense MK-46V – 5 years
- vii. Aerko International CLEAR OUT Grenade 6 oz Actuator – 5 years
- viii. Aerko International CLEAR OUT Grenade 6 oz Flip Top – 5 years
- ix. Aerko International CLEAR OUT Grenade 2 oz – 5 years
- x. Aerko International CLEAR OUT KEYHOLER – 5 years

e. Fiscal Impact:

- i. SABRE Red Stream (MK-9) – Annual cost between \$0 - \$1500
- ii. SABRE Red PHANTOM Delivery System (MK-9) – Annual cost between \$0 - \$5000
- iii. SABRE Red PHANTOM Delivery Cell Buster (MK-9) – Annual cost between \$0 - \$2100
- iv. SABRE Red MK-46 High Volume Streamer* – Annual cost between \$0 - \$1,000
- v. SABRE Red MK-46 High Volume Streamer Refill – Annual cost between \$0 - \$600
- vi. Defense Technology First Defense MK-46V* – Annual cost between \$0 - \$1,000
- vii. Aerko International CLEAR OUT Grenade 6 oz Actuator – Annual cost between \$0 - \$1000
- viii. Aerko International CLEAR OUT Grenade 6 oz Flip Top – Annual cost between \$0 - \$1300
- ix. Aerko International CLEAR OUT Grenade 2 oz – Annual cost between \$0 - \$1200
- x. Aerko International CLEAR OUT KEYHOLER – Annual cost between \$0 - \$1300

**These delivery systems do not have expirations dates, but these will need to be serviced or replaced when an individual system fails or breaks*



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2. PROJECTILE LAUNCH PLATFORMS & ASSOCIATED MUNITIONS (CATEGORY 14):

a. Quantity, Description, Capabilities, and Purchase Cost:

i. **FN 303 Launcher;** Cost: \$1,699/unit; Quantity: 8

The FN 303 is a less lethal force option that uses compressed air to fire projectiles from a 15-round magazine. The kinetic energy projectiles are designed to incapacitate a target without causing critical injuries and is most widely used for crowd control.

ii. **FN 303 PAVA/OC Powder Projectiles;** Cost: \$1054/150 round box; Quantity: 21

The PAVA/OC Powder Projectiles are less lethal ammunition designed for the FN 303 launcher. These .68 caliber, 8.5-gram projectiles utilize a fin-stabilized polystyrene body and a non-toxic bismuth forward payload to provide more accuracy and greater effective range than other less lethal systems. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is chemical agent delivery to gain compliance of a subject.

iii. **FN 303 Clear Impact Projectiles;** Cost: \$865/150 round box; Quantity: 3

The Washable Paint Projectiles are less lethal ammunition designed for the FN 303 launcher. These .68 caliber, 8.5-gram projectiles utilize a fin-stabilized polystyrene body and a non-toxic bismuth forward payload to provide more accuracy and greater effective range than other less lethal systems. The primary effect of the projectile is trauma, which directly neutralizes the aggressor.

iv. **PepperBall VKS Launcher;** Cost: \$1,299.99/unit; Quantity: 14

The PepperBall VKS Launcher uses high pressure air to deliver projectiles (similar to a paint ball delivery system). The PepperBall VKS Launcher is capable of launching projectiles from a hopper or a 15-round magazine at a subject up to 150 feet away. The adjustable up to 28J kinetic impact projectiles are designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The use of the launcher to deliver chemical agents is intended and designed to be used to overcome resistance and/or to subdue persons with minimal injuries to deputies, inmates, and others.

v. **PepperBall FTC Launcher;** Cost: \$679/unit; Quantity: 14

The PepperBall FTC Launcher uses high pressure air to deliver projectiles (similar to a paint ball delivery system). The PepperBall FTC Launcher is capable of launching projectiles from a hopper at a subject up to 100 feet away. The adjustable up to 15J kinetic impact projectiles are designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. The use of the launcher to deliver chemical agents is intended and designed to be used to overcome resistance and/or to subdue persons with minimal injuries to deputies, inmates, and others.



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- vi. PepperBall Live-X Powder Projectiles;** Cost: \$1,320/375 round case; Quantity: 0
The Live-X Powder Projectiles are less lethal impact munitions designed for the PepperBall launcher. The PepperBall Live-X round contains 5.0% PAVA. It is effective for direct impact and area saturation. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is chemical agent delivery to gain compliance of a subject.
- vii. PepperBall Live Powder Projectiles;** Cost: \$1,252.50/375 round case; Quantity: 5
The Live Powder Projectiles are less lethal impact munitions designed for the Pepperball launcher. The PepperBall Live round contains 2.0% PAVA. It is effective for direct impact and area saturation. The primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is chemical agent delivery to gain compliance of a subject.
- viii. PepperBall Inert Powder Projectiles;** Cost: \$355/375 round case; Quantity: 42
The Inert Powder Projectiles are less lethal impact munitions designed for the Pepperball launcher. The PepperBall Inert round contains a harmless scented powder and is best suited for practice or direct impact when chemical exposure is not desired. When used for direct impact, the primary effect of the projectile is trauma, which directly neutralizes the aggressor.
- ix. PepperBall Marking Projectiles;** Cost: \$300/375 round case; Quantity: 10
The Marking Projectiles are less lethal impact munitions designed for the Pepperball launcher. The PepperBall Marking round contains water or paint and is best suited for practice or direct impact when chemical exposure is not desired. When used for direct impact, the primary effect of the projectile is trauma, which directly neutralizes the aggressor, and the secondary effect of the projectiles is marking subjects for identification with a washable colorant.
- x. Defense Technology 40mm Launcher;** Cost: \$985.70/unit; Quantity: 3
The Defense Technology LMT Tactical Single Launcher is not a firearm but a single-shot less lethal system that delivers 40mm munitions from a safe distance. The less-lethal launcher is a single launcher, which allows the deputy to assess after every spent munition. The kinetic energy projectiles are designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable.
- xi. Defense Technology 40mm eXact iMPact Sponge Round;** Cost: \$29/unit; Quantity: 11
The Defense Technology 40mm eXact iMPact Sponge Round munition is designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable. This munition has a maximum effective range of 131 feet and is designed for direct impact.



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- xii. **Defense Technology 40mm Reloadable 24-Shot Training Kit;** Cost: \$315; Quantity: 2
Defense Technology 40mm Reloadable 24-Shot Training Kit includes 24-primed bases and 8-training projectiles providing a total of 24 training shots. This reloadable training kit allows deputies to practice loading, sighting, trigger pull, and range estimation.

b. Purpose:

To limit the escalation of conflict where employment of lethal force is prohibited or inadvisable.

c. Authorized Use and Training:

The FN 303 Launcher and PepperBall Launcher are currently only used as an impact weapon and/or chemical agent delivery system by members of the Emergency Response Team. The various projectile launch platforms and associated munitions deployed by the Sheriff's Office shall be used by deputies trained in its deployment and in a manner consistent with Department policy and training.

Situations authorized for use of the less lethal weapon systems may include, but are not limited to:

- Cell extractions with appropriate approval
- Riot/crowd control incidents
- Situations in which the overall security of a facility is at risk
- Situations justifying lethal force
- Training exercises

The use of the various projectile launch platforms and associated munitions is governed by Sheriff's Office Custody Bureau Policy 9.01 [Use of Force].

d. Expected Lifespan:

- i. FN 303 Launcher* – No Expiration
- ii. FN 303 PAVA/OC Powder Projectiles – 3 years
- iii. FN 303 Clear Impact Projectiles – 3 years
- iv. PepperBall VKS Launcher* – No Expiration
- v. PepperBall FTC Launcher* – No Expiration
- vi. PepperBall Live-X Powder Projectiles – 3 years
- vii. PepperBall Live Powder Projectiles – 3 years
- viii. PepperBall Inert Powder Projectiles – 3 years
- ix. PepperBall Marking Projectiles – 3 years
- x. Defense Technology 40mm Launcher* – No Expiration
- xi. Defense Technology 40mm eXact iMPact Sponge Round – 5 years
- xii. Defense Technology 40mm 24-Shot Training Kit – 5 years



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**These weapon systems do not have expirations dates, but these will need to be serviced or replaced when an individual launcher fails or breaks*

e. **Fiscal Impact:**

- i. FN 303 Launcher – Annual cost between \$0 - \$5,000
- ii. FN 303 PAVA/OC Powder Projectiles – Annual cost between \$0 - \$1100
- iii. FN 303 Clear Impact Projectiles – Annual cost between \$0 - \$2600
- iv. PepperBall VKS Launcher - Annual cost between \$0 - \$5,000
- v. PepperBall FTC Launcher - Annual cost between \$0 - \$5,000
- vi. PepperBall Live-X Powder Projectiles – Annual cost between \$0 - \$1500
- vii. PepperBall Live Powder Projectiles – Annual cost between \$0 - \$1500
- viii. PepperBall Inert Powder Projectiles – Annual cost between \$0 - \$1100
- ix. PepperBall Marking Projectiles – Annual cost between \$0 - \$500
- x. Defense Technology 40mm Launcher – Annual cost between \$0 - \$5,000
- xi. Defense Technology 40mm eXact iMPact Sponge Round – Annual cost between \$0 - \$300
- xii. Defense Technology 40mm 24-Shot Training Kit – Annual cost between \$0 - \$700

Note: The Custody Bureau's Use of Force Policies have been updated and revised consistent with new statutory mandates and Consent Decree requirements. Training for the new policies is scheduled to commence in July. The new policies use the Lexipol format previously mentioned and will require the renumbering of many references used within this document for the Custody Bureau's Use of Force Policies.



Appendix C

Santa Clara County Sheriff's Office

Stanford University Military Equipment List

Stanford University has an MOU with the Santa Clara County Sheriff's Office regarding police services. Since Stanford is unincorporated land and is a private university, the law enforcement responsibility falls on the County Sheriff. The Sheriff, at the request of Stanford University, utilized Reserve Deputy Sheriff status (under Section 830.6 of the California Penal Code) for the Stanford University Department of Public Safety (SUDPS). The deputies are Stanford University employees and are considered "Stanford Reserves." The Stanford Reserves are the police department for Stanford University.

The following list contains the inventory of equipment in the possession of SUDPS as of March 18, 2022 that qualifies as military equipment under state law. Although specific manufacturers are listed for certain equipment below, the SUDPS may acquire substantially identical equipment from a different manufacturer for the same purpose and authorized use and subject to the same restrictions and training requirements. This list shall be updated, and Board approval sought as required by Gov. Code § 7071, in the event that the SUDPS acquires new or additional equipment or if the uses or training requirements for existing equipment change.

1. **SPECIALIZED FIREARMS & AMMUNITION (CATEGORY 10):**

a. **Quantity, Description, Capabilities, and Purchase Cost:**

- i. **Colt AR-15 (.223/5.56mm);** Cost: \$1,250/rifle; Quantity: 32
The Colt AR-15 carbine rifle is a specialized firearm carried by deputies in field assignments. Carbine rifles are lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapons designed for semi-automatic and selective fire. The .223 cartridge is used as a lethal option designed to stop a violent encounter with greater accuracy from longer distances and is capable of penetrating soft body armor.
- ii. **Speer .223 62-Grain Gold Dot;** Cost: \$250/500 round case; Quantity: 8,000 rounds
The Speer .223 62-Grain Gold Dot cartridge is the duty ammunition deployed during potential lethal encounters.

b. **Purpose:**

The AR-15 rifles are to be used as long/tactical weapons to address a violent and/or armed threat with greater precision and/or at greater distances than a handgun, if necessary and feasible.

c. **Authorized Use and Training:**

Sworn members of the SUDPS (Stanford University Department of Public Safety) who have attended and completed California Peace Officer Standards and Training (POST) rifle course and received qualification are authorized to carry the AR-15 rifle. The issuance and use of these



Appendix C

Santa Clara County Sheriff's Office

Stanford University Military Equipment List

firearms are governed by General Order #12.00 [Use of Force], #12.01 [Firearm Issuance and Training], and #12.02 [Use of Firearms].

d. **Expected Lifespan:**

- i. **Colt AR-15 (.223/5.56mm)*** - No Expiration
- ii. **Speer .223 62-Grain Gold Dot** - No Expiration

**This weapon system does not have expirations dates, but these will need to be serviced or replaced when an individual firearm fails or breaks*

e. **Fiscal Impact:**

- i. **Colt AR-15 (.223/5.56mm)** - Annual cost between \$0 - \$2,000.
- ii. **Speer .223 62-Grain Gold Dot** - Annual cost between \$0 - \$15,000.

2. **PROJECTILE LAUNCH PLATFORMS & ASSOCIATED MUNITIONS (CATEGORY 14):**

a. **Quantity, Description, Capabilities, and Purchase Cost:**

- i. **Defense Technology 40mm Launcher**; Cost: \$785/unit; Quantity: 8
The Defense Technology 40mm Launcher is not a firearm but is a single-shot less lethal system that delivers 40mm munitions from a safe distance. The Less-Lethal launcher is capable of launching 40mm munitions at a subject up to 25 yards. The kinetic energy projectiles are designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable.
- v. **Defense Technology 40mm Impact Sponge Baton**; Cost: \$29/unit; Quantity: 140
The Defense Technology 40mm impact sponge baton munition is designed to de-escalate a potentially violent situation without causing critical injuries where lethal force is prohibited or inadvisable.

b. **Purpose:**

To limit the escalation of conflict where employment of lethal force is prohibited or inadvisable.

c. **Authorized Use and Training:**

Sworn members of SUDPS who have been trained in its deployment and in a manner consistent with Department policy and training.



Appendix C

Santa Clara County Sheriff's Office

Stanford University Military Equipment List

The use of various projectile launch platforms and associated munitions is governed by Sheriff's Office General Order #12.00 [Use of Force] and #12.04 [Use of Less Lethal Munitions Firearms].

d. **Expected Lifespan:**

- i. **Defense Technology 40mm Launcher*** - No Expiration
- ii. **Defense Technology 40mm Impact Sponge Baton** – 3 years

**This weapon system does not have expirations dates, but these will need to be serviced or replaced when an individual firearm fails or breaks*

e. **Fiscal Impact:**

- i. **Defense Technology 40mm Launcher*** - Annual cost between \$0 - \$1,500.
- ii. **Defense Technology 40mm Impact Sponge Baton** - Annual cost between \$0 - \$1,500.



STANDARDS OF CONDUCT GENERAL ORDER #11.00

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #11.00 dated 09/08/2009

Reviewed: 02/22/2010

POLICY

All personnel on or off-duty shall conduct themselves at all times in a manner that is consistent with the Code of Ethics and the best interests of the Sheriff's Office and its mission statement. While employees of the Sheriff's Office are expected to do vastly different jobs, each employee is expected to address his or her responsibilities with the same high level of commitment, dedication, and integrity. The working standards of the Sheriff's Office anticipate that excellence will be the norm to which we aspire and expect of ourselves.

Supervisors and managers are responsible for both the commendable and objectionable and substandard performance of their subordinates. Just as rule violations reflect poorly on staff and department alike and should be avoided, good performance reflects well on us all and should be both encouraged and rewarded.

STANDARDS

A. TRUTHFULNESS

Employees of the Sheriff's Office shall make truthful statements when questioned, interviewed, or in submitting reports. Employees of the Sheriff's Office shall not make false statements to any supervisor or to any person conducting an internal investigation. Employees of the Sheriff's Office shall make truthful testimony in any legal proceeding. Employees of the Sheriff's Office understand that truthfulness and their personal integrity are the foundations upon which law enforcement work is based. Employees that are not truthful in any investigation in which they are involved, they may be disciplined up to and including termination.

B. REPORTING REQUIREMENTS

1. It is the affirmative duty of each member of the Sheriff's Office to report to his or her immediate supervisor any violation of these General Orders, without delay. If his or her immediate supervisor is unavailable, the employee will notify the next person in the chain of command or the on-duty Watch Commander.
2. Employees, who are arrested for any offense, other than an infraction under the Vehicle Code, or who have knowledge that they have been named as a principal or suspect in a written crime report or criminal complaint filed with any law enforcement agency shall promptly notify their immediate supervisor of the facts of the arrest, report, or complaint. It shall be the responsibility of the immediate supervisor to promptly notify the Internal Affairs Unit that the employee has been arrested, or is the subject of a report or complaint and of the facts of the arrest, report, or complaint.
3. Employees whose job requirements include being a licensed driver and whose privilege to drive has been suspended shall promptly notify their immediate supervisor that their driving privilege has been suspended. It shall be the responsibility of the immediate supervisor to obtain the employee's County Driver's License and the keys to any county vehicle possessed by the employee, to promptly notify the County garage, and to promptly notify the Internal Affairs Unit that the employee has had his or her driving privileges suspended. The immediate supervisor shall promptly forward the employee's County Driver's License to the Support Services Division Captain.
4. A deputy who has been convicted of a misdemeanor crime of domestic violence, as defined in 18 United States Code sections 921(a), 922(d), and 922(g), or who have been convicted of any offense under federal law or the law of any state that as a consequence does not permit the person convicted to possess a firearm in the State of California, or who is subject to a restraining order that does not permit them to carry a firearm, shall promptly notify their immediate supervisor of that fact. Any deputy coming within these provisions shall promptly surrender any department-issued firearm to the Support Services Division Captain. It shall be the duty of the immediate supervisor of the deputy to promptly notify the Internal Affairs Unit and the captain in the deputy's chain of command that he or she comes within these provisions.

C. CONDUCT ON DUTY

1. Employees shall report for duty promptly at the time, place, and to the person required. Employees shall be equipped and prepared to assume their regular duties at the time their shift begins. Employees unable to comply with these requirements shall report this to their immediate supervisor or other responsible person as far in advance as possible prior to the time set for reporting.

2. Deputies on duty shall be constantly alert and observant, and shall keep a vigilant watch for needed police services. Employees shall not leave their district, beat, or other designated posts of duty except in the necessary discharge of duty or when previous approval has been obtained from the employee's supervisor.
3. Employees shall not use any illegal drug or any alcoholic beverage at any time while in uniform. Employees shall not use any illegal drug or alcoholic beverage at any time while on duty; however, an alcoholic beverage may be consumed when necessary to carry out a duty assignment. Employees shall not report for a regular tour of duty with any indication of having consumed any illegal drug. Employees shall not report for a regular tour of duty under the influence of any substance which impairs the mental or physical ability of the employee to perform assigned duties. An employee who ingests a prescription medication during a tour of duty and who discovers that the medication impairs his or her mental or physical ability to perform assigned duties shall immediately notify his or her supervisor, who shall evaluate his or her fitness for duty. On-duty employees that a superior officer has reasonable suspicion to believe have consumed or ingested any drug or alcoholic beverage in violation of this order, may be subject to a substance abuse and/or alcohol screening test.
4. Employees shall obey any lawful order, either written or oral, issued by a superior officer. If the order conflicts with a previous order or written directive, the employee shall advise the superior of the conflict and proceed according to the superior's direction. If the superior officer is unavailable, the deputy shall follow the last order given. The employee may prepare a memorandum detailing the circumstances of the incident. Any employee acting on an order issued by a superior officer in conflict with a written order, memorandum or other departmental policy, will not be held responsible for any violation of these orders, while acting upon the order of the superior officer. In such cases, the full weight of responsibility rests with the superior officer issuing the order.
5. No employee shall address another employee in a profane or insulting manner.
6. Employees shall comply with the Santa Clara County Policy on Sexual Harassment.
7. Employees, when assigned in uniform, shall report for duty in complete, clean, and well-pressed uniforms. When assigned in civilian clothes, personnel will dress in a dignified, conservative manner befitting their positions. Undercover deputies may dress appropriate for their assignment.
8. Employees shall not sleep while on duty except as required by law and/or by contract as part of an extended shift.

9. Notwithstanding the assignment of specific duties and responsibilities to employees of the Sheriff's Office, all employees shall perform all such other duties as may be required of them.
10. Employees shall maintain good health and physical fitness in order that work can be performed effectively and efficiently and to minimize personnel shortages caused by sick leave.
11. When acting in the performance of their duties, both on and off duty, employees shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Employees shall perform their duties in a fair and impartial, and nondiscriminatory manner. When requested, deputies shall promptly and politely provide their name, badge number and assignment.
12. Deputies shall not violate the rights guaranteed by the Constitution of the United States, the laws of the United States, the State of California, the County of Santa Clara, or any local law or ordinance in place at the location of occurrence. Deputies shall maintain a working knowledge of the laws and ordinances in effect in their jurisdictions.
13. Employees shall familiarize themselves thoroughly with the rules and procedures of the Sheriff's Office, the orders issued applicable to them, and the contents of the departmental General Orders. Employees shall, upon return from any absence of any duration, familiarize themselves with any changes in rules and procedures that may have taken place during such absences.

D. CONDUCT OFF DUTY

1. Personnel of the Sheriff's Office shall not participate, within Santa Clara County, in any card game conducted in any public card room or any pari-mutuel gambling (betting) facility. This order shall not apply to personnel participating as part of a duty assignment in conducting an investigation into the operation of the prohibited activity.
2. Under California law, both on- and off-duty deputies have peace officer authority as to any public offense committed or when there is probable cause to believe one has been committed in his or her presence and with respect to which there is immediate danger to person or property, or the escape of the perpetrator of such offense. Before acting in the capacity as peace officers, off-duty deputies both inside and outside of Santa Clara County shall first give consideration to causing the appropriate action to be effected by the responsible law enforcement agency. Such deputies should then act only after consideration of the tactical situation, the seriousness of the offense and of their potential liability and that of the County of Santa Clara.

E. GENERAL CONDUCT (ON OR OFF DUTY)

1. Employees shall not commit, attempt to commit, or conspire to commit any act which would be a violation of any federal, state, county, municipal law, ordinance, or regulation.
2. Employees shall not commit any breach of peace, neglect of duty, misconduct or any other conduct that tends to undermine the order, efficiency or discipline of the Sheriff's Office or reflects discredit upon the Sheriff's Office or any member, or is prejudicial to the efficiency and discipline of the Sheriff's Office, this section applies whether or not the conduct is specifically defined or set forth in the agency's policies and procedures.
3. Employees served with a notice that they are being sued as a result of actions while performing their official duties shall notify their division captain and immediately bring to the Sheriff's administrative assistant two copies of the legal process or notice served, with a notation as to the date and time of service.
 - a. If more than one employee is named only two copies are to be brought to the Sheriff's administrative assistant along with an employee's report (ER) form indicating the names of all employees served and the date and time of service.
 - b. The Sheriff's administrative assistant shall send case reports, supplemental reports, employee's reports, and any other reports or documentation (including scene photographs) pertinent to the case to the County Counsel's office or attorney retained by the County only when requested by counsel. Requested copies, plus one file copy, will be sent via the Sheriff's administrative assistant. The transmittal should have a heading of "Confidential Attorney Client Communication".
 - c. The Sheriff's administrative assistant shall maintain a file on all claims and/or legal process filed against the Sheriff's Office and its employees, as outlined under the guidelines above and shall :
 1. Send one copy of all claims to the County G.S.A. Insurance Section.
 2. Send one copy of all legal process and any requested backup information to the Deputy County Counsel and/or private attorney retained by the County.
4. Employees filing lawsuits or civil claims against third parties arising from their duties and responsibilities at the Sheriff's Office shall notify the Sheriff's

administrative assistant that they have filed a lawsuit or a claim. This notification shall include:

- a. The nature of the claim or the nature of the action;
 - b. The identity of the defendant or respondent;
 - c. The court or agency where the action was filed; and
 - d. The date the action was filed or the claim was made.
5. Employees shall not loan, exchange, borrow, do favors for, accept favors from, socialize with or enter into any business transactions with any inmate or prisoner. Also, employees shall not knowingly socialize with or have any contact with ex-inmates of any penal institution who have been convicted of a felony, a crime which is an alternative felony or misdemeanor, or crime involving moral turpitude except upon prior approval of one of the Sheriff's Office's command staff (Sheriff, Undersheriff, or Commander). Requests shall be submitted in writing on an employee's report form, a copy of the approved or disapproved request shall be placed in the originating employee's personnel file (Support Services Division). Employees shall exercise prudence and discretion in any contact with ex-inmates of any city or county jail, state or federal correctional facility, or persons with known criminal connections. This section does not prohibit contacts which are necessary and integral in order to carry out diligently duty assignments, nor does it prohibit contacts with members of the immediate family, providing the contacts do not in any way imply approval of criminal conduct. For purposes of this Order, "immediate family" means immediate household members of the employee, the employee's spouse or the mother, father, grandmother, grandfather, son, daughter (natural, marital and/or adopted), daughter-in-law, son-in-law, brother, sister, grandchild, brother-in-law, sister-in-law of the employee or the employee's spouse.
6. Employees of the Sheriff's Office shall not utilize any business or personal cards, or any other form of communication which purports to exempt any person from the processes of this agency, or any other department, or which purport to grant the bearer any special privileges not enjoyed by all individuals.
7. Employees of the Sheriff's Office shall not use the badge or identification as a member of the Sheriff's Office to obtain any personal advantage.
8. Employees of the Sheriff's Office shall not grant any immunities or exemptions from any established agency procedure, without approval from the Sheriff.
9. Employees shall promptly pay their just debts and shall not incur liabilities which they are unable or unwilling to discharge. The Civil Division, via memorandum

in duplicate, shall advise the Office of the Sheriff of all civil actions involving members of the Sheriff's Office. One copy of this memorandum shall be maintained in the employee's personnel file. No employee shall be disciplined for being threatened with having his or her wages garnished or for having his or her wages garnished for the payment of one judgment.

10. No gift shall be accepted by any employee of the Sheriff's Office unless the gift is given without consideration by the giver of the employee's official capacity. The monetary value of the gift has no bearing on whether or not it can be accepted.
11. Employees of the Sheriff's Office shall not make public solicitations or sell tickets to the public for admission to any show, dance, drawing, raffle or other activity for any organization while on duty or while wearing the agency's uniform. When engaged in any activities of this nature, employees will not identify or represent themselves as members of this agency.
12. Employees changing their residence addresses and telephone numbers, shall immediately notify their division captain and the Support Services Division, of the changes in writing via an employee's report (ER) form. Deputies shall maintain a telephone where the deputy may be reached in an emergency.
13. Employees shall not use any of the Sheriff's Office's addresses as the address of their place of residence; except, employees may use the address of the Sheriff's Office as their address to the Department of Motor Vehicles as permitted by law. Employees also may use the address of the Sheriff's Office as their address in any crime report in which they are a victim or witness and the incident occurred in the course and scope of their duties as a Sheriff's Office employee.
14. Employees of the Sheriff's Office, whether on or off duty, will at all times and in all places, conduct themselves in a manner that will not bring or subject the department, their fellow employees or themselves to any criticism, disgrace, or public ridicule.
15. Employees shall not improperly use their accrued sick leave benefits. Sick leave shall only be used for legitimate medical reasons.
16. Except as required by law or court order, employees shall not divulge any information that is made confidential by law or by Sheriff's Office policies and procedures.

F. CONDUCT IN COURT

1. Employees shall appear for court or other legal proceeding as directed by subpoena or court notice unless otherwise excused or other arrangements have been made. An employee who receives a subpoena to testify on behalf of a

criminal defendant or a party in a civil action shall notify his or her supervisor as soon as possible. The supervisor shall notify his or her bureau Assistant Sheriff via the chain of command as soon as possible.

2. Employees shall testify clearly, modestly, without bias or prejudice, without display of emotion, without exaggeration, and without misrepresentation. Testimony is to be given so that the judge, court staff, jury, counsel, and spectators can hear clearly.
3. Employees, when assigned in uniform, shall appear in court in complete, clean, and well-pressed uniforms. When assigned in civilian clothes, personnel will dress in a dignified, conservative manner befitting their positions and appropriate for a serious business presentation.

G. EXCERPTS FROM MERIT RULES

1. In addition to the Sheriff's Office's procedures and policies found in these General Orders and in other agency documents, employees shall follow the rules that govern the Santa Clara County Merit System.
2. Santa Clara County Merit System Rules that are found in Santa Clara County Code section A25-301 provide a list, which is not all-inclusive, of conduct that may constitute proper basis for disciplinary action. The conduct listed is cited as A25-301:
 - (a) Causes relating to performance of duties:
 - (1) Violation of the county charter, merit system rules and regulations, and written published departmental rules and policies which do not conflict with this article.
 - (2) Inefficiency, incompetency, 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, or 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 of just debts.
 - (4) Falsified job information to secure position.
 - (5) Addiction to use of narcotics or habit-forming drugs.
- (c) Engaging in incompatible 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.



**LAURIE SMITH
SHERIFF**



**MEDICAL AND PSYCHOLOGICAL STANDARDS
GENERAL ORDER #11.01**

Adopted: 07/07/2010

Replaces: GO #11.01 dated 1/10/02

Reviewed: 02/22/2010

POLICY

All appointed Sheriff personnel must meet P.O.S.T. and department medical and psychological standards for appointment of Deputy Sheriff and other applicable positions, to insure that all personnel are physically and mentally able to fulfill all essential job functions.

PROCEDURES

A. General Fitness Requirements

- 1.** All applicants for Deputy Sheriff are subject to a medical examination prior to employment to make sure they are physically and psychologically qualified for the position of Deputy Sheriff. The applicant must meet the minimum P.O.S.T. standards, as administratively adopted by the department, including:
 - a.** The applicant must be physically fit to engage in strenuous physical execution.
 - b.** The applicant must be emotionally stable and able to handle the demands of potential personal danger and responsibility for the lives and rights of other persons.
 - c.** Deputy Sheriffs are expected to maintain a satisfactory level of physical and mental fitness for duty for the duration of their employment with the Department.

2. The P.O.S.T. standards, and standards adopted by the Personnel and Training Division, shall be the applicable standards for physical and psychological fitness for duty.
3. If an applicant or Deputy Sheriff is determined to be unfit for duty as a Deputy Sheriff for medical or psychological reasons, the reason for this determination will be entered on the medical or psychological review form.
4. This policy also holds true to all applicable positions, including those individuals holding a position of Correctional Officer assigned to the Sheriff's Office.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH
SHERIFF**



HARASSMENT AND DISCRIMINATION GENERAL ORDER #11.02

Adopted: 07/07/2010

Updated: 02/22/2010

Supplements: "Santa Clara County's Policy on Sexual Harassment"

Reviewed: 02/22/2010

POLICY

The Sheriff's Office will not tolerate or condone any form of harassment or discrimination, including sexual harassment in the workplace. Such conduct will result in disciplinary action, up to and including termination, against any employee engaging in unlawful harassment or discrimination. Any employee found to be retaliating against another employee for making a complaint under this policy shall be subject to disciplinary action. This Policy shall supplement and not replace existing policy as stated in "Santa Clara County's Policy on Sexual Harassment."

FEDERAL AND STATE LAW

Federal and state law provide that it shall be an unlawful discriminatory practice for any employer, on the basis of race, religion, color, national origin, ancestry, medical condition, physical or mental disability, marital status, gender, age or sexual orientation of any person, to discharge without cause, to refuse to hire, or otherwise to discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of an employee on the basis of any of the above listed characteristics, including gender, violates these laws.

WHAT CONSTITUTES HARASSMENT

Harassment includes but is not limited to:

1. Verbal Harassment - Epithets, derogatory comments or slurs on the basis of race, religion, color, national origin, ancestry, handicap, physical or mental disability, medical condition, marital status, gender, age or sexual orientation. This includes inappropriate sex oriented comments on appearance, including dress or physical features, or race oriented jokes or stories.

2. Physical Harassment - Assault, impeding or blocking movement, or physically interfering with normal work when directed at an individual on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, gender or sexual orientation. This includes conduct in the form of pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

3. Visual Forms of Harassment - Derogatory posters, notices, bulletins, cartoons, or drawings ridiculing or focused on race, religion color, national origin, ancestry, disability, medical conditions, marital status, gender, age or sexual orientation.

4. Sexual Favors - Inappropriate and un-welcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which form the basis of an employment decision, unreasonably interfere with an individual's work performance or create an offensive work environment.

GUIDELINES FOR IDENTIFYING SEXUAL HARASSMENT

To help clarify what is unlawful sexual harassment, the State Department of Fair Employment and Housing, the Federal Equal Employment Opportunity Commission and the courts use the following guidelines:

1. Sexual harassment is conduct of a sexual nature which is “unwelcome.”
2. Sexually harassing conduct may take the form of visual, verbal, physical and/or creation of hostile environment. It need not be explicit, nor even specifically directed at the victim.
3. It is irrelevant whether the victim has “consented” to engage in sexual conduct or whether the victim's agreement was “voluntary” so long as the conduct was “unwelcome.”

Courts use the “reasonable” standard, in determining whether sexual harassment has occurred.

4. Sexual harassment occurs when:
 - a. Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;
 - b. The submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting that individual; or
 - c. Sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature or display of audio or visual material of a sexual nature have the purpose or effect of interfering with an individual's work

performance or creating an intimidating, hostile, or offensive working environment.

PROCEDURE

A. COMPLAINT PROCEDURE

- 1. Reporting** - The Sheriff's Office has an obligation to, and will, investigate all complaints. Any employee who feels he or she has been the victim of illegal harassment, including sexual harassment, should contact his or her supervisor, department head, or a staff member in the Internal Affairs Unit or in the Office of the County Executive, Equal Opportunity Division, immediately. Any supervisor, manager or department head who receives a complaint should notify the Human Resources Director or his or her designee immediately. This initial report can be oral or written. All reports will be investigated and discussed with all parties to an incident.
- 2. Investigation** - Upon receipt of the complaint, the Internal Affairs Unit supervisor or the Equal Opportunity Division Director or his or her designee will authorize investigation of the charges including contacting the complainant, the accused harasser, and any other person who is believed to have relevant knowledge concerning the complaint.
- 3. Disciplinary Action** - Upon completion of the investigation, the Sheriff will determine what, if any, disciplinary action will be taken.

If it is determined that harassment occurred, appropriate disciplinary action up to and including termination will be taken. The discipline will be determined by the severity of the offense.

- 4. Appeals** - Disciplinary action taken under this procedure may be appealed with or without representation, subject to appeal or grievance procedures indicated in applicable Labor Agreements or Merit Rules and Regulations.

B. EMPLOYEE RESPONSIBILITIES

- 1. Individual Employee** - A County employee who is either the victim of, or observes harassment shall report the circumstances of such harassment to his or her immediate supervisor or to any other managerial employee, the Sheriff or to the Equal Opportunity Division as provided in the above procedure.
- 2. Management and Supervisory Employees** - Management and supervisory personnel are responsible for ensuring that the work environment is free of harassment as herein defined, including sexual harassment, by:

- a. informing all employees under their direction of the County policy and complaint procedure
 - b. reporting any instances of harassment, including sexual harassment, to the Internal Affairs Unit for investigation and to their department head.
 - c. based on the findings of the investigation, taking appropriate disciplinary action.
3. **Internal Affairs Unit** - The Internal Affairs Unit and Employee Assistance are responsible for administering the complaint procedure, authorizing and/or conducting an investigation and, in consultation with the department head, recommending disciplinary action commensurate with the severity of the offense.



LAURIE SMITH
SHERIFF



DISCIPLINARY POLICY GENERAL ORDER #11.03

Adopted: 07/07/2010
Replaces: G.O. #11.03 dated 4/15/08

Updated: 12/31/2007
Reviewed: 02/22/2010

POLICY

The Sheriff's Office advocates the use of progressive discipline. Progressive discipline uses disciplinary tools to correct deviance from policy, operating procedures, rules and/or statutes. Generally, progressive discipline begins with the lesser forms of corrective action such as counseling and, if violations continue, results in more severe disciplinary action up to and including dismissal. However, based upon the severity of the conduct, more severe disciplinary action may be called for even after the first offense. In any case, uncorrected violations undermine morale, decrease confidence in the department, and destroy the effectiveness of the Sheriff's Office.

DEFINITIONS

DISCIPLINE: For supervisors and employees, positive discipline exists when employees follow the rules of conduct and meet or exceed performance standards or objectives. Discipline includes activities that are components of the management principle of control, which is absolutely critical to maintain a smooth running department. Proper control helps to ensure that high morale and esprit de corps is developed in the group as well as in the individual and results in self-administered discipline and motivation to achieve the department's mission.

PROGRESSIVE DISCIPLINE: Progressive discipline is a system in which one or more in a series of actions is taken by management to prevent, or to respond to, an employee's failure to meet work standards or to follow rules of conduct. These actions range from training and discussions up to and including dismissal and are increased in severity and formality if an offense is repeated. The concept of progressions does not always apply. A serious first offense may result in adverse action. The other side of progressive discipline is the progressive clearance of the employee's record as job performance improves, in accordance with the involved employee's applicable labor agreement. If a considerable span of time has elapsed after an infraction, this factor is to be considered in the

employee's favor when assessing the penalty for a new infraction, as long as the infraction is the same.

PREVENTIVE ACTION: Preventive actions are those steps taken by a supervisor to eliminate or reduce situations in which corrective action or formal disciplinary action become necessary. Taking preventive action is a supervisor's ongoing responsibility and is the only phase of progressive discipline that is proactive. Preventive actions include establishing goals and communicating expectations as well as training and coaching.

CORRECTIVE ACTION: Corrective action is action short of formal discipline that a supervisor takes with an employee in an attempt to bring the employee's performance up to standard or to prevent continued misconduct. This may include additional training or instruction at the time of the offense. Corrective actions include informal notice, verbal counseling, supervisor's comment cards, records of discussion, performance improvement plans, and formal written counselings. The purpose of corrective action is NOT to punish, but to avoid punishment by teaching an individual to behave in a manner acceptable to the Sheriff's Office. For supervisors and employees, good discipline exists when employees follow the rules of conduct and meet or exceed performance standards or objectives.

FORMAL DISCIPLINARY ACTION: Formal discipline is instituted when corrective action has failed or is inappropriate given the nature of the offense. The only types of formal discipline recognized by the merit system rules and labor agreements are letters of reprimand/unfavorable reports, suspensions, demotions, and dismissals.

PROCEDURE

A. SUPERVISORY AND MANAGERIAL RESPONSIBILITY FOR DISCIPLINE

1. Most employees are competent, conscientious, and efficient. However, some willfully, carelessly, or unwittingly violate the accepted standards of good behavior or deliver unsatisfactory or unacceptable work performance. Employees should expect and prefer uniform adherence to recognized standards of conduct. Prompt and fair corrective disciplinary action is just as essential to effective operations and good employee relations as is positive recognition of a job well done.
2. The Sheriff's Office is a highly visible agency with a vital, complex, demanding, and sometimes controversial mission. As a result, it is subject to intense public scrutiny. As part of its accountability to its employees and to the citizens that we protect and serve, the Sheriff's Office must be able to justify its methods and procedures when they are challenged. In fulfilling this accountability, the Sheriff's Office is committed to recognizing and answering complaints regarding the propriety of personnel actions and operating procedures.

3. While sound supervisory guidance contributes to improved employee performance and voluntary compliance with rules of conduct, a system for identification and treatment of employee misconduct is also necessary. Employees must be certain of timely, uniform, and equitable discipline for misconduct consistent with individual rights to due process.
4. The Sheriff's Office considers discipline and its attendant processes, such as initial fact-finding, investigation, determination of findings, and leveling of sanctions, as one of its management responsibilities. Therefore, the Sheriff's Office holds division and unit supervisors and managers accountable for assessing the facts of a case, based on the totality of the situation, in determining findings and recommendations for proper discipline.
5. Supervisors and Managers are required to be familiar with the following Sheriff's Office general orders that outline employee performance guidelines and complaint reporting procedures.

B. ROLE OF SUPERVISORS IN EMPLOYEE DISCIPLINE

1. The Sheriff's Office depends on its supervisors to maintain the highest level of efficiency among its employees. Toward that end, supervisors are responsible for developing and maintaining good working relationships among their subordinates so that, as individuals and as members of a group, employees voluntarily put forth their best efforts.
2. At each level, supervisors are expected to help their employees to become and remain efficient, productive and satisfied workers by ensuring that they understand:
 - a. The policies and procedures that govern their work.
 - b. The duties they are to perform.
 - c. The accepted methods of performing these duties.
 - d. How well they are expected to perform these duties, i.e., and the expected standards of performance.
 - e. How well they meet these standards of performance.
 - f. How they can improve their work and develop their capabilities.
 - g. What behavior is considered proper conduct or good discipline in their work group.

C. DISCIPLINARY PROCESS

1. Process for handling observed misconduct:

- a.** If a supervisor directly observes a subordinate's misconduct, and if the misconduct is of a serious nature that could result in formal disciplinary action, the supervisor shall:
- 1)** Take that action required to immediately curtail or prevent the recurrence of the misconduct.
 - 2)** Collect the details of the observed misconduct, to include any possible witnesses, and report the misconduct via employee's report to the Approving Authority (Division Captain or Unit Manager) through the chain of command.

Note: Supervisors must exercise caution during this process, ensuring that all procedural rights are followed in accordance with the Public Safety Officer's Procedural Bill of Rights, merit system rules, and applicable labor agreements.

- 3)** Instruct all involved employees to submit an employee's report, unless the involved employee is the focus of the investigation and/or may be subject to disciplinary action. Employees who simply witnessed the alleged misconduct by another employee are not normally subject to disciplinary action and may be required to submit written reports.
- b.** Upon receipt of a written allegation of misconduct, the Approving Authority shall confer with the Internal Affairs Unit and discuss whether the incident is to be handled as major or minor misconduct.
- 1)** If it is determined that the violation is minor (one for which the department would normally not seek formal disciplinary action [Letter of Reprimand/Unfavorable Report or greater]), the Approving Authority may return the case to the employee's supervisor for further action in accordance with the "Internal Affairs Unit".
 - 2)** If it is determined that the violation is major, a formal investigation conducted by the Internal Affairs Unit shall be conducted.
- c.** At the completion of the investigation, whether by the division to which the employee is assigned or by the Internal Affairs Unit, findings (i.e., Unfounded, Exonerated, Not Sustained, Sustained, or Closed) are rendered for each allegation.

- a. There are occasions when an employee's performance requires intervention but does not constitute misconduct. Examples include: tardiness, mistakes on reports, failure to properly document significant incidents, sloppy dress, poor grooming, non-compliance with Sheriff's Office policy (when such non-compliance presents no threat to the safety or security of the Sheriff's Office), abuse of sick leave, etc.
- b. In these cases, the supervisor must take the appropriate corrective action as described in this policy.
- c. The supervisor may use the documentation to prepare the next Employee Performance Evaluation.

D. PROGRESSIVE DISCIPLINE

- 1. Preventive Actions: It is important for supervisors to create and maintain proper discipline within their organizational unit. Preventive actions are those steps taken by supervisors to eliminate or reduce the situations in which corrective or formal disciplinary action becomes necessary. If steps can be taken to reduce the need for corrective or formal disciplinary actions, then the supervisor and the employee will spend less time in an adversarial relationship and more effort will be expended toward accomplishing unit goals. Taking preventive action is an ongoing responsibility of each supervisor. It is the only phase that is proactive; that is, it is not based on the supervisor's reaction to something the employee is doing wrong, but rather is an action initiated by the supervisor. Types of preventive actions include:
 - a. Letting employees know what is expected of them. It is important that all of the Sheriff's Office's policies, procedures, and performance standards be clearly expressed in written and verbal directives. Supervisors must ensure that their employees understand and comply with these policies and standards by:
 - 1) Establishing open communications.
 - 2) Orienting new employees.
 - 3) Orienting all employees to new rules and standards.
 - 4) Encouraging employees.
 - 5) Monitoring employee performance.
 - 6) Training employees.

- b. Setting reasonable work objectives for your employees. Supervisors should establish objectives that assist their unit with contributing to the Sheriff's Office's mission. Then, with the employee performance appraisal system, supervisors establish performance standards to meet the objectives, consistent with the requirements of the position and the abilities and interests of each individual employee.
 - c. Creating a favorable work atmosphere. A safe and comfortable working environment is important. However, good supervision is also required to create a favorable working atmosphere. Supervisors should be approachable and listen to their employees' ideas and grievances, and be open-minded and fair in handling problems.
 - d. Setting a good example. Supervisors are held to an even higher level of accountability for their behavior than are their subordinates. With few exceptions, employees will comply with acceptable standards of performance and conduct to the extent that their supervisors comply.
 - e. Trying to find and eliminate causes for misconduct. When initially dealing with an employee's misconduct, supervisors should attempt to determine if there is a specific cause for the employee's misbehavior by interviewing the employee and encouraging an exchange of ideas and concerns. By identifying and removing or alleviating a cause, supervisors can sometimes prevent a recurrence of the unacceptable behavior.
 - f. Maintaining firm, impartial control. Firm and impartial supervisory control creates respect and lessens problems. Supervisors should objectively and fairly document both good and poor performance and behavior, and should present the employee with a copy of the performance documentation. The supervisor should make it clear to subordinates that infractions will not be allowed to go uncorrected and that they may expect corrective action to progress to more severe sanctions if infractions are repeated.
2. Corrective Actions - When preventive action fails to produce standard or above standard performance or compliance with rules of conduct, it becomes necessary for the supervisor to take corrective action. Corrective action is that action, short of formal discipline, which a supervisor initiates to attempt to bring the employee's performance up to standard or to prevent continued misconduct. This may include additional training or instruction at the time of the offense. In general, supervisors should take corrective action before initiating formal discipline. However, in situations involving the most serious offenses, the supervisor should initiate formal discipline by reporting the misconduct through the chain of command.

- a. Analyze the problem and form a plan. The supervisor's analysis of the problem will determine which corrective action to take. After analyzing the problem, the supervisor should develop a plan of corrective action.
- b. Take the appropriate corrective action.

Note: The following progression should be used. However, based upon the nature of the misconduct, steps in the corrective action continuum may be skipped. For SEIU, 521 employees, informal verbal or written counseling shall be provided by the employee's lead or first-line supervisor only.

- 1) Informal Notice (Undocumented): Telephone conversation, casual acknowledgement of infraction.
- 2) Noted Verbal Counseling (Documented): Face to face conversation with the employee. This may be noted on Supervisor's Comment Card (Sworn personnel only).
- 3) Record of Discussion (Sworn personnel only): Documented informal memo describing the topic of discussion, supervisor's comments and employee's comments.
- 4) Performance Improvement Plan (Sworn personnel only): Documented understanding between supervisor and employee, outlining expectations for improved performance.
- 5) Formal Written Counseling: More formal documentation of performance problem, to include what will happen if the employee fails to correct the problem.

- c. Initiate Formal Discipline: If the misconduct is of a serious nature or if corrective action has failed, supervisors should take no further action other than that required to immediately curtail or prevent the recurrence of the misconduct. He or she should then report the misconduct to the proper authority through his or her chain of command. Formal discipline is initiated by an Employee's Report written by the supervisor entitled: "MISCONDUCT (or ALLEGATIONS OF MISCONDUCT) BY EMPLOYEE."

3. Formal Disciplinary Action

- a. When preventive or corrective actions fail or when the first time offense is very serious, it becomes necessary to initiate formal discipline. Formal discipline is the final phase of progressive discipline in which action is taken that will have a negative impact on the employee's job status. Even though

the actions taken here have an adverse effect, the goal still includes correction or elimination of the problem. Therefore, a corrective plan of action must still be attempted.

b. Based upon the nature of the misconduct, the following formal disciplinary actions may be instituted:

- 1) Letter of Reprimand (sworn and C.E.M.A. personnel) or Unfavorable Report (SEIU, Local 521)
- 2) Suspension without pay
- 3) Demotion to lower class
- 4) Dismissal from service

c. Determination Of Findings And Disciplinary Sanctions For Formal Disciplinary Actions

- 1) Disciplinary action is required for each allegation of misconduct that is sustained. The Approving Authority shall recommend an appropriate sanction after evaluating the nature of the offense and any mitigating or aggravating circumstances. Approving Authorities may consult with Labor Relations and/or County Counsel at any time for assistance in determining the appropriate level of discipline.
- 2) When considering formal discipline, Approving Authorities should accomplish the following.
 - a) Review the investigative reports, being sure to carefully weigh all of the facts, including the employee's input.
 - b) Consider all the circumstances surrounding the case.
 - c) Consider the seriousness of the employee's conduct in relation to his or her particular job and his or her employment history with the Sheriff's Office.
 - d) Consider what the department has done to help prevent this type of behavior (e.g., provided training, etc.).
 - e) Consider any contemplated disciplinary action in light of its training value rather than strictly as punishment or reprisal for the offense.

- f) Consider the employee's previous conduct record in the department.
 - g) Consider what disciplinary action will most likely eliminate the cause and prevent a recurrence.
 - h) Consider the likely reason for the employee's behavior.
 - i) Consider the employee's possible reaction to the disciplinary action.
 - j) Consider the possible reactions of the other employees to the disciplinary action taken. The action must not violate the group's sense of fair play if it is to be accepted.
 - k) And above all else, be fair and impartial in arriving at the appropriate disciplinary action. Nothing will do more to undermine employee morale and confidence than the perception that discipline is arbitrary, unfair, or partial.
- 3) Mitigating Circumstances - Approving Authorities should consider the following circumstances when determining the type of disciplinary action to recommend:
- a) Admission of complicity.
 - b) Remorse on the part of the offending employee.
 - c) A commitment to appropriate subsequent behavior.
 - d) A commendable work history with the Sheriff's Office.
 - e) Continued personal development of the employee.
 - f) Unusual circumstances which may have precipitated the misconduct.
 - g) The results of the misconduct, particularly if the net result was a positive effect.
- 4) Aggravating Circumstances - Approving Authorities should consider the following circumstances when determining the type of disciplinary action to recommend:
- a) The negative results of the employee's misconduct.

- b) A repeated violation.
- c) Conviction of a felony related to the performance of duty or a misdemeanor involving moral turpitude.
- d) Refusal to commit to change.
- e) Damage to the Sheriff's Office's image.

d. Disciplinary Letters

- 1) The Support Services Bureau administrator must ensure that the appropriate disciplinary letter is prepared, reviewed by Labor Relations, and hand delivered to the employee or confidentially forwarded to the employee's home address in a sealed envelope via registered mail. The letter shall be included in the employee's personnel file and a copy sent to the involved employee's union.
- 2) The Support Services Bureau administrator shall also ensure that the disciplinary letter includes:
 - a) The employee's job title, job functions, and duties and responsibilities as they relate to the cause(s) of disciplinary action.
 - b) Statement of the nature of the disciplinary action.
 - c) Effective date of the action.
 - d) Statement of the cause thereof.
 - e) Statement in ordinary and concise language of the act or omissions upon which the causes are based.
 - f) Statement advising the employee of his or her right to appeal to an arbitrator or the Personnel Board from such action, in accordance with the involved employee's labor agreement, and their right to Association representation.
- 3) In administering a suspension, demotion or dismissal, the Support Services Bureau Captain should ensure that all pertinent factors relating to the discipline are contained in the letter of intent. The letter must list the incident(s) that gave rise to the discipline. Each allegation should be able to stand alone as cause for discipline. If

prior disciplinary actions were considered as a reason for more severe action, the prior discipline must be listed in the letter.

- 4) If the discipline imposed is appealed to the Personnel Board or to an arbitrator, the discipline letter is the charging document and the first document the Hearing Officer will read. The letter must be factual, accurate, and persuasive.

e. Appeals

1) Administrative Hearings

- a) Whenever the recommended formal disciplinary action is a letter of reprimand, suspension, demotion, or termination, the employee has a right to an administrative hearing, commonly referred to as “Skelly Hearing.”

Note: Probationary employees receive a similar, albeit less structured hearing referred to as a “Lubey Hearing.” Letters of Reprimand are afforded a simple administrative hearing only and do not afford the employee the right to any further appeal.

- b) These hearings are not automatic and must be requested by the employee within the time frame and per the instructions included in the disciplinary letter of intent.

- c) Unless a request for an administrative hearing is received within the time limit as described in the letter of intent, the employee shall be deemed to have waived their right to said hearing and the recommended disciplinary action shall become final.

- 2) Appeals to the County Personnel Board - Should the employee be dissatisfied with the final action as a result of their administrative hearing or should the employee waive their response to the administrative hearing and the recommended action becomes final, the employee may file an appeal under the Santa Clara County Charter, Section 708(c). The employee shall have ten working days from receipt of such written notice within which to file an answer to the statement of charges should the employee desire to do so, and the filing of such an answer shall be deemed to be an automatic request for a hearing unless such employee otherwise indicates. The answer to such charges shall be filed with the Personnel Board.

Note: Personnel Board appeals are not available to newly hired probationary employees on original probation. Said employees are entitled to an administrative hearing only.

- 3) Arbitration In Lieu of Personnel Board (sworn personnel only) - Disciplinary actions may also be appealed by the filing of a grievance in writing to the Appointing Authority, with a copy sent to Labor Relations, provided that the employee voluntarily waives his or her right to appeal such disciplinary actions to the County Personnel Board. Grievances must be filed within fifteen working days of receipt of the written notice of disciplinary action.

E. EMPLOYEE RIGHTS

1. It is the policy of this department to afford its public safety officers all of the rights as described in the Public Safety Officer's Procedural Bill of Rights (commonly referred to as A.B. 301) and as they appear in California Government Code Title 1, Sections 3300-3311, to include, but not limited to the following:

a. Sworn Personnel-Right to Representation:

- 1) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that could lead to punitive action (i.e., letter of reprimand, suspension, demotion, or termination) against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation (Reference POBAR, Section 3303).

a) The selected representative cannot be a person subject to the same investigation.

b) The selected representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose information received from the officer under investigation for non-criminal matters.

- 2) Generally, employees are NOT entitled to representation for any corrective action conducted in the normal course of duty. However, if it becomes apparent during the course of the discussion that the employee may be subject to formal disciplinary action, the discussion should cease and the employee advised of his or her right to representation in accordance with the employee's applicable labor agreement. Corrective actions include:

a) Informal notices or admonishments.

b) Verbal Counselings.

- c) Records of Discussions.
 - d) Performance Improvement Plans.
 - e) Formal Written Counseling.
 - f). Other routine contact with a Supervisor.
- b. Non-sworn Personnel-Right to Representation: It is the policy of this department to afford the same rights of representation to its non-sworn civilian personnel as is afforded its public safety officers. Managers and supervisors are encouraged to research the various bargaining units' labor agreement (e.g., SEIU, Local 521) for any specific rights that may be afforded by contract.

2. Right to Read, Sign, and Respond to Adverse Comments

- a. No employee shall have any comments adverse to his or her interest entered in his or her personnel file, or any other file used for any personnel purposes by this department, without the employee having first read and signed the instrument containing the adverse comments indicating he or she is aware of such comments, except that such entry may be made if after reading such instrument the employee refuses to sign it. Should the employee refuse to sign, that fact shall be noted on that document, and must be signed or initialed by such employee.
- b. All employees shall have thirty days within which to file a written response to any adverse comments entered in his/her personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

F. SUPERVISORY FILES

- 1. Each supervisor shall maintain a supervisory file for each employee under his or her supervision. This file may contain all pertinent information for each employee including, but not limited to:
 - a. Past attendance records.
 - b. Copies of previous employee evaluations.
 - c. Copies of CPR, First Aid, and Range certificates.

- d. Copies of any letters of commendation or written documentation of positive employee performance.
 - e. Copies of any documented corrective actions.
 - f. Copies of any Supervisor's Comment Cards.
2. Upon any transfer or change of shift assignment, the previous supervisor shall ensure that the employee's supervisory file is transferred to the new supervisor for review and continued maintenance.

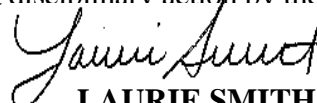
G. RETENTION PERIODS FOR WRITTEN DISCIPLINARY DOCUMENTATION

1. All corrective action documents shall be removed at the request of the affected employee after the time frame indicated below: Sworn Personnel
- a. Supervisor's Comment Cards- after the employee's next annual performance appraisal.
 - b. Records of Discussion- 6 months without repeated offenses.
 - c. Performance Improvement Plans- 12 months without repeated offenses.
 - d. Formal Written Counseling- 24 months without repeated offenses.
2. Upon written request of the employee, all materials relating to disciplinary actions recommended and taken shall be removed from the Personnel and Training file three (3) years after any disciplinary action has been imposed, provided no additional action has been taken during the intervening period, except disciplinary actions involving unnecessary or excessive use of force, fraternizing with inmates, use of drugs or narcotics, acceptance of gifts in exchange for favors or "influence," immoral conduct, criminal act/behavior, harassment and/or discrimination, or conviction of a misdemeanor or felony. Sworn Personnel
3. For non-sworn personnel, managers and supervisors should refer to the applicable labor agreements for disciplinary document retention guidelines.

H. NON-DISCIPLINARY FORMS OF ACTION

1. In addition to the punitive forms of action available, (e.g., reprimand, suspension, demotion, and dismissal), managers and supervisors should consider using various other non-disciplinary corrective actions which may remedy or alleviate the problem. Managers and supervisors are encouraged to research the various bargaining units' applicable labor agreements, as not all of the following actions are allowed.

- a. Employee Appraisals (Sworn Personnel Only): The Employee Appraisal system was designed as a tool for supervisor-subordinate communication. It is most useful in identifying problems with an employee's performance of assigned duties. Better documentation and perhaps interim evaluations may isolate and resolve a problem without the need for corrective discipline. However, when corrective discipline is required due to inefficiency or incompetence, the Employee Appraisal will usually be referred to during the fact-finding process and when determining findings and recommending sanctions.
- b. Transfers: A sworn employee cannot be transferred for punitive purposes. However, unsatisfactory performance adequately documented through performance appraisals or disciplinary documentation may result in removal from a specialized division, unit, or assignment at any time. An employee subject to removal from any assignment that receives premium pay may request an administrative hearing with rights of appeal.
- c. Medical/Mental Health Evaluations (Fitness for Duty Examinations): In situations where an employee's conduct is erratic or unusual, and a medical/mental health condition or drug or alcohol use are suspected, the department may require the employee to submit to a medical/mental health evaluation. The evaluation can then be used to determine if the employee is fit for duty or needs further treatment.
- d. Leave Approval: Any time that there is a question regarding use of sick leave by an employee, the sick leave should not be approved until the supervisor is fully satisfied with medical verification.
- e. Resignations: An employee should submit his/her resignation, giving notice of at least ten working days or two calendar weeks, in writing, to be eligible for reinstatement. If the employee resigns orally, the Approving Authority should immediately confirm the resignation in writing. Resignation in lieu of dismissal may be accepted for pending dismissals. If an employee wishes to resign as a result of a pending disciplinary action, the Approving Authority should contact Labor Relations and County Counsel before acting on the employee's request to resign.
- f. Voluntary Demotions: For various reasons, which may include an employee's own knowledge that he or she is not performing at an acceptable level in his or her current position (or preference of a different shift, location, etc.), an employee may voluntarily request a demotion. Accepting such a request is not considered to be a disciplinary action by the Sheriff's Office.


LAURIE SMITH
SHERIFF



EARLY WARNING SYSTEM GENERAL ORDER #11.04

Adopted: 07/07/2010

Replaces: G.O. #11.04 dated 09/30/02

Updated: 02/22/2010

Reviewed: 02/22/2010

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POLICY

It is the policy of the Sheriff's Office to establish a system for tracking and reviewing incidents of risk to this agency and the involved employees. To this end, the Early Warning System (EWS) shall be used as a means to identify and assess employee performance involved in high-risk incidents and intervene where appropriate.

PURPOSE

This policy is intended to assist Sheriff's supervisors and managers in identifying deputies and other employees whose performance warrants review and, where appropriate, intervention in circumstances that may have negative consequences for the employees, fellow employees, the Sheriff's Office, and/or the general public.

DEFINITIONS

Office of Professional Standards (OPS) or equivalent office, division or bureau: Also sometimes referred to as Internal Affairs, this function is executed by the employees or unit with primary responsibility for conducting investigations of employee misconduct allegations.

High-Risk Incidents: Actions that may result in injury to employees or the public, cause civil rights violations, increase the civil liability to the Sheriff's Office, or cause the Sheriff's Office to lose public support and confidence in its ability to perform its duty in a professional manner.

Criteria: Those areas deemed necessary to review and/or track in order to assure proper performance is attained and that liability to the Sheriff's Office is kept to a minimum.

Threshold: That which is determined to be a high point or limit of acceptability.

PROCEDURE

A. General

1. The EWS is a tool to assist supervisory personnel in monitoring employee performance.
2. The availability of the EWS does not alter the critical role of line supervisors to directly monitor the performance and conduct of personnel under their charge on a daily basis.
3. Supervisory personnel shall be familiar with alternatives and authorized actions they may take in response to personnel exhibiting conduct problems with or without information provided through the EWS.
4. Division level management and supervisors are encouraged to provide information that can be utilized in the EWS.

B. Reporting Procedures

The Office of Professional Standards (OPS) shall be responsible for establishing and administering the EWS and generating reports specified in this policy or as otherwise directed by the Sheriff. OPS shall receive copies of the following:

1. Complaints lodged against employees in accordance with provisions of the Sheriff's Office policy on investigation of employee misconduct, to include the following:
 - a. Complaints lodged by one employee against another;
 - b. Summary of discipline actions and written counseling taken against an employee by a supervisor with or without a formal complaint;
 - c. Complaints lodged by citizens against Sheriff's Office employee;
 - d. Incidents of domestic violence;
 - e. Disciplinary actions taken against employees; and
 - f. Administratively defined examples of improper actions and/or improper conduct.
2. Use of Force Reports
3. Demographic Data
4. Performance based and related information including the following;

- a. Pursuits
- b. Accidents
- c. Leaves; sick, vacation, and Workers Compensation
- d. Shooting events
- e. Sleep Deprivation; Overtime, Off duty work, and Pay jobs
- f. Arrests
- g. Training
- h. Citations
- i. Calls for service – self initiated, radio initiated and desk initiated
- j. Charges – criminal charges against suspect
- k. Complaints – citizens and internal

C. Reports

1. OPS shall collect and report on the aforementioned data and information by comparing it to historical norms of Sheriff's personnel functioning in the same or similar assignments. Norms will be updated on an ongoing basis for each conduct or performance indicator. Reports on individual employees based on deviations from those norms will be distributed to respective division commander as well as the Sheriff's Executive staff.
2. Reports shall be developed on a routine basis for all employees but shall be generated whenever an employee has exceeded the threshold established by the Sheriff's Office requiring supervisory review and intervention, or upon specific request.
3. Reports shall provide a brief summary of complaint statistics, use of force incidents, demographic data, and/or performance indicators and their respective dispositions where available. Reports shall draw no conclusions nor make any determinations concerning job performance.
4. Reports are intended to assist supervisory personnel evaluate and guide their subordinates. Reports alone shall not form the basis for disciplinary action, nor shall they, in and of themselves, be placed in the employee's personnel file.
5. Reports shall be reviewed by the employee's supervisor as well as command staff and when necessary shall be reviewed with the employee.



LAURIE SMITH
SHERIFF



**USE OF FORCE
GENERAL ORDER #12.00**

Adopted: 07/07/2010
Replaces: G.O. #12.00 updated 01/15/2021
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Updated: 06/10/2022
Reviewed: 06/10/2022
Distribution: Unrestricted

POLICY

The authority of deputies to use physical force is a serious responsibility. The decision to use physical force must be evaluated in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that deputies use force consistent with law and the policies of the Office of the Sheriff (“Sheriff’s Office”).

Deputies shall use only force which is necessary, given the facts and circumstances known to the deputy at the time of the event, to bring an incident under control. Every reasonable effort to de-escalate an uncooperative or actively resisting subject shall be made when feasible prior to the use of force. Emergency medical attention shall be provided to any person who sustains any injury requiring medical attention or loss of consciousness resulting from a deputy’s use of force. All sections of this policy apply to off-duty conduct involving the use of force when, though off-duty, a deputy is acting as a sworn peace officer and acting in that capacity to uphold the law. The authority to use force shall be exercised judiciously with respect for human rights, dignity, and life in a fair and unbiased manner without prejudice to anyone.

This policy applies to all sworn staff of the Sheriff’s Office, and reference to “deputy” or “deputies” throughout this policy refers to all sworn staff. **Custody Bureau personnel shall refer to applicable Custody Bureau Policies and Procedures that govern the use of force within county correctional facilities.**

PROCEDURE

A. DEFINITIONS

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

De-escalation Techniques: Actions used by deputies, when safe and feasible without compromising law-enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of gaining voluntary compliance from a subject.

De-escalation: The process of using strategies and techniques intended to decrease the intensity of the situation.

Feasible: Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Imminent: Pursuant to California Penal Code § 835a(e)(2), "[A] threat of death or serious bodily injury is 'imminent' when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed."

Intercede: Includes, but is not limited to: (1) physically stopping the excessive use of force; (2) recording the excessive force, if equipped with a body-worn camera, and documenting efforts to intervene; (3) attempting to de-escalate the offending deputy's excessive use of force; (4) confronting the offending officer about the excessive force during the use of force and (5) reporting to dispatch or watch commander/supervisor on duty with the offending deputy's name, unit, location, time, and situation.

Necessary Force: Force is necessary if (1) other available resources and techniques are not reasonably safe or feasible to accomplish a legitimate law enforcement purpose and (2) the amount of force used to accomplish the law enforcement purpose is reasonable in light of the totality of the circumstances known to or perceived by the deputy at the time of the event.

Positional Asphyxia: Situating a person in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes a person's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained person without reasonable monitoring for signs of asphyxia.

Proportional: To be proportional, the level of force applied must reflect the totality of circumstances surrounding the situation at hand, including the nature and immediacy of any threats posed to deputies and others. Deputies must rely on training, experience, and assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgment will dictate the force option to be employed. Proportional force does not require deputies to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious bodily injury, the greater the level of force that may be objectively reasonable and necessary to counter it.

Retaliation: Means demotion, failure to promote to a higher position when warranted by merit, denial of access to training and professional development opportunities, denial of access to resources necessary for an officer to properly perform their duties, or intimidation, harassment, or the threat of injury while on duty or off duty.

Serious Bodily Injury: Pursuant to California Penal Code § 243(f)(4) Serious Bodily Injury includes but is not limited to 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.

For purposes of reporting use of force incidents to the California Department of Justice, pursuant to Government Code § 12525.2(d), serious bodily injury means a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

Totality of the circumstances: Means all facts known to the deputy at the time, including the conduct of the officer and the subject leading up to the use of force.

B. USE OF FORCE

Deputies are authorized to use only that degree of force which is necessary as determined by an objectively reasonable deputy under the circumstances to protect themselves or others, or to overcome resistance to their lawful authority. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or reasonably perceived level of actual or threatened resistance. Deputies may use force in the performance of their duties in the following circumstances: to prevent the commission of a public offense; to prevent a person from injuring himself or others; to make a lawful arrest or detention of persons resisting or attempting to evade that arrest or detention; or in self-defense or the defense of another person.

A deputy who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A deputy shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force. Deputies should consider alternatives such as de-escalation tactics or tactical repositioning where feasible and safe to do so.

Kinetic energy projectiles and chemical agents shall not be used to disperse any assembly, protest, or demonstration except if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and then only in accordance with the requirements enumerated within General Order #17.03 (“Demonstrations and Civil Disorders”).

C. ALTERNATIVE TACTICS – DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, deputies shall consider actions that may increase officer safety and may decrease the need for using force. Deputies shall evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). De-escalation strategies and techniques include but are not limited to:

1. Using communication intended to gain voluntary compliance, such as:
 - a. Clear verbal instructions
 - b. Interpersonal/strategic communication
 - c. Crisis intervention techniques
2. Tactical methods that use time, distance, cover, and concealment that may allow deputies additional time to assess the situation, request additional resources, and/or better formulate an appropriate response that may diffuse the situation and/or help gain voluntary compliance when feasible.
3. Formulating a plan with responding deputies before entering an unstable situation that does not reasonably appear to require immediate intervention.

D. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

The reasonableness of a particular use of force is based on the totality of circumstances known by the deputy at the time of the use of force and weighs the actions of the deputy against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable deputy on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must allow for the fact that deputies are often forced to make split-second decisions regarding the amount of force that is necessary - in circumstances that are tense, uncertain, dynamic, and rapidly evolving.

Factors to be considered in determining the objective reasonableness of force include, but are not limited to:

1. The seriousness of the crime or suspected offense.
2. The level of threat or resistance presented by the subject.
3. Whether the subject was posing an immediate threat to deputies or a danger to the community.
4. The potential for injury to the public, deputies, or subjects.
5. The risk or apparent attempt by the subject to escape.
6. The conduct of the subject being confronted (as reasonably perceived by the deputy at the time).
7. The time available to a deputy to make a decision.
8. The availability of other reasonable and feasible options and their possible effectiveness.
9. The training and experience of the deputy.
10. The subject's proximity or access to weapons.
11. The size, relative strength, and injury/exhaustion of the deputy relative to the subject.
12. The number of deputies versus number of subject(s).
13. Environmental factors and/or other exigent circumstances.
14. Whether the subject has any perceived physical disability.

E. USE OF FORCE CONTINUUM

When use of force is necessary and appropriate, deputies shall, when reasonably possible, use an escalating scale of force and will not progress to a more forceful measure unless a lower level of force is inadequate or inappropriate under the circumstances. Nothing in this Order shall preclude deputies from skipping steps when circumstances indicate that a higher level of force is necessary. Deputies should consider tactics and techniques that may persuade the subject to voluntarily comply or mitigate the need to use a higher level of force to safely resolve the situation. The continuum of force shall occur as follows:

- * physical presence
- * verbal commands / verbal de-escalation
- * hands-on restraint
- * control holds
- * chemical agents
- * pain compliance control holds
- * baton
- * less lethal munitions (See General Order --#12.04 Use of Less Lethal Munitions)
- * deadly force, including any means necessary to protect against imminent threat to life to include use of firearms (See General Order --#12.02 Use of Firearms)

Deputies shall carry or use only those weapons authorized by the Sheriff's Office while on duty. A deputy must obtain written permission from the Training and Professional Development Division Captain to carry or use in the course and scope of his or her duties any weapon not authorized by these General Orders.

Use of a canine for biting a suspect constitutes use of force and shall be used only by a deputy who has received training approved by the Sheriff's Office and who acts in accordance with Sheriff's Office written policies and procedures.

Deputies are not authorized to use a carotid restraint hold. Per Government Code § 7286.5, a carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.

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

Deputies are not authorized to use any restraint or transportation method which creates a substantial risk of positional asphyxia, as that term is defined above. While deputies may use reasonable control methods when attempting to restrain a combative individual, deputies are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. If a technique or hold is utilized to bring a combative individual under control that may impair that individual's breathing or respiratory capacity, the individual should be placed into a recovery position (e.g., supine or seated) upon being brought under control and monitored for signs of medical distress to avoid creating a substantial risk of positional asphyxia.

F. PHYSICAL PRESENCE

Physical presence means the presence of a deputy, in uniform, with badge and safety equipment, or if in civilian clothes, with badge and identification.

G. VERBAL COMMANDS / VERBAL DE-ESCALATION

Verbal commands mean to make a spoken request or command to obtain compliance or control or to give direction. Deputies should communicate and endeavor to persuade, advise, and provide clear instructions and warnings when safe and feasible to do so. Verbal de-escalation strategies and techniques include but are not limited to, interpersonal/strategic communication and crisis intervention techniques.

H. HANDS-ON RESTRAINT

Hands-on restraint means physically touching, directing, or guiding a person to obtain response or compliance.

I. CONTROL HOLDS

A control hold is a method for physically controlling a subject by manually applying pressure to a particular part of the body until the deputy has control over the subject without the application of pain.

J. USE OF CHEMICAL AGENTS

1. Chemical agents may be used only under the following circumstances: when necessary to overcome resistance to a lawful arrest; when necessary to protect a deputy or another person from an assault; and when necessary to defend or protect a deputy or another against vicious animals. The use of chemical agents on non-violent protesters, or non-resisting prisoners, to assist in separating them or making an arrest, is not authorized.
2. Chemical agents shall not be used against handcuffed or restrained suspects unless the suspect continues to present a serious threat to the safety of the deputy or others.
3. Deputies using chemical agents must evaluate the medical condition of the sprayed suspect. After initial exposure, the subject must be checked and interviewed for discomfort as soon as possible. The subject must also be checked 30 minutes to an hour after exposure. If O.C. (Oleoresin Capsicum) agent was used, decontamination may need to be continued for approximately 45 minutes after exposure to the agent. If symptoms persist from the use of O.C. more than 45 minutes after it was used, the deputy must take the subject to a medical facility for examination and treatment. A medical clearance at the jail shall be obtained for any suspect in custody who is sprayed with a chemical agent.
4. A person who has been sprayed with a chemical agent shall not be transported face down on their stomach. The deputy shall closely monitor the subject for any visible signs of distress, which appears to require medical evaluation and/or treatment.
5. Should the subject become ill after an exposure to the chemical agent, he or she must be taken to a medical facility for examination and treatment. If the sprayed suspect loses consciousness or has difficulty breathing, the deputy shall render first

1. The Sheriff's Office has authorized the following types of batons for use by sworn personnel: 42" wooden baton for crowd control situations, 26" or 29" wooden or plastic baton, and approved collapsible/expandable baton. When a deputy does not have access to his or her baton, and the use of a baton is necessary to avoid the use of a greater degree of force, the deputy may use a plastic or metal flashlight not to exceed 16 inches in length, in place of a baton.
2. Deputies shall not use a baton unless they have received mandatory training as approved by the Training and Professional Development Division.
3. The use of the 42" wooden baton requires supplemental crowd control training as approved by the Training and Professional Development Division.
4. The baton may be used only to overcome a violent individual whose conduct threatens the safety of the deputy or others, or to effect the arrest of combative persons when a lesser degree of force is unavailable or fails to overcome resistance.
5. The baton shall not be used against handcuffed or non-combative persons unless circumstances exist where use of the baton is reasonable and necessary to protect the deputy or others.
6. Baton blows shall not intentionally be delivered to a person's head, neck, or throat, **except** under circumstances where deadly force is justified, and lesser actions are ineffective or inappropriate.
7. Any subject injured by use of the baton shall be taken to a medical facility for examination and treatment, prior to any booking into a jail facility.
8. All members of the Crowd Control Unit will be issued 42" wooden batons and will receive the appropriate training. The bokken is no longer authorized for use by the Crowd Control Unit. The 42" wooden baton may only be used during crowd control situations by those individuals who have completed training approved by the Sheriff's Office and who have received approval of the Unit Commander or his/her designee.

M. MENTAL HEALTH / CRISIS INTERVENTION

1. Individuals with physical, mental health, developmental, or intellectual disabilities may have a diminished ability to understand or comply with commands. Deputies shall take this into consideration and utilize Crisis Intervention techniques when

feasible to ensure this vulnerable population is not subjected to unnecessary or unreasonable amount of force.

N. USE OF DEADLY FORCE

1. Deadly force means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm. Although use of firearms is the most common example of the use of deadly force, deputies can use deadly force by other means as well. Deputies should refer to General Order #12.02 (“Use of Firearms”) regarding use of firearms.
2. Notwithstanding any other provision of this General Order, a deputy may use any deadly force, other than by the use of a firearm, when the deputy reasonably believes, based on the totality of the circumstances, that such force is necessary for one of the following reasons:
 - a. To defend against an imminent threat of death or serious bodily injury to the deputy or to another person.
 - b. To apprehend a fleeing person for any **felony** that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a deputy shall, prior to the use of deadly force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.
 - c. As a member of the Sheriff’s Emergency Response Team (SERT) and the deputy is directed to use deadly force by the commander in charge of the team based on the totality of the circumstances known to the commander and consistent with this General Order.
3. A deputy shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person.
4. All reasonable means of apprehension and control shall be exhausted prior to the use of deadly force. A deputy may reasonably exercise his/her discretion to determine that deadly force is inadvisable after all methods short of the use of deadly force have been exhausted, even if a suspect is not apprehended as a result.

O. VERBAL WARNING OF USE OF FORCE

1. Whenever feasible, a deputy prior to the use of any force, should make reasonable efforts to identify themselves as a peace officer and to warn that force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

P. DUTY TO INTERCEDE AND REPORT EXCESSIVE FORCE

1. Any deputy who witnesses any potential unnecessary or excessive use of force shall immediately intervene and prevent such force from being applied, taking into consideration the possibility that the involved deputies may have additional information regarding the threat posed by the subject. When potential unnecessary or excessive use of force is witnessed, the witnessing deputy is required to notify the supervisor immediately, regardless of whether the witnessing employee intervened.
2. No deputy shall face retaliation for reporting another deputy's suspected violation of a law or regulation to a supervisor or other entity with the authority to investigate the violation.
3. Any deputy who has received training regarding the duty to intercede and fails to intercede as required above, may be disciplined up to and including in the same manner as the deputy committing excessive force.

Q. RENDERING MEDICAL AID

1. After any use of force, deputies shall when feasible and safe, promptly provide or procure medical assistance for any person injured or claiming to have been injured in any use of force incident and in all cases where the subject has a loss of consciousness or difficulty breathing. Deputies will provide medical assistance to subjects of a use of force to the extent of the deputy's training and experience in first aid/CPR/AED and to the level of equipment and resources available to a deputy at the time assistance is needed. Deputies who reasonably suspect a medical emergency, should request medical assistance as soon as feasible and practicable and have medical personnel stage, if appropriate, until the scene is safe and secure.

R. RESPONSIBILITIES/REPORTING AND REVIEW

1. Deputies using reportable force shall:
 - a. Promptly notify their supervisor unless exigent circumstances delay the notification.

on their own perspective and knowledge of the incident. Any additional information, including facts learned after the incident, should be clearly designated as such in any reports.

- h.** The supervisor shall inform the appropriate Division Captain of all use of force incidents by memorandum or by the patrol supervisor's daily activity log. If the immediate supervisor determines that circumstances surrounding the incident include any of the following criteria, the notification must be immediate; the Division Captain may then notify the Assistant Sheriff in their chain of command. These criteria are:

 - 1.** Any injury requiring medical treatment at a hospital.
 - 2.** Any situation where the deputy may have committed misconduct or neglect of duty.
 - 3.** Any significant application of force beyond control holds.
- i.** The Assistant Sheriff in the deputy's chain of command shall be notified by the Division Captain of any use of deadly force. If use of force occurs as part of a major critical incident, the notifications required by this Order will be supplemented by the notification procedure for the Operations Desk at Headquarters Patrol.
- j.** In any situation involving the three criteria above, the immediate supervisor shall be notified as soon as practical by the involved deputy and the supervisor shall respond to the scene with priority whenever possible. If conditions permit, the immediate supervisor should personally examine the subject on whom force was used, and should interview the subject regarding the incident, providing that such interview does not violate any rights of the subject or compromise any criminal investigation. The supervisor should complete a supplemental use of force report documenting the investigative steps taken.
- k.** Any employee who fails to report use of force as required will be subject to disciplinary action.
- l.** Deputies observing the use of reportable force who do not believe the spirit and intent of the reporting requirements are being met shall advise their supervisor immediately.
- m.** The immediate supervisor shall submit a detailed Blue Team Report to the Division Captain in any case where they have reason to believe that unnecessary or excessive force may have been used, or that further investigation of the use of force may be necessary.

- n. Whenever a person is handcuffed and not arrested, the deputy shall notify their supervisor stating the details of the incident as soon as practical.
- o. Whenever a deputy points a firearm at an individual, the deputy shall notify their supervisor stating the details of the incident as soon as practical.
- p. The supervisor shall evaluate and review all reports of reportable use of force to ensure policy was followed and circumstances and actions were properly documented and forward the completed report to the division Captain through the chain of command with recommendations for action, if any.

S. REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

T. TRAINING / GENERAL ORDER REVIEW

- 1. The Training and Professional Development Division will provide Use of Force training as part of the POST perishable skills training cycle, which will include alternatives to force and de-escalation techniques.
- 2. This General Order will be referenced and reviewed during Use of Force training classes.
- 3. Deputies required to attend perishable skills Use of Force training classes will demonstrate knowledge, understanding, and competency of this General Order.
- 4. Deputies will receive training on the following subjects:
 - a. Guidelines regarding the use of force with respect to vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities.
 - b. Coursework required by and consistent with POST guidelines set forth in Penal Code § 13519.10, and other legislatively mandated training.

- c. POST approved training in Arrest and Control, Force Options Simulator, Crisis Intervention Training (CIT), interpersonal/strategic communication, and de-escalation techniques.
- 5. This General Order shall be reviewed by the Training and Professional Development Division annually or as required due to legislative or tactical changes to Law Enforcement use of force applications.
- 6. Any deputy with a substantiated abuse of force complaint shall be prohibited from training other deputies for a period of at least three years.



LAURIE SMITH
SHERIFF

A-1. HANDGUNS

The standard duty firearm issued to all qualified badge personnel is the Glock, Model 17, 9mm caliber handgun. Those personnel assigned to an undercover or plain clothes enforcement assignment may request to be issued a Glock, Model 26, 9mm caliber handgun for use. All such requests will be forwarded to the Training and Professional Development Captain for approval. When an employee is transferred out of an undercover or plain clothes enforcement assignment, the Glock Model 26 shall be returned to the Sheriff's Range. Failure to return a firearm as directed by this order may result in corrective action up to and including formal disciplinary action.

A-2. SHOTGUNS

The authorized office-issued shotgun is the Mossberg 590A1, 12 gauge. Shotguns assigned to the Patrol Divisions will be assigned to each vehicle and shall be stored in the vehicle's locked shotgun rack or the divisions' firearm locker. When the shotgun is not in use and being stored, the shotgun shall be unloaded, with the action open (except for storage in a shotgun rack that requires the action to be closed) and the safety on. All other divisions will store the shotguns in division designated lockable storage areas or racks.

Deputies shall inspect and load the shotgun at the beginning of each shift and unload it at the end of each shift. The standard loading process for the short-barreled shotguns will be to insert four rounds of 00 buckshot into the magazine and four slug rounds into the stock or sidesaddle. No rounds will be chambered until the weapon is ready for deployment. Shotguns shall only be loaded or unloaded when pointed in a safe direction.

A-3. RIFLES

The authorized standard-issued rifle is the Colt AR-15, .223. Rifles will be assigned to deputies who have completed a Sheriff's Office POST certified patrol rifle course and are currently assigned to a patrol division or enforcement division with a field assignment as authorized by the Division Commander. The assigned rifle shall be maintained by the individual deputy who the weapon is assigned to.

Deputies shall inspect and load the rifle at the beginning of each shift and unload it at the end of each shift. No ammunition will be loaded into the chamber until the rifle is ready for deployment. Rifles shall only be loaded or unloaded when pointed in a safe direction.

Deputies assigned a rifle and assigned to a Patrol Division will be required to have the weapon in their patrol vehicle each shift, locked in the proper weapon mount. Deputies who are assigned a rifle while assigned to any division other than a Patrol Division will be required to

have the weapon locked in a secure area within their division where it can be made available if needed.

When the rifle is not in use, employees will keep their assigned rifle unloaded and secured in an area within their assigned division that has been designated as a storage area for rifles or locked in their assigned locker within their assigned division. Supervisor approval shall be required to take a rifle home in preparation for, during or after an approved training course. When not secured in a Sheriff's Office approved location, the rifle shall be stored in a DOJ certified safe.

Deputies shall properly store and secure the rifle in any vehicle used to transport the weapon to and from their residence and/or training class when approved to have possession of the rifle for authorized training. Deputies should make every effort to travel directly to their residence and/or training course while transporting the rifle.

Deputies who are issued a rifle will be required to complete the firearms qualification bi-annually.

Deputies may deploy a rifle in any circumstance where the deputy can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.

A-4. AMMUNITION

Deputies shall carry only office-authorized ammunition. Deputies shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the deputy's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the

Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

B. ISSUANCE, INVENTORY, AND PROCUREMENT

All Sheriff's Office firearms shall be issued at the Sheriff's Range. When an employee separates from the Sheriff's Office for any reason, or when a Correctional Deputy/Officer is removed from Gun Bearer status, the Sheriff's Range shall be immediately notified, and their firearm shall be returned to the Sheriff's Range as soon as practical.

In the event of an officer involved shooting, the Personnel Captain, Training and Professional Development Captain or the Rangemaster may issue another duty firearm to the involved employee. The employee shall qualify with the newly issued firearm as soon as practical.

The Rangemaster is responsible for maintaining a complete inventory of all firearms, less-lethal launchers, and other weapons prohibited or restricted by law for law enforcement use. All firearms and other weapons requiring registration shall be registered with the Department of Justice as institutional firearms in the Automated Firearm System (AFS).

The Rangemaster shall conduct an annual audit of all firearms and other weapons. All Divisions shall also complete bi-annual firearm inventories and forward them to the Rangemaster as soon as practical.

Loss or theft of any Sheriff's Office firearm or weapon shall be reported to the local law enforcement agency, the Sheriff's Office, and the Rangemaster immediately.

The Rangemaster and the Training and Professional Development Division Captain will approve the purchase and procurement of firearms, ammunition, less-lethal weapons, and other weapons prohibited or restricted by law for law enforcement use.

C. EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Each deputy shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

C-1. HOLSTERS

Only approved holsters shall be used and worn by deputies consistent with the approved uniform policy. Deputies shall periodically inspect their holsters to make sure they are

serviceable and provide the proper security and retention of the handgun and other approved equipment, such as weapon-mounted lights and optics.

C-2. USE OF PISTOL MOUNTED OPTICS FOR GLOCK DUTY FIREARMS

Deputies are permitted to carry an authorized pistol mounted optic on a department issued Glock Model 17 MOS at their individual voluntary discretion.

Deputies are authorized to carry pistol mounted optics listed in this order after the successful completion of the Sheriff's Office two-day POST certified pistol mounted optic transition course and demonstrating proficiency with the optics during qualification.

Glock Model 17 MOS firearms and Holosun 509T-RD X2 pistol optics will be issued to Field Enforcement Bureau deputies upon successful completion of the transition course or during a basic academy, which includes equivalent instruction and qualification. All other badge staff may request a MOS firearm with appropriate justification based on their assignment in writing to the Rangemaster. Any exception to this order must have the written approval from both the Training and Professional Development Captain and the Rangemaster.

In addition to the department issued pistol optic, deputies are permitted to purchase and carry, after demonstrating proficiency with the optics during qualification, the following pistol mounted optics at their voluntary discretion and own expense:

- a. Trijicon RMR Type 2 Adjustable 3.25 MOA (Black)
- b. Aimpoint ACRO P-2
- c. Holosun 507C X2
- d. Holosun 508T-RD X2
- e. Steiner Micro Pistol Sight

Pistol mounted optics can only be installed by Sheriff's Office Range staff. If a deputy chooses to purchase and carry their own optic, they will also have to purchase the corresponding C&H Precision mounting plate for the optic. Once approved for carry, the personally owned optic will be considered required on-duty equipment and will be kept in proper working order at the expense of the individual deputy.

Deputies shall perform a pre-shift inspection of their optic, including checking that the optic is functioning properly, checking all screws, and zeroing turrets for movement, and disabling auto-adjust features if applicable. Deputies shall replace their optic battery once a year, at a minimum, during the first-half Range qualification session.

Except in an approved training situation, deputies may only sight in on a target when the deputy would otherwise be justified in pointing a firearm at the target.

- a. Drawing, exhibiting and discharge of department firearms is permitted pursuant to General Order #12.02 (Use of Firearms). "Inspections" of the firearm may be self-inspections or formal inspections performed by superior officers.
- b. All personnel are subject to firearms inspections. The semi-automatic firearm's reliability and operation are affected by its maintenance. Those individuals whose firearms are found to be poorly maintained and dirty to the point that the operation of the firearm may be in doubt, may lose their authorization to carry a firearm or be subject to corrective action at the discretion of the supervisor.
- c. Firearms clearing will be conducted at designated clearing stations:
 1. The deputy will remove their semi-automatic firearm from the holster over the clearing barrel.
 2. With the muzzle of the firearm placed into the clearing barrel, the deputy will remove the magazine. If the firearm is holstered, the magazine will be removed while the firearm is still in the holster, then the firearm will be drawn, and the muzzle placed into the clearing barrel.
 3. Keeping the finger clear of the trigger, the deputy will eject the round out of the chamber locking the slide to the rear. The deputy will visually and physically check the chamber and magazine well to make sure that they are clear.
 4. The firearm will be held in the deputy's shooting hand in the port arms position. The magazine and ejected round will be held in the offhand.
 5. After the firearm has been inspected, the deputy will return to the clearing station and with the muzzle of the firearm placed into the clearing barrel, will load the firearm.
- d. Rangemasters may conduct firearms inspections at locations other than specified; however, good judgment shall be used as to the locations selected.
- e. The firearms and magazines shall be inspected for proper maintenance as well as ammunition for the authorized department issued type.

E. STORAGE AT HOME AND IN VEHICLES

Deputies shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them

inaccessible to children and others who should not have access. Deputies shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Deputies should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100)

When leaving a handgun in an unattended vehicle, deputies shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452). If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

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

F. FIREARMS TRAINING STANDARDS

The following training standards are established not only to ensure that all deputies are properly trained in the use of their firearms, but also to ensure that they thoroughly understand the consequences of that usage.

All deputies shall qualify as required by this Order:

- a. Any employee who fails to maintain the required qualifications is subject to placement in the Firearms Remediation/Requalification Program as well as possible disciplinary action. If an employee is unable to qualify within the required period due to illness, injury, or approved leave, the Training and Professional Development Division Captain may grant an extension to comply with that period's requirement.
- b. Qualify on a comprehensive training course, as established by the Training and Professional Development Division, at least once during each of the following six-month periods: January 1 through June 30 and July 1 through December 31.
- c. The qualification course shall provide familiarization and skills in shooting techniques, enabling the deputy to utilize the handgun, shotgun and the rifle (if issued), both safely and effectively, while providing instructions regarding the consequences of the use of deadly force.
- d. Deputies shall qualify with all firearms they carry or are issued on duty. There will be no exceptions.

- e. Personnel assigned to carry specific departmental weapons due to an assignment to a special team, must be qualified with those weapons on a course established by the special team. SERT team members who participate in a qualification course with duty firearms on a training day shall satisfy the bi-annual departmental qualification for that period.
- f. Sheriff's Office personnel, upon graduating from the POST basic training academy, will be considered qualified to carry the handgun and shotgun for the qualification period in which they graduate.
- g. Deputies will qualify with the clothing they wear at work (i.e., uniform, load-bearing vest, suit/tie) at least once per year.
- h. The Training and Professional Development Division will keep accurate records to ensure the compliance of all deputies with Sheriff's Office firearm qualification requirements. The Rangemaster will provide a list of those personnel who fail to comply with qualification standards to the Training and Professional Development Captain for each qualification period.
- i. Any employee who fails to qualify with his or her handgun or shotgun will be required to remain at the range that day and receive remedial training from the range staff. The employee will be required to qualify prior to leaving the range (based on Rangemaster's normal daily schedule) and resuming normal duty. Should they not qualify, they will be assigned to the Firearms Remediation/Requalification Program and will be required to complete the qualification course prior to returning to their normal assignment:
 - 1. The Rangemaster shall immediately notify the employee's division captain as well as the Training and Professional Development Captain as to the failure to qualify as well as retain the employee's handgun, should that be the weapon the employee is not qualified with.
 - 2. The Firearms Remediation/Requalification Program will be run through the Training and Professional Development Division, via the Rangemaster, and will consist of an eight-hour training day in which employees will receive instruction on those areas of deficiency. The employee will be allowed to practice shooting techniques and will then be allowed two opportunities to qualify with a passing score.
 - 3. This Firearms Remediation/Requalification Program will begin on the next regular working day of the range. Any work time missed between the failure to qualify, and the remedial program time shall be charged to the employee's vacation bank or leave without pay, at the discretion of the employee.

4. Those employees who have not attained a qualifying score after completing the Firearms Remediation/Requalification Program shall be subject to disciplinary action, up to and including termination.
5. Those employees who do qualify after completing the Firearms Remediation/Requalification Program will be returned to their original duty assignment and shall be required to attend range qualification once per month for the next six months. This six-month period of qualification will be completed on duty and on dates and times scheduled by the division commander. If during this six-month period, the employee fails to qualify, he or she shall be reassigned to the Firearms Remediation/Requalification Program. No employee shall be allowed to participate in the Firearms Remediation/Requalification Program more than two times a year nor more than three times in his or her career.
6. If an employee fails to qualify with an issued rifle, they will have thirty (30) days in which to qualify but may not carry the weapon until they have qualified with it. The Rangemaster shall immediately notify the employee's division captain as well as the Training and Professional Development Captain as to the failure to qualify with an issued rifle. If by the end of the thirty (30) days the employee does not qualify, they may no longer carry the weapon until they can demonstrate proficiency with the weapon, qualify with the weapon, and are approved by the Rangemaster and division captain to carry the weapon once again.
7. Any employee who fails to qualify with any of their assigned weapons after completing the remediation program shall receive Formal Written Counseling. This action does not circumvent any other formal disciplinary action that might be taken.

G. RANGE RULES

To promote a safe environment for firearms training, the following rules shall be in effect at the Sheriff's Office range facility:

- a. No firing is permitted unless an authorized range instructor is present. There shall be no exceptions.

- b.** Personnel on the range shall adhere to all instructions and orders of the rangemaster in charge.
- c.** Firearms will not be handled, loaded or unloaded unless the rangemaster gives specific instructions or permission to do so.
- d.** Deputies shall always handle every firearm as though it were loaded.
- e.** Uncased or unholstered revolvers will be carried by the top strap with the cylinder open.
- f.** Uncased or unholstered (semi-automatic) pistols will have the magazine removed and the slide locked open.
- g.** Uncased rifles and shotguns will be carried with the action open.
- h.** Dry firing will be done only on the firing line on command.
- i.** If a firearm is handled from one person to another, the cylinder, slide, bolt, or action will be open and the person receiving the firearm will check to verify that it is not loaded.
- j.** When on the firing line, if the firearm is not holstered, it shall be pointed down range.
- k.** When firing a course that requires drawing the firearm from a holster, the shooter shall keep his or her fingers out of the trigger guard until the firearm is clear and pointed down range.
- l.** If a misfire occurs or mechanical difficulty develops with a firearm, the shooter should attempt to clear the firearm. If the shooter is unable to rectify the problem, assistance should be summoned from the range staff.
- m.** If assistance is needed while on the firing line:
 - 1.** Keep the firearm pointed down range
 - 2.** Call for the range officer
 - 3.** Raise the free hand above your head
 - 4.** Wait for further instructions.

- n. No alcoholic beverages are permitted within the range training facility.
- o. Personnel will not be permitted on the range if they have been drinking alcoholic beverages, or have consumed a drug, which are likely to impair their ability to safely operate a firearm.

H. ON-DUTY SECONDARY BACKUP FIREARMS

The Sheriff has authorized the use of secondary or back-up firearms during on-duty hours if the employee and the equipment meet the following criteria:

- a. The employee is a sworn Peace Officer authorized by State Law to carry firearms in the performance his or her assigned duties.
- b. The employee is carrying his or her primary agency-issued duty weapon in a loaded condition.
- c. The firearm is voluntarily purchased by the employee and is maintained as the personal property of the employee carrying the firearm.
- d. The firearm is used and maintained in original factory condition without any modifications, (limited modifications may be authorized by the Sheriff Office Rangemaster to the sights and grips of the guns in order to accommodate the user, but such authorization shall be requested in writing and approved prior to any modifications being made).
- e. The firearm is carried in a concealed manner on the employees' person and is not subject to casual view by others.
- f. The firearm is carried in a holster or other device which is designed to prevent accidental discharge, dropping, or loss during strenuous work activities. The firearm shall be holstered with the safety on if equipped and decocked if equipped. The employee shall qualify bi-annually with the backup or secondary firearm using the holster the employee carries the backup or secondary firearm at the Santa Clara County Sheriff's Office firearms Training Facility in accordance with the standards set by the Sheriff's Office Rangemaster.
- g. The firearm meets the following criteria:
 - 1. Any Glock, Beretta, Ruger, Smith and Wesson or Sig Sauer pistol with an overall barrel length of four inches or less, chambered in .380 ACP, 9mm, .40 S&W or .45 A.C.P.

2. Any Colt, Ruger or Smith and Wesson double action revolver with an overall barrel length of 4 inches or less, and of five or six shot capacity, chambered for either .38 special or .357 magnum.
3. Any variance to weapon type must be approved by the Training and Professional Development Captain and the Rangemaster.

I. OFF-DUTY FIREARMS

The carrying of a firearm off-duty is not required by the Sheriff's Office but is permitted by state law for sworn personnel under Penal Code § 830.1(a). Off-duty deputies who choose to carry a concealed firearm pursuant to state law must meet the following guidelines:

- a. Off-duty weapons, (if other than the deputy's issued duty weapon), holsters, and support equipment must be purchased and maintained by the individual deputy and shall remain the personal property of the employee.
- b. The firearm must be carried in a holster which is designed for the weapon, and which securely attaches to the employees clothing, or the interior portion of a backpack, purse, or other bag designed to carry firearms.
- c. All off-duty weapons shall be carried in a manner that conceals the weapon from public view and conceals the fact that the employee is in possession of a firearm.
- d. The off-duty employee must carry their agency ID card for the purpose of providing officer recognition.
- e. If the firearm is not carried on the person, it must be secured in a safe manner and the employee will take all reasonable steps to prevent any loss of control of the firearm.
- f. The Sheriff's Office encourages all sworn Penal Code § 830.1(a) personnel who wish to carry a firearm off-duty to complete the Sheriff's Office Weapons Proficiency Course of Fire on a bi-annual basis at the Sheriff's Office Range Facility.
- g. Off duty weapon qualifications will not be completed when personnel report to the range to qualify with their assigned duty weapon(s) and must be done off duty.
- h. Sheriff's Office personnel are encouraged to qualify with the holster and support equipment they carry off duty.

J. RETIRED EMPLOYEES

The carrying of a firearm as a Retired Deputy Sheriff is not required but is permitted under State authority with a valid C.C.W. endorsement issued by the Sheriff. The Sheriff retains the right, under Penal Code § 25920, to revoke the CCW privilege of any retired officer who fails to comply with the following requirements as a condition of receiving and maintaining a CCW endorsement:

Firearms must meet the following criteria:

- a. Any semi-automatic pistol chambered in .380 ACP, 9mm, .40 S&W or .45 ACP.
- b. Any revolver chambered for either .38 special or .357 magnum.
- c. The firearm is used and maintained in original factory condition without any modifications, (limited modifications may be authorized by the Sheriff's Office Rangemaster to the sights and grips of the gun(s) to accommodate the user, but such authorization shall be requested in writing and approved prior to modifications being made).
- d. All weapons, holsters and support equipment must be purchased and maintained by the retired deputy and shall remain his/her personal property.
- e. The firearm must be carried in a holster which is designed for the weapon, and which securely attaches to the retired deputies clothing or interior portion of a backpack, purse, or other bag designed to carry firearms.
- f. All firearms shall be carried in a manner that conceals the weapon from public view and conceals the fact that the retired officer is in possession of a firearm.
- g. The retired deputy must carry his/her agency ID card when carrying a concealed firearm for the purpose of providing officer recognition.
- h. If the firearm is not carried on the person, it must be secured in a safe manner.
- i. Any retired employee who requests a CCW endorsement on his/her retired Sheriff's Office identification card will be scheduled by the Personnel Division and required to complete the Sheriff's Office Weapons Proficiency Course of Fire prior to receiving the endorsement.

K. RETIRED EMPLOYEE PROFICIENCY COURSE REQUIREMENTS

Retired Sworn personnel must complete the Sheriff's Office Weapons Proficiency Course of Fire with the firearm they intend to carry prior to receiving an identification card with a C.C.W. endorsement, and at each required renewal as defined in General Order #9.04 ("Retirement Policy"). This course of fire may be completed at the Sheriff's Office Range Facility. Retired personnel must be approved by the Sheriff's Personnel Division prior to scheduling their proficiency exam at the range facility. Requests for approval shall be made by contacting the Sheriff's Personnel Division at (408) 808-4611.

Retired employees living out-of-county may complete the proficiency examination on a firing range in their jurisdiction, providing the Rangemaster in their jurisdiction is willing to complete and sign a Sheriff's Office Course Completion Certificate. These certificates may be obtained by contacting the Sheriff's Office Rangemaster at (408) 918-4950.

All ammunition used by retired employees during the proficiency examination shall be factory loaded ammunition, designed specifically for the firearm to be carried. This ammunition, and all costs related to the proficiency examination, shall be borne by the retired employee.



LAURIE SMITH
SHERIFF



**USE OF FIREARMS
GENERAL ORDER #12.02**

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Replaces: G.O. #12.02 updated 04/15/2008

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POLICY

It is the policy of the County of Santa Clara Office of the Sheriff (“Sheriff’s Office”) that all sworn staff employed by the Sheriff’s Office who are authorized to carry firearms use those firearms in a manner that protects officer safety while recognizing the sanctity and dignity of human life.

This policy applies to all sworn staff of the Sheriff’s Office, and reference to “deputy” or “deputies” throughout this policy refers to all sworn staff.

PROCEDURE

A. DRAWING THE FIREARM

1. A deputy shall draw and exhibit a firearm only:
 - a. At an authorized firing range.
 - b. During inspections.
 - c. When directed to do so by a superior officer or by the range staff or range master.
 - d. When the deputy reasonably believes it necessary for his or her own safety or for the safety of others. A deputy also may draw and be ready to use a firearm any time he or she reasonably believes that he or she or another person may be in danger of death or great bodily injury.

2. A deputy transferring a firearm must unload it and check to make sure it is empty. The deputy receiving the firearm must personally check it to make sure that it is unloaded.

B. DISCHARGING A FIREARM

The discharge of a firearm at or towards another person constitutes deadly force. A deputy may discharge a firearm at or towards another person only when the deputy reasonably believes, based on the totality of the circumstances, that such force is necessary for one of the following reasons:

1. To defend against an imminent threat of death or serious bodily injury to the deputy or to another person.
2. To apprehend a fleeing person for any **felony** that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another if his or her apprehension is delayed. Where feasible, a deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.
3. As a member of the Sheriff's Emergency Response Team (SERT) when he or she is directed by the commander in charge of the team to use deadly force based on the totality of circumstances known to the commander and consistent with this General Order and General Order #12.00 ("Use of Force").
4. A deputy may not discharge firearm at another person based on the danger that a person poses to themselves, if an objectively reasonable deputy would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person.
5. For purposes of the above, the following definitions apply:
 - a. An "imminent" threat of death or serious bodily injury is one where, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be immediately confronted and addressed.

- b. "Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the deputy and the subject leading up to the use of deadly force.
- c. "Feasible" means reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

A deputy may reasonably exercise his/her discretion to determine that discharging a firearm is inadvisable after all methods short of the use of deadly force have been exhausted, even if a suspect is not apprehended as a result.

Notwithstanding the above, a deputy may also discharge a firearm for the following additional reasons:

1. To kill a dangerous animal, or to kill an animal that is so badly injured that humanity requires its removal from further suffering and no other disposition is practical.
2. For target practice at an approved range as directed by the range master in attendance.
3. To give an alarm or to call for assistance in a life-threatening situation when no other means can be used, when discharge would not jeopardize the safety of other persons.

A deputy must consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm.

For general guidance on use of force principles, please consult General Order 12.00 ("Use of Force").

C. FIREARMS SHALL NOT BE DISCHARGED:

1. When lesser force can reasonably and effectively be used.
2. When there is an unreasonable risk of danger to bystanders.
3. As a warning to a suspect.
4. At or from a moving vehicle, except when a life-threatening situation requires immediate action in the form of deadly force.

- a. Deputies shall, when feasible, move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force is directed at the officer or others.
5. At a moving vehicle with the intent to disable it, except as a member of the Sheriff's Emergency Response Team when the member is directed to do so by the commander in charge of the team.

D. PROCEDURE WHEN FIREARM IS DISCHARGED

Emergency medical attention shall be provided to any person who sustains any injury requiring medical attention or loss of consciousness, resulting from a deputy's discharge of a firearm, provided that the threat posed to the deputy has subsided and it is safe to render or summon such aid.

Whenever a deputy intentionally or accidentally (other than for practice, qualification, or recreational purposes) discharges any firearm, the deputy shall follow the procedures described in General Order #12.03 ("Procedure When a Firearm Is Discharged").

E. SHOOTING REVIEW BOARD

The Chairperson of the Shooting Review Board, as defined in General Order 12.03, shall convene the board to examine all incidents involving the discharge of a firearm at or towards another person. The Chairperson has the discretion to convene the Shooting Review Board to examine any other incident in which a firearm was used.

For instances, when a firearm is discharged other than at a person (for example to kill a dangerous animal), the circumstances shall be reviewed by the deputy's immediate supervisor to evaluate all of the facts and to determine if the firearms discharge is within Sheriff's Office policy. The result of the Supervisor's determination shall be documented on a Blue Team Report and forwarded to the Division Commander for review.

Laurie Smith

**LAURIE SMITH
SHERIFF**



**PROCEDURE WHEN A FIREARM IS DISCHARGED
GENERAL ORDER #12.03**

Adopted: 07/07/2010
Replaces: G.O. #12.03 dated 02/22/2010
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POLICY

This policy applies to all sworn staff of the Sheriff's Office, and reference to "deputy" or "deputies" throughout this policy refers to all sworn staff.

PROCEDURE

A. PROCEDURE WHEN FIREARM IS DISCHARGED

1. Notification and report by employee involved
 - a. Whenever a deputy intentionally discharges, other than for practice, qualification, or reasonable and lawful recreational purposes, or accidentally discharges any firearm the deputy shall, as soon as practical, notify the on-duty supervisor stating the circumstances surrounding the incident. The on-duty supervisor shall, as soon as practical, notify the deputies' division/section captain.
 - b. In all incidents, other than an officer-involved shooting incident as defined in General Order #12.06 ("Post-Shooting Incident Procedure"), the deputy discharging the firearm shall, as soon as practical and prior to the end of the deputy's shift, complete a written report of the incident. If the incident is criminal in nature, he or she shall complete an Incident Report (IR) and a Blue Team Firearms Use Report. If the incident is not criminal in nature, he or she shall complete a Blue Team Firearms Use Report. The supervisor receiving the IR and Blue Team reports from the deputy shall forward them

to the involved deputy's division/section captain and to the Investigative Services Captain. After review by the division/section captain, the reports will be forwarded to the Assistant Sheriff in the involved deputy's chain of command.

- c. If the deputy who discharges a firearm is hospitalized or fatally injured or is otherwise incapable of filing the required reports, the deputy's on-duty supervisor is responsible for filing as complete a report as possible pending further departmental investigation.
- d. If the firearms discharge occurs in a custody facility or facility operated by the Department of Correction, in addition to the notification required by this Order, the deputy shall follow any notification procedure required by any Sheriff's Office Post Order that applies to that facility.
- e. When a deputy discharges any firearm, other than for practice, qualification, reasonable and lawful recreational purposes, or to kill a dangerous animal or to kill an animal that is so badly injured that humanity requires its removal from further suffering, the weapon shall be held for inspection by the rangemaster and shall not be returned to use until deemed safe to do so. In the event the weapon is held as evidence, the rangemaster will conduct the inspection in the presence of the assigned investigator and the weapon will be made safe and held as evidence by the assigned investigator or CSI.

2. If injury or death results

If injury or death results from such discharge of a firearm, the following procedures shall be followed in addition to those in section A.1.

- a. The involved deputy will make all reasonable efforts to preserve the scene until relieved.
- b. The first non-involved deputy at the scene will assume command, pending the arrival of superior officers.
- c. The supervisor who is responsible for the area where the incident occurred will respond and take command of the scene until relieved by the on-duty watch commander or the assigned detective from the Investigative Services Division. The supervisor will direct the Patrol Operations Desk to notify the Watch Commander as well as the responsible Division Captain and to make other notifications based on the notification list for major critical incidents.

- d. The supervisor, upon arrival at the scene, should ensure completion of the duties and notifications outlined above and implement the Post-Shooting Incident Procedure, as outlined in General Order #12.06 (“Post-Shooting Incident Procedure”) including obtaining a limited public safety statement.
- e. The patrol operations desk will immediately notify the:
 - 1. Investigative Services Division Captain.
 - 2. Assistant Sheriff of Field Enforcement Bureau and Support Services Bureau.
 - 3. The Undersheriff
 - 4. The Sheriff.
 - 5. Internal Affairs Unit supervisor.
- f. Other divisional personnel will be precluded from entering into any portion of the scene without the specific authorization of the Enforcement or Investigative Services command personnel present at the scene.
- g. The Investigative Services Division Captain will immediately assign an investigation team and will notify the Field Enforcement commander of their identities.
- h. The Investigative Services Division Captain may respond and assume command of the investigation.
- i. The Internal Affairs Unit will monitor and review all phases of the investigation and shall receive full cooperation from the command staff and from Sheriff’s Office personnel conducting the investigation.
- j. As soon as practical, the Investigative Services Captain will notify the District Attorney’s Office of the incident.
- k. As soon as circumstances allow, the deputy involved in the incident will report to the Personnel Division and will be placed on routine administrative status as determined by the Undersheriff and the Personnel Division Captain. The deputy shall remain available to personnel conducting the investigation and shall remain on administrative status until ordered back to normal duty by the Personnel Division Captain.

3. If injury or death does not result:

- a. In those cases where the Investigative Services Division does not conduct additional investigation, the Assistant Sheriff receiving the reports will forward them to the Undersheriff and Sheriff. After reviewing the reports, the Sheriff will forward them to the Chairperson of the Shooting Review Board to determine if board action will be taken.
 - b. In those cases where the Investigative Services Division conducts an investigation, the Investigative Services Division Captain will forward the reports of the completed investigation to the Assistant Sheriff in the involved deputy's chain of command as well as to the Undersheriff and the Sheriff. After reviewing the reports, the Sheriff will forward them to the Chairperson of the Shooting Review Board to determine if board action will be taken.
- 4. Investigative Services
 - a. The investigators assigned to the shooting incident shall conduct a thorough investigation and shall prepare a written report documenting their conclusions. The investigation shall receive a high priority and should be completed as soon as practical.
 - b. Upon completion of the investigation, the Investigative Services Division Captain shall submit the report to the Undersheriff and Sheriff so that a Shooting Review Board can be convened.

B. SHOOTING REVIEW BOARD

- 1. Membership of the board
 - a. The Shooting Review Board shall consist of the following members:
 - 1. The Undersheriff or an Assistant Sheriff, selected by the Sheriff, who shall serve as Chairperson.
 - 2. A representative as selected by the president of the involved individual's association.
 - 3. Personnel Division Captain.
 - 4. Range Master.
 - 5. Division Captain of the involved deputy.

- b. When a designated member is unable to attend a scheduled board meeting, the next person in the chain of command of that division will sit on the board and will assume the full authority of the absent member.

2. Meetings of the board

- a. A meeting of the board shall be called by the Chairperson within a reasonable time after the completed Investigative Services Division report is received by the Chairperson from the Sheriff.
- b. Review of shootings that do not result in injury or death and animal shootings will be at the discretion of the Chairperson.

3. Authority of the board

- a. The board is charged with the responsibility of reviewing all the circumstances surrounding the discharge of a firearm by a member of the Sheriff's Office. The board shall have access to all Sheriff's Office investigation reports relevant to the shooting, including reports of the Internal Affairs Unit.
- b. All employees **shall** cooperate with the Shooting Review Board.
- c. The board may call upon witnesses, including the involved deputy. Any interrogation of the involved deputy will be in compliance with the Public Safety Officers Procedural Bill of Rights Act.
- d. Members of the board shall maintain confidentiality of the information obtained through their investigation except as required to carry out their duties as members of the board or as otherwise directed by the Chairperson of the board.
- e. The board shall, after reviewing the facts, make a recommendation as to whether the shooting fell within the parameters of the Sheriff's Office's General Orders. This recommendation shall be made by a majority vote of the board.
- f. The findings of the board will be immediately forwarded to the Sheriff for review.
- g. The Sheriff will make the final decision as to whether disciplinary action is to be initiated against the deputy and the nature and extent of that action.

- h.** The board may make and/or receive recommendations for the modification of the Sheriff's Office's firearms use policy and may make recommendations concerning the training necessary for the effective implementation of such policy.

A handwritten signature in black ink, appearing to read "Laurie Smith". The signature is written in a cursive, flowing style.

**LAURIE SMITH
SHERIFF**



USE OF LESS LETHAL MUNITIONS GENERAL ORDER #12.04

Adopted: 02/22/2010
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POLICY

The Sheriff's Office permits the use of less lethal munitions when reasonable and appropriate to assist with the de-escalation of potentially violent confrontations. The Use of Less Lethal Munitions shall be governed by this General Order and all applicable Use of Force policies, including General Order #12.00 ("Use of Force").

This policy applies to all sworn staff of the Sheriff's Office, and reference to "deputy" or "deputies" throughout this policy refers to all sworn staff. **Correctional Bureau personnel shall refer to applicable Custody Bureau Policies and Procedures that govern the use of less lethal munitions within county correctional facilities.**

PROCEDURE

A. DEFINITION

Less Lethal Weapon is defined as any device that is designed to or that has been converted to expel or propel less lethal ammunition by any action, mechanism, or process for the purpose of incapacitating, immobilizing, or stunning a human being or animal through the infliction of any less than lethal impairment or physical condition, function or senses including physical pain, or discomfort. It is not necessary that a weapon leave any lasting or permanent incapacitation, discomfort, pain or other to qualify as a less lethal weapon.

Less Lethal Munition is defined as any ammunition that is designed to be used in any less lethal weapon which can be fired, launched, or otherwise propelled through a weapon that utilizes compressed air for the purposes of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential for causing death when used correctly. When used in the less lethal weapon the ammunition is designed to immobilize or incapacitate or stun a human being or animal through the infliction of any less lethal impairment of physical condition, function, or senses, including physical pain or discomfort. These munitions may cause similar injuries to those caused by the 42” wooden baton, 26”/29” wooden baton, or collapsible baton and may be referred to as “extended range impact weapons.” Examples of less lethal munitions include, launchable foam or plastic projectiles.

B. APPROVED LESS LETHAL MUNITIONS

Only less lethal weapons, less lethal munitions, and non-lethal weapons approved by the Training and Professional Development Division shall be used by the Sheriff’s Office. Deputies should keep in mind the manufacturer’s recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations and each situation must be evaluated on the totality of circumstances at the time of deployment.

Authorized less lethal weapons include the 40MM launcher, the FN-303 launcher, and the PepperBall launcher. The FN-303 and PepperBall launchers are authorized for use only by the Sheriff’s Emergency Response Team (SERT) and Crowd Control Unit (CCU).

C.S., or O.C. Gas munitions deployed through less lethal weapons are authorized for use only by the Sheriff’s Emergency Response Team (SERT) and Crowd Control Unit (CCU). They may only be used by those individuals who have completed a POST approved training course (Penal Code § 13514) and who have approval by their unit commander to use those agents.

C. LEVEL OF FORCE

When deployed to the areas of the subject’s body unlikely to cause death or serious physical injury, less lethal munitions constitute greater force than the use of a baton, but lesser force than use of deadly force. The less lethal impact projectile is considered a lethal use of force if intentionally deployed to the subject’s head or neck. Deputies may only use less lethal munitions, when the use of force is reasonable, to prevent the commission of a public offense; to prevent a person from injuring himself or herself; to effect the lawful arrest or detention of persons resisting or attempting to evade that arrest or detention; or in self-defense or in the defense of another person. Deputies shall comply with the provisions of General Order #12.00 (“Use of Force”) regarding the use of force in determining the level of force that is necessary and proportional.

Deputies may **only** use less lethal munitions, when permitted as described above, under the following circumstances:

1. When deadly force would be justified and the use of less lethal options would assist in enabling an arrest, restoring order and/or reducing the risk of more serious injury.
2. When use of that level of force is necessary for restoration or maintenance of order during jail disturbances, cell extractions, riot, rout, or unlawful assembly, and where the use of deadly force is not justified. Less lethal munitions shall not be used to disperse any assembly, protest, or demonstration except if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and then only in accordance with the requirements enumerated within General Order #17.03 (“Demonstrations and Civil Disorders”).
3. When necessary to use that level of force to take into custody persons who are armed with deadly weapons, either conventional or non-traditional, and where the use of deadly force is not justified.
4. When necessary to use that level of force to subdue armed individuals threatening suicide, and where the use of deadly force is not justified.
5. When necessary to use that level of force to subdue vicious animals.
6. When lesser degrees of force (as described in the Sheriff’s Office Use of Force Continuum, General Order #12.00) have failed or cannot reasonably be used and the use of less lethal munitions is reasonable and necessary to prevent serious bodily injury or death to the deputies or to others.
7. As a member of the Sheriff’s Emergency Response Team (SERT) and when directed to breach a window or deploy chemical munitions into a vehicle or structure by the commander in charge of the team, based on the totality of circumstances known to the commander and consistent with this General Order and General Order #12.00 (“Use of Force”).

D. TRAINING REQUIREMENTS / AUTHORIZATION TO USE

Only personnel who have successfully completed a training course approved by the Training and Professional Development Division in the proper use and deployment of less lethal munitions shall be authorized to use them during actual operations. Personnel authorized to use less lethal

munitions shall participate in periodic training and/or qualification courses as determined by the Rangemaster. Individuals shall be qualified at least annually.

E. PRECAUTIONS WHEN USING LESS LETHAL MUNITIONS

1. Safety of civilians and officers is paramount.
2. Only approved, factory loaded ammunition may be used.
3. Less lethal munitions should not be used when the subject is in danger of falling from a significant height unless the circumstances justify the use of deadly force.
4. Each round of ammunition will be inspected prior to being loaded into the delivery weapon.
5. Special consideration will be given when information indicates that the subject has a physical condition which could increase the effect of less lethal munitions.

F. EVALUATION

The deploying deputy should evaluate the potential effectiveness of each round fired into the subject. Ineffective rounds should be followed by the most appropriate action such as choosing additional or alternative target areas, use of an alternative weapon, or the need to deploy an alternate level of force.

G. OFFICER SAFETY

Deployment of less lethal munitions should include the use of at least one cover (backup) deputy to ensure the safety of the deploying deputy and to assist with proper tactical considerations.

H. POST DEPLOYMENT EVALUATION OF SUBJECT

Subjects who are struck by less lethal munitions shall be evaluated and provided emergency medical attention consistent with General Order #12.00 (“Use of Force”). A medical clearance will be obtained for any subject who will be booked into a jail facility.

I. INVESTIGATION

Whenever a deputy discharges a less lethal munitions, except when firing on an authorized range, the deputy shall, as soon as practical, notify the on-duty supervisor stating the circumstances surrounding the incident and shall document that use of less lethal munitions. Additionally, the projectile and any debris from the munitions shall be collected and submitted as evidence. Photographs of the subject, any wounds or injuries, and the area of the munition impact, should be taken and forwarded with the investigation report (IR). The less lethal weapon will be inspected by the Rangemaster prior to being placed back into service.

J. REPORTING REQUIREMENTS

The use of less lethal impact munitions constitutes a reportable use of force and, as such, must be reported in compliance with General Order #12.00 (“Use of Force”).

Deputies using less lethal impact munitions shall prepare a Blue Team Firearms Use Report in addition to an investigation report (IR). Deputies observing the use of less lethal impact munitions shall prepare a supplemental investigation report (IR) and Blue Team Report documenting their observations. The division captain shall forward the completed reports to the Undersheriff and the Assistant Sheriff in the chain of command for review. The Undersheriff shall then forward the report to the Sheriff, who will designate the Undersheriff or an Assistant Sheriff to convene the Shooting Review Board.

K. SHOOTING REVIEW BOARD

The Chairperson of the Shooting Review Board shall convene the board to examine all incidents involving the use of less lethal munitions where death or serious bodily injury results. The Chairperson of the Shooting Review Board has the discretion to convene the Shooting Review Board to examine incidents in which less lethal munitions were used other than for training purposes and death or serious bodily injury did not result.



**LAURIE SMITH
SHERIFF**



**POST-SHOOTING INCIDENT PROCEDURE
GENERAL ORDER #12.06**

Adopted: 07/07/2010
Replaces: G.O. #12.06 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

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POLICY

It shall be the policy of the Sheriff's Office to take immediate action after an officer-involved shooting incident to safeguard the continued good mental health of all involved personnel.

PURPOSE

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer-involved shooting incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

DEFINITIONS

Post-Traumatic Stress Disorder: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress

Officer-Involved Shooting Incident: A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.

PROCEDURE

A. Handling of Officers at Scene of Shooting Incident

1. A supervisor shall be dispatched to the scene of the incident, and shall assume primary responsibility in the handling of the scene as well as the caring for involved personnel.

2. The supervisor shall make appropriate arrangements for all necessary medical treatment.
3. During any period where the involved officer(s) is required to remain on the scene, but has no immediate duties to fulfill, the deputy should be taken to a quiet area away from the actual scene of the incident. A peer counselor or other supportive officer should remain with the deputy, but should be advised not to discuss details of the incident and must adhere to this advisement.
4. The supervisor should arrange for the deputy directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure location.
5. Where possible, the supervisor shall briefly meet with the involved deputy.
 - a. No stimulants or depressants should be given to the deputy unless administered by medical personnel.
 - b. Only minimal, preliminary questions should be asked about the incident. These questions should be limited to number of shots fired, direction of shooting and any outstanding suspects. The deputy should be advised that a more detailed debriefing will be conducted at a later time.
 - c. Any standard investigations that will occur concerning the incident should be discussed with the deputy.
 - d. The deputy should be advised that they may seek legal counsel.
 - e. The deputy should be advised not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigators, until the conclusion of the preliminary investigation.
6. The supervisor shall take custody of the deputy's duty weapon and utility belt as well as any secondary weapons that the deputy might have. This should be accomplished in a discrete manner and the deputy should be given information as to how and when it will be replaced.
7. Involved deputies should be allowed to notify their families about the incident as soon as possible. Where a deputy is unable to do so, a Sheriff's Office official shall personally notify the family, and arrange for their transportation to wherever the deputy is taken.
8. At all times, when at the scene of the incident, the supervisor should handle the deputy and all involved personnel in a manner that acknowledges the stress that may be caused by the incident.

B. Post-Incident Procedure

1. Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary investigations.
2. All deputies who discharge their weapon in an officer-involved shooting incident shall be placed on Administrative Leave for a minimum of one work week and shall be required to contact the Sheriff's Office designated specialist for counseling services.
3. The Sheriff's Office strongly encourages the families of the involved deputy to take advantage of available counseling services.
4. Any Sheriff's Office investigation of the incident shall be conducted as soon as and as quickly as practical.
5. The Sheriff's Office should provide brief information to other department members concerning the incident so that rumors are kept to a minimum.
6. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Involved personnel shall refer inquiries from the media to the Sheriff's Office spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
7. Deputies who fired their weapon during the shooting incident shall be required to requalify as soon as practical.
8. If a new weapon is required to be issued during the time of investigation, the weapon will be issued by the Rangemaster or Support Services Division Captain and the employee will be required to qualify immediately with that weapon.

C. Daily Stress Recognition

1. As post-traumatic stress disorders may not arise immediately, or the deputy may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of their staff for symptoms of stress.
2. A supervisor may request that a deputy seek assistance or counseling from a mental health specialist upon a reasonable belief that stress may be disrupting the officer's job performance. This request shall be submitted via the chain of command and treated as confidential.

D. Training

1. The Sheriff's Office shall provide employees with training pertaining to post-traumatic stress disorders and the uniform procedures contained in this policy.
2. Supervisors are responsible for making available to their staff information about the Sheriff's Office peer counseling group and mental health services.



LAURIE SMITH
SHERIFF



**EMERGENCY OPERATIONS OF A VEHICLE
GENERAL ORDER #13.01**

Adopted: 07/07/2010
Replaces: G.O. #13.01 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

In order to assure community safety as well as the safety of our employees, all Sheriff's Office personnel will operate all department vehicles in accordance with the law and this order.

PROCEDURE

A. Code(s) of Response:

1. "Code One" response -- At Your Convenience

a. "Code One" responses shall be used when the assignment does not involve an emergency or other urgency. If the response will be delayed, the deputy will advise County Communications of the delay. Examples include:

1. Notifications.

2. Coordinating with other officer(s).

b. All "Code One" responses disallow use of red lamp and/or siren, and require adherence to all normal traffic safety laws.

2. "Code Two" response -- Urgent

a. "Code Two" responses shall be used when the assignment does not involve an emergency, and the officer must respond immediately.

b. All "Code Two" responses disallow use of red lamp and/or siren, and require adherence to all traffic laws.

1. At no time shall the officer use any emergency equipment or flashing lights to aid in this response.
 - c. This is the normal response to all calls unless directed otherwise.
3. "Code Three" response -- Emergency
 - a. "Code Three" operation of Sheriff Office vehicles
 1. Emergency response (superseding normal traffic law) is permissible when:
 - a. The vehicle is being driven in response to an emergency call or an emergency request.
 - b. The vehicle is being used in the immediate pursuit of an actual or suspected violator of the law.
 2. All due regard to both street/highway traffic and public safety must be exercised by officers engaged in any "Code Three" driving.

B. "Code Three" implementation procedure:

1. "Code Three" shall be enacted only in the cases of emergency, as outlined in section. A/3 above.
2. The officer initiating a "Code Three" response shall first carefully evaluate the necessity for such action on the basis of available information as to the urgency of the situation and any alternative measures that may be employed, and to acknowledge responsibility for such action(s) taken.
3. Sheriff's Office personnel shall not initiate "Code Three" response and pre-response unless such a course of action is fully justified as proper and necessary, according to the urgency and gravity of the situation.
4. In all instances wherein deputies in the field elect to initiate a "Code Three" response, or engage/participate in a "Code Three" pursuit, they shall be responsible for their decisions, and at all times be subject to the following conditions:
 - a. County Communication shall be advised whenever personnel elect to operate departmental vehicles in a "Code Three" manner, except when:

1. Routine traffic law enforcement or field interrogation stops involving the use of red lamp/siren would not ordinarily require notification of the County Communication.
 2. Note: When engaged in emergency response, a pursuit becomes in itself an imminent hazard to life or property, and every effort shall be made to minimize that hazard, as per officer discretion.
5. Upon receipt of notification of a "Code Three" operation initiated by deputies in the field, the radio dispatcher shall notify the Sheriff's Office Patrol Sergeant and the Operations Desk, regarding the activity and the reason(s) preceding.

C. Vehicle pursuit guidelines:

1. The General Order pursuit guidelines are adopted as Sheriff's Office policy for pursuit procedure.
2. Officers intending to stop a vehicle should be within close proximity to the violator's vehicle before activating red lamp and/or siren and attempting the stop. This will tend to reduce the violator's temptation to evade officer contact. Close proximity is defined as not more than one city block.
 - a. Law violators cannot be allowed to escape at will because there is a threat to the safety of others. Pursuit should be initiated and continued when the threat to safety is not out of proportion to the offense or offenses involved.
 - b. If there is reason to believe the suspect represents a threat to public safety should he escape, pursuit should be continued even though the hazards may be extreme. The officer on location must use professional judgement to decide whether or not the threat to safety of further pursuit outweighs the benefit to the public should the arrest be made.
 - c. The initial pursuing unit shall be responsible for the conduct of the pursuit unless he/she is unable to remain close enough to the violator's vehicle to prevent losing visual contact.
 - d. When the secondary unit replaces the initial pursuing unit, that unit then becomes responsible for the conduct of the pursuit and continues in that capacity until the pursuit is either terminated or a succeeding secondary unit replaces the former.
 - e. A supervising officer from the initiating agency shall take charge of the pursuit after notifying the pursuing units of their proposed action.

3. The completion of CHP pursuit report form 187 by the officer is required for all vehicle pursuits.
 - a. Officers shall complete the approved form as soon as possible upon returning from the pursuit.
 - b. An Incident Report shall be completed, noting the details and reasons for the pursuit, and criminal act noted. If no Incident Report is completed, an Employee Report shall be completed to include details and reasons for the pursuit.
 - c. The supervisor of the involved deputy shall insure that all reports are submitted as required.

D. "Code 20" or "30" -- Officer request for emergency assistance:

1. The following procedure shall be adhered to in responding to all "Code 20" and "Code 30" calls:
 - a. "Code 20" (non-code three response)
 1. The units assigned will respond immediately to the scene of the call, and coordinate (if necessary) with other officer(s) at the scene.
 2. Red lamps and/or siren are not in effect for "Code 20" assistance calls.
 3. Non-emergency procedure is in effect, and observing all normal traffic regulations shall apply.
 - b. "Code 30" (code three response)
 1. Red lamps and/or siren are authorized for all "Code 30" assistance calls
 2. Immediate response is mandatory for all "Code 30" assistance calls.
 3. When no further assistance is necessary on "Code 20/30" calls, the ranking officer at the scene will immediately notify County Communications to cancel all other responding units.
 4. No unit shall respond "Code Three" to a "Code 30" unless that unit is assigned to the assisting call. Other units will obtain clearance to respond prior to proceeding "Code Three."

5. When clearance as above is obtained, the unit shall attempt to advise County Communications of route of travel, allowing for increasing volume of radio traffic. This will allow subsequent units to be advised.

E. "Code Three" authorized emergency vehicle (AEV) escorts:

1. Code Three escorts shall only be utilized under the following conditions and with a supervisors approval.
 - a. When furnished for the preservation of life.
 - b. When expediting movements of supplies and personnel for any federal, state or local governmental agency during:
 1. A national emergency.
 2. A state of war emergency.
 3. State of emergency at any level.
2. Ambulances/Paramedics:
 - a. It shall be department policy to attempt to ride in the ambulance rather than precede it by a departmental (AEV), to avoid a scenario of more than one emergency vehicle increasing the odds of a traffic accident.
 - b. The ambulance is being escorted through Santa Clara County, and the request for escort is made from an outside agency.
 - c. The ambulance driver is unfamiliar with the route and destination.

F. Roadblocks/other related strategies:

1. The practice of establishing roadblocks is extremely hazardous and should be undertaken only as a last resort-option. Only in cases where the violator constitutes an immediate and major threat to the safety of others and only when other efforts have failed should roadways be obstructed.
2. On freeways, roadblocks or "slow-downs" should be avoided unless absolutely necessary and only if specifically requested by the originating units(s) involved. Both the pursued and pursuing vehicles, including innocent motorists, are placed in serious jeopardy by slowing or stopping freeway traffic.

3. The blocking of exit or access ramps to freeways is acceptable to preclude citizens from inadvertently driving into the path of the pursuit or to keep the pursued vehicle from returning to congested surface streets.
4. Spike strips can be used to slow/stop the vehicle being pursued, but this should be done in a manner that is safe to the driver pursued and the pursuing vehicles.
5. Ramming of fleeing vehicles should be avoided. Neither should attempts be made to run the pursued vehicle off the roadway. If the originating unit believes either of these two procedures are absolutely necessary, such action should only be taken in cases of major felonies, and then only if the character of the roadway, speeds involved, or hazards to other persons are considered and circumstances still justified such drastic action.



LAURIE SMITH
SHERIFF



**PURSUIT PROCEDURES
GENERAL ORDER #13.02**

Adopted: 4/10/2023

Replaces: G.O. #13.02 updated 2/22/2010

Updated: 3/20/2023

Reviewed: 3/20/2023

General Order 13.02 - Pursuit Procedures has been replaced by Lexipol Policy 307 - Vehicle Pursuits (attached). Policy 307 will be effective April 10, 2023.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to provide deputies with the necessary directive to balance the safety of the public, fleeing suspects, and themselves against law enforcement's duty to apprehend violators of the law.

Vehicular pursuits require deputies to exhibit a high degree of sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies. Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no deputy or supervisor shall be subject to discipline for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit.

It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances known to the deputy at the time of the pursuit. Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. A deputy's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances.

For the purpose of this policy, a Deputy is a sworn member of the Santa Clara County Sheriff's Office Enforcement Bureau. Sheriff's Correctional Deputies are not authorized to participate in vehicle pursuits under any circumstances.

307.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized Sheriff's Office emergency vehicles intentionally restricts the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

Boxing-in - A tactic designed to stop a suspect's moving vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, ramming, or roadblock procedures.

Ramming - The deliberate act of impacting a suspect's vehicle with another vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

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

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Tire deflation device - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Pre-Pursuit Phase – When a deputy decides to initiate a vehicle stop and there is a brief interval where the deputy follows and attempts to close the distance with the suspect vehicle using emergency lights and siren in an effort to execute the vehicle stop. If the deputy is not within a reasonable distance (4 car lengths) to the suspect vehicle where the driver should reasonably know they are being signaled to yield, it will be deemed that a pursuit has **NOT** been initiated pursuant to law and policy.

Vehicle Pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to a deputy's signal to stop.

307.2 POLICY

Deputies have the legal authority to pursue a fleeing suspect, but they also have the responsibility to exercise judgment to balance the risk of someone being injured against the benefit of the immediate apprehension of the suspect (California Vehicle Code § 21056). Deputies shall use good judgment and not initiate or continue a pursuit if the threat to public and officer safety created by the vehicular pursuit is greater than the value of immediately apprehending the suspect. Once a pursuit is initiated, the primary deputy and responsible supervisors must continuously re-evaluate whether the pursuit should be terminated in the interest of public safety.

307.3 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized Sheriff's Office emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Deputies are responsible for continuously driving with due regard and caution for the safety of all persons (Vehicle Code § 21056). **Units assigned to the pursuit shall operate under emergency conditions (red light and siren).**

307.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when they reasonably believe the driver of the vehicle or the occupant(s) have committed one of the following:

- (a) A felony offense
- (b) A misdemeanor involving the use or threatened use of violence, or possession of a firearm or other deadly weapons
 - (i) And the suspect is not yet identified, or
 - (ii) The identity of the suspect is known, but a delayed arrest poses a substantial or unreasonable risk to the victim or other members of the public
- (c) Suspected of driving under the influence of alcohol or drugs which poses a significant and immediate safety risk to the public.

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Factors that shall be considered in deciding whether to initiate a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area (e.g., residential neighborhoods), time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked Sheriff's Office vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and deputy vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits shall be terminated or not undertaken whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in this policy regarding when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

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In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the deputies, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

307.3.3 SPEED LIMITS

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

Should high vehicle speeds be reached during a pursuit, deputies and supervisors should also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the deputy.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

307.4 PURSUIT UNITS

When involved in a pursuit, unmarked Sheriff's Office emergency vehicles should be replaced by marked emergency vehicles when practical and safe to transition.

Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances and determined by the on-scene supervisor.

A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of deputies involved may be insufficient to safely arrest the suspects.

All other deputies should stay out of the pursuit, but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, trail the pursuit and proceed to the termination point at legal speeds, following the appropriate rules of the road.

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307.4.1 MOTORCYCLE OFFICERS

When involved in a pursuit, Sheriff's Office motorcycles should be replaced by a marked four-wheel emergency vehicles when practical and safe to transition.

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

307.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the deputy is unable to remain reasonably close to the suspect's vehicle.

The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the dispatcher commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including license plate number, if known.
- (c) The reason for the pursuit.
- (d) Known or suspected weapons.
- (e) Threat of force, violence, injuries, hostages, or other unusual hazards.
- (f) The suspected number of occupants and identity or description.
- (g) The weather, road, and traffic conditions.
- (h) The need for any additional resources or equipment.
- (i) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the deputy in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing deputy should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics.

307.4.4 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit will be designated as the secondary unit and is responsible for:

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

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- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing deputy once the suspect has been stopped.

307.4.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units shall exercise due regard and caution when proceeding through controlled intersections.
- (c) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Request other units to observe exits available to the suspects.
- (d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

307.4.6 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the air unit should assume primary control over the pursuit. The primary and secondary ground units along with the supervisor should continually monitor the progress of the pursuit by air support and coordinate ground interception if safe and reasonable given the totality of circumstances.

The air unit should coordinate the activities of resources on the ground and shall report progress of the pursuit and provide deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

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307.4.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.

307.4.8 UNITS NOT INVOLVED IN THE PURSUIT

Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office.

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

- (a) Immediately notifying involved unit(s) and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit. The Supervisor may allow additional units to assist in the pursuit if reasonably necessary to ensure deputy and public safety.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practical.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this office.
- (j) Controlling and managing Santa Clara County Sheriff's Office units when a pursuit enters another jurisdiction.
- (k) Maintain awareness of priority calls for service and clear units from the pursuit if and when reasonably necessary to respond to priority calls.
- (l) Preparing a post-pursuit review and documentation of the pursuit.
 1. Supervisors should initiate follow up or additional review when appropriate.

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307.5.1 WATCH COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. Once notified, the Watch Commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command. The Watch Commander shall review all pertinent reports for content and forward to the Captain.

307.6 COUNTY COMMUNICATIONS

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

307.6.1 COUNTY COMMUNICATIONS RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notify the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.6.2 LOSS OF PURSUED VEHICLE

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

307.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

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307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Deputies will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Santa Clara County Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit shall be specific.

307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this office should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this office to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this office to assist or take over a pursuit that has entered the jurisdiction of Santa Clara County Sheriff's Office, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing deputies.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practical, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after considering the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by deputies of this office will terminate at the County limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this office may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies should provide appropriate assistance to officers from the allied agency including but not limited to scene control, coordination and completion of supplemental reports, and any other reasonable assistance requested or needed.

307.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

A forcible stop of a pursued vehicle may be undertaken under exceptional circumstances. Permission to employ a forcible stop must be approved by the field supervisor except under those exigent circumstances where a deputy would otherwise be permitted to use deadly force.

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In deciding whether to use intervention tactics, deputies/ supervisors shall balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the deputies, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

307.8.1 USE OF FIREARMS

A deputy shall only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the deadly threat of the vehicle, or if the suspects employ deadly force, other than their vehicle, that is directed at the deputy or others. Deputies shall not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

307.8.2 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspects following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspects.

307.8.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the policies guiding such use. Deputies should consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking should only be used after giving consideration to the following:
 - 1. The technique shall only be used by deputies who have received training in the technique.
 - 2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 - 3. It reasonably appears the technique will contain or prevent the pursuit.
- (b) Ramming a fleeing vehicle should only be done after giving consideration to the following:
 - 1. Supervisory approval should be obtained before using the technique.
 - 2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 - 3. It reasonably appears the technique will terminate or prevent the pursuit.
 - 4. Ramming may be used only under circumstances when deadly force would be authorized.
 - 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

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- (c) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
 - 1. The technique shall only be used by deputies who have received training in the technique.
 - 2. Supervisory approval should be obtained before using the technique.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 - 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (d) Tire deflation devices should only be used after considering the following:
 - 1. Tire deflation devices shall only be used by deputies who have received training in their use.
 - 2. Supervisory approval should be obtained before using tire deflation devices.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 - 4. It reasonably appears the use will terminate or prevent the pursuit.
 - 5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children.
 - 6. Due to the increased risk to deputies deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (e) Roadblocks should only be used after considering the following:
 - 1. Roadblocks shall only be used by deputies who have received training in their use.
 - 2. Supervisory approval should be obtained before using the technique.
 - 3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
 - 4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
 - 5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

307.9 REPORTING REQUIREMENTS

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

- (a) The primary deputy should complete appropriate crime/arrest reports including a Blue Team Entry.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary deputy should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.

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- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Division Captain or the authorized designee. This log or memorandum should include, at a minimum:
1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and deputies.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Any use of force that occurred during the vehicle pursuit.
 - (a) Any use of force by a member shall be documented in the appropriate report (See the Use of Force Policy)
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Division Captain or the authorized designee should conduct or assign the completion of a post-pursuit review.

Annually, the Enforcement Bureau Assistant Sheriff should direct a documented review and analysis of office vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training and Professional Development Division Captain shall make available to all deputies initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to deputies and others (Vehicle Code § 17004.7(d)).

307.9.2 POLICY REVIEW

Deputies of this office shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the deputy's training file.

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307.10 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

307.11 POLICY TRACKING

Date of Origin:	4/15/2008
Review Date:	3/20/2023
Revision Date:	3/20/2023
Date Approved:	3/23/2023
Effective Date:	4/10/2023
Distribution:	Unrestricted
Supersedes:	G.O. 13.02 revised 2/22/2010

 Sheriff 3/24/23
Date



COLLISION OF COUNTY VEHICLES GENERAL ORDER #13.03

Adopted: 07/07/2010
Replaces: G.O. #13.03 updated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Sheriff's Office will ensure the thorough and proper investigation of all traffic collisions and legal interventions involving on-duty personnel as well as off-duty personnel while driving Sheriff's Office vehicles. Traffic collisions shown to have been preventable will be reviewed to determine if corrective or disciplinary action is appropriate.

PROCEDURE

A. TRAFFIC COLLISIONS INVOLVING ON-DUTY PERSONNEL

Employees of the Sheriff's Office who are involved in a collision while driving a County vehicle on or off duty, or are involved in a collision while driving any vehicle while on duty, or who have been assigned a vehicle that is involved in a collision while it is parked will follow the procedures established by this Order.

1. The driver shall immediately notify County Communications that he or she has been involved in a collision. If the driver is not incapacitated, he or she shall request that an investigating officer and a patrol sergeant respond to the scene; however, if the collision takes place outside Sheriff's Office jurisdiction, the driver also shall contact the appropriate jurisdiction to investigate and complete a collision report. The driver shall remain at the scene except in cases of extreme emergency, such as a violent felony in progress.
2. The driver shall not make any statements, oral or written, to any of the involved drivers or witnesses, which describes the driver's involvement in the incident. This does not preclude the driver from providing a statement to the investigating agency officer/deputy responsible for completing the accident report.

3. The driver shall complete a County “Vehicle Accident/ Incident Report” (County Form #6448), and shall forward the report to his or her supervisor by the end of his or her work shift, unless the driver is incapacitated. If the driver is incapacitated, his or her supervisor shall take and document the driver’s statement and complete the County “Vehicle Accident/Incident Report”. The driver shall also document the accident on an Employee Report which is to be submitted to his/her supervisor by the end of the work shift.

B. OTHER INVOLVED EMPLOYEES

Employees riding as passengers in any County vehicle or witnessing a collision as outlined in “A” above shall submit an Employee’s Report stating his or her personal observations regarding the incident to his or her supervisor prior to the end of the shift, and shall not make any statements, oral or written, to any of the involved drivers or witnesses which describes the driver’s involvement in the incident. Non-employee passengers should be encouraged to not make any statements, oral or written, to any of the involved drivers or witnesses, which describes the driver’s involvement in the incident. This does not preclude a witness from providing a statement of observation to the investigating agency officer/deputy responsible for completing the accident report.

C. RESPONSIBILITY OF THE ASSIGNED SUPERVISOR

1. If a collision occurs in a jurisdiction where the Sheriff’s Office is not the primary agency for the investigation of traffic collisions, the supervisor of the employee driver must ensure that the law enforcement agency in the jurisdiction where the collision occurred is contacted and shall request that an independent investigation be conducted by that agency. If the collision occurs outside of Santa Clara County, and it is practical, the supervisor of the driver should respond to the scene. The supervisor shall request a copy of the investigative report.
2. If a collision occurs in a jurisdiction where the Sheriff’s Office is the primary agency for the investigation of traffic collisions, the patrol supervisor responsible for the area in which the collision occurred shall respond to the scene. If a collision report is necessary, the patrol supervisor shall request that a patrol deputy respond to conduct the investigation. The order of priority of the request for a deputy to respond will be:
 - a. West Valley traffic unit with traffic training and experience;
 - b. West Valley beat unit with minimum of intermediate traffic school training;
 - c. West Valley beat unit with any traffic accident training.

3. If a collision falls within the protocol guidelines for a County Counsel investigation, the patrol supervisor will ensure that this protocol is followed.
4. The supervisor shall take any photographs necessary for the investigation and shall monitor the investigation and provide additional help to the Sheriff's Office investigator or to the officer from the investigating agency as needed.
5. The supervisor responding to the scene, or the driver's supervisor, if no supervisor is able to respond to the scene, will prepare a "Supervisor's Review of Employee's Motor Vehicle Incident" report.
6. The supervisor shall submit, via the chain of command, the County "Vehicle Accident/Incident Report" (County Form #6448) and all available incident reports, Employee Reports, supervisor's report, outside agency reports, and supporting documentation to the employee's division captain via the chain of command as soon as practical.

D. COMMAND OFFICER RESPONSIBILITIES

1. The first level command officer in the driver's chain of command shall review the reports and documentation of any collision which occurs in his or her command prior to submitting them to the Division captain. The purpose of this review is to ensure proper investigation, documentation, and completeness. The command officer should determine if photographs and any other special reports are necessary to assist in making a finding.
2. The first level command officer in the driver's chain of command shall review the County "Vehicle Accident/Incident Report" for accuracy and completeness, then forward a copy of this report to Fleet Services, ESA Insurance, and the Department Risk Manager as soon as possible. Only the "Vehicle Accident/Incident Report" form should be forwarded to Fleet Services and ESA Insurance.
3. The division captain, after all documentation outlined in section C.6 above is compiled, shall forward the entire packet to the Department Risk Manager (as defined in the General Orders) so that a review by the Accident Review Board can be scheduled.



**LAURIE SMITH
SHERIFF**



**SHERIFF'S OFFICE COMMAND VEHICLE
GENERAL ORDER #13.05**

Adopted: 07/07/2010
Replaces: G.O. # 13.05 dated 4/15/08

Updated: 12/31/2007
Reviewed: 02/22/2010


POLICY

The Sheriff's Office Command Vehicle shall be available to all divisions for use in any major incident or during any pre-planned event in which the use of this vehicle would add to the effectiveness and efficiency of the incident or event.

PROCEDURE

- A.** The following protocol shall be followed to request the use of the Sheriff's Office Command Vehicle during a pre-planned event.
1. A memorandum shall be submitted to the reserve/volunteer coordinator by the division captain or lieutenant of the division making the request.
 2. The memorandum will outline the date, time, and purpose for the request.
 3. Reserve/volunteer coordinator will contact and schedule a volunteer driver for the Command Vehicle.
 4. Operation desk officer shall mark the vehicle reserved for the date requested.
 5. On the date of the event, the volunteer driver will sign out the vehicle at the appropriate time and will sign it back in upon returning.
 6. In the event that a volunteer driver can not be scheduled, a qualified driver from Sheriff's badge staff will be assigned to the vehicle.
- B.** The following protocol shall be followed to request the use of the Sheriff's Office Command Vehicle during a major event.

1. The Incident Commander will contact the operations desk and request that the Sheriff's Office Command Vehicle be brought to the scene.
 2. Operation desk officer will contact a volunteer driver and have him respond to headquarters in order to drive the vehicle to the scene.
 3. The volunteer driver will sign out the vehicle and will sign it back in upon returning.
 4. In the event that a volunteer driver can not be scheduled, a qualified driver from Sheriff's badge staff will be assigned to the vehicle.
- C.** The following protocol shall be followed to request the use of the Sheriff's Office Command Vehicle during all other events.
1. The individual requesting the Sheriff's Office Command Vehicle shall make the request through the division captain or lieutenant.
 2. Upon approval, the division captain or lieutenant shall notify operations desk of the request.
 3. Operation desk officer will contact a volunteer driver and have him respond to headquarters in order to drive the vehicle to the scene.
 4. The volunteer driver will sign out the vehicle and will sign it back in upon returning.
 5. In the event that a volunteer driver can not be scheduled, a qualified driver from Sheriff's badge staff will be assigned to the vehicle.
- D.** The Sheriff's Office Volunteer Team shall assume responsibility for the operation of the vehicle during its activation. In the event that no member of the volunteer team can be located to act as the driver, a qualified member of the Sheriff's Office will assume that responsibility.
- E.** The Sheriff's Office Command Vehicle shall be maintained in such a manner that it is at a ready state at all times. The Sheriff's Office Volunteer Program shall be responsible for the maintenance of the Sheriff's Office Command Vehicle.
1. All equipment within the vehicle shall be maintained and checked to assure that it is properly working.
 2. All vehicle equipment shall be maintained and the fluids of the vehicle shall be kept at the appropriate level.


LAURIE SMITH
SHERIFF



**TAKE-HOME VEHICLES
GENERAL ORDER #13.06**

Adopted: 07/07/2010

Replaces: New Order

Reviewed: 02/22/2010

POLICY

In order to ensure a timely response to emergency events, certain assignments will be designated as 'on-call', and assigned personnel may be authorized a 'take-home' vehicle, with designated restrictions or limitations imposed on the use of said vehicle.

PROCEDURE

Take-home vehicles are provided to specific on-call job assignments within the department to allow a timely response to an emergency event.

LEGAL REQUIREMENTS

- A. All persons assigned a take-home vehicle shall obey all laws of the State of California, as well as all policies and procedures of Santa Clara County and the Sheriff's Office, as they relate to the operation of motor vehicles.

RESPONSE TIME REQUIREMENTS

- A. All persons assigned a take-home vehicle will respond to an event, when requested, in a timely manner.
- B. Requirements of Use:
 - 1. To ensure a timely response to an emergency event, the vehicle may be used by the assignee at any time, unless otherwise outlined in this order.

2. The assignee will monitor the Sheriff's Office radio at any time the vehicle is being used.
3. The assignee shall, while using the vehicle, have in their immediate possession or within the vehicle, all equipment and attire required to perform his or her duties in a professional manner (including badge, gun, appropriate clothing, etc...)
4. The assignee must have both a valid California driver's license and a current County driver's permit in his/her possession while driving the vehicle.

PASSENGERS

- A. Passengers allowed to travel in a take-home vehicle shall fall within at least one of the following three (3) categories:
 1. County Employee
 2. Persons as necessary during the normal course of work duties
 3. 'Immediate family', as defined in the Memorandum of Understanding

GEOGRAPHIC RESTRICTIONS

- A. The department recognizes the fact that some persons assigned a take-home vehicle may not live within Santa Clara County. All take-home vehicles are restricted to a distance within 65 driving miles of the Sheriff's Office Headquarters building, located at 55 W. Younger Ave., San Jose. Travel using a take-home vehicle beyond 65 driving miles of 55 W. Younger Ave, San Jose requires the approval of a division commander.

NOTABLE USE RESTRICTIONS

- A. The following use restrictions will be followed at all times.
 1. No animals, other than those owned by the department, may be transported.
 2. No smoking is permitted by any occupant in any county vehicle
 3. No modifications shall be performed to any vehicle without the written approval of the department's fleet manager (this includes bumper stickers, license plate frames, parking stickers, window tinting, and any other modifications).

PERIODS OF NON-USE

- A. During any leave in excess of one workweek, or when directed by the assignee's division commander, it is required that the vehicle be left at the employee's primary work site.

MARKED PATROL VEHICLES

- A. Any marked patrol vehicle authorized as a take-home vehicle shall be limited to travel within Santa Clara County and shall be used for direct commute from a primary residence to a primary work site.



**LAURIE SMITH
SHERIFF**



**ARMORED RESCUE VEHICLE (ARV)
GENERAL ORDER #13.07**

Adopted: 8/1/2022
Replaces: None

Updated: 7/30/2022
Reviewed: 7/30/2022

POLICY

The purpose and scope of this policy is to set guidelines for approved use, training, care and storage of the Santa Clara County Office of the Sheriff's armored rescue vehicles, a Lenco Bearcat and an armored Chevrolet Suburban. In this policy, these vehicles will be referred to as the Armored Rescue Vehicle (ARV's). The Sheriff's Office ARV's are defined as "military equipment" pursuant to Assembly Bill 481 and are also under the oversight of General Order #10.08 [Military Equipment Funding, Acquisition and Use Policy]. This policy was created to ensure compliance with statutory requirements and established Sheriff's Office procedures.

The purpose and intent of the ARV's are to enhance and sustain local and regional preparedness for the first responders in the region by allowing for the delivery of emergency services into on-going or planned hazardous situations. This will allow law enforcement, fire and medical personnel the ability to have some level of protection when entering unsecured and unstable areas (warm and hot zones). These vehicles will enhance the ability of first responders to rescue persons in need and help protect first responders at the scene of an emergency. The ARV's are also designated to meet tactical needs of law enforcement agencies tasked with responding to acts of violence and/or terrorism. The purpose is to enhance law enforcement's ability to serve and protect the community.

The Santa Clara County Sheriff's Office Lenco Bearcat was obtained through State Homeland Security Grant Funding in 2010. The Bearcat is a Santa Clara County Fleet Management vehicle that adheres to all Fleet licensing, insurance, maintenance, and repair requirements. The Chevrolet Suburban was a standard county vehicle outfitted with ballistic glass and door panels through Fleet Management in 1998. The Suburban is a Santa Clara County Fleet Management vehicle that adheres to all Fleet licensing, insurance, maintenance, and repair requirements.

PROCEDURE

A. USE OF THE ARV

1. The use of the ARV's assist with the preservation of life and enhance the safety of citizens and deputies. The ARV's should be deployed in situations where its use would enhance the tactical advantage of deputies, aid in the rescue of injured persons, protect life and

property, or improve the likelihood that an incident would be resolved without the use of deadly force or other force options.

2. The ARV's are primarily used for Sheriff's Emergency Response Team (S.E.R.T.) incidents, safe transport of S.E.R.T. personnel to and from critical incidents, high risk warrant service operations, training, delivery of emergency medical staff and/or Tactical Emergency Medicine Support (TEMS) personnel, delivery of equipment, and other rescue capabilities.
3. The ARV's will not be used in the public for community engagement events, unless specifically authorized by the Sheriff.

B. DEPLOYMENT

1. The ARV's will only be deployed in a manner consistent with the guidelines in this policy. Approval to deploy the ARV's will be the responsibility of the Special Enforcement Captain or his/her designee.
2. A Watch Commander may authorize the deployment of an ARV(s) if there is an immediate need to prevent loss of life or serious bodily injury. Upon deployment, the Watch Commander shall notify the Special Enforcement Captain as soon as practical. In cases where the Watch Commander authorized the deployment of an ARV(s), the S.E.R.T. Lieutenant(s) will assign two (2) S.E.R.T. members to relieve the patrol deputies in charge of the ARV's at the scene of the deployment. Should events dictate a lack of available S.E.R.T. members to operate the ARV, the Watch Commander shall seek out former S.E.R.T. members or other deputies that have received advanced training to fill that role.
3. Nothing in this policy is meant to preclude the immediate deployment of the ARV's to perform a deputy or citizen rescue, to save lives that are in immediate danger of serious bodily injury or death, to assist in the safe de-escalation or containment of barricaded or suicidal subjects, or to deliver an ARV(s) to the scene of a S.E.R.T. callout.

C. TACTICAL OPERATIONS AND ENFORCEMENT

1. Deployment of an ARV(s) should be considered in the following circumstances:
 - a. During incidents involving violent felonies.
 - b. Responding to persons with a history of extreme violence involving firearms, explosives, or other dangerous weapons.
 - c. When information is present that the suspect has used, intends to use or is likely to use extreme violence against citizens or law enforcement personnel.
2. An ARV should not be deployed in incidents that do not involve actual, threatened, or suspected violence or investigations of misdemeanor crimes, unless the crime involves a weapon. In the absence of actual, threatened, or suspected violence, an ARV may be deployed during natural disasters, rescue/emergency operations that necessitate the deployment of the ARV's equipment and capabilities.
3. The ARV will not be utilized on the front line in crowd control situations or during times of civil unrest, protest or demonstrations unless clear articulable facts dictate the need to

deploy the ARV (shots fired, suspected violence involving firearms, actual or suspected presence of explosives, etc.) with expressed consent from the Incident Commander with concurrence from the S.E.R.T. Commander or his/her designee.

D. SHERIFF'S EMERGENCY RESPONSE TEAM TACTICS

1. Breaching: with full consideration for the safety of the occupants of the location, members of S.E.R.T. may use an ARV(s) to breach a structure by a door pull or with the vehicle's ram attachment. Using an ARV(s) for this purpose is appropriate only after a clearly articulated need exists and only when:
 - a. A search warrant and/or arrest warrant is obtained;
 - b. When S.E.R.T. reasonably believes that evidence inside the premises is presently being destroyed; or
 - c. There was an immediate threat of resistance from the occupants which posed a serious danger to deputies or citizens.
2. High-Risk Vehicle Operations: with full consideration for the safety of the occupants, members of S.E.R.T. may use an ARV(s) to conduct the rescue of a hostage or effecting the arrest of a violent armed suspect(s) located in a vehicle, bus, train or aircraft.

E. RESCUE OPERATIONS

1. An ARV(s) may be utilized to perform rescue operations of citizens or deputies to prevent loss of life or serious bodily injury.
2. In certain rescue operations, such as an Active Shooter or Criminal Mass Casualty Incident, an ARV(s) may be used to deploy Fire and/or EMS resources into potential Warm Zones as a Rescue Task Force. The integration of Fire and/or EMS into a Rescue Task Force is strictly meant to expedite life-saving efforts. The use of an ARV is meant to provide protection and a safer environment for the Rescue Task Force personnel as well as for victims requiring evacuation or treatment. The Rescue Task Force will be deployed in compliance with the Santa Clara County Active Shooter Protocol.

F. ALLIED AGENCY REQUEST

1. Non-Emergency request for deployment of an ARV by an allied agency will be made through the on-duty Watch Commander who will then contact the S.E.R.T. Commander or his/her designee for authorization. If there is an allied agency request for an immediate ARV deployment to an emergency to assist in life-saving operations, the Watch Commander may authorize the deployment of the vehicle pursuant to this order and immediately notify the S.E.R.T. Commander or his/her designee of the deployment.
2. When available, the Sheriff's Office Watch Commander or a Patrol Sergeant should respond to the Allied Agency Incident to establish a Unified Command, and to ensure all Santa Clara County Sheriff's Office policies, procedures, and practices are followed.
3. Upon approving an allied agency's request, two deputies trained in ARV deployment will be assigned to deliver the ARV to the requesting agency. It is recommended that one deputy drive the ARV and one deputy assist with escorting the ARV in a marked patrol vehicle. The deputies will respond to the incident and deploy the ARV per the needs of

the Incident Commander of the allied agency. Santa Clara County Sheriff's deputies will not deploy an ARV if the deployment conflicts with Santa Clara County Sheriff's Office policies, procedures, practices, or established law. Deputies arriving on scene with the ARV will act as operators of the vehicle and security for the vehicle.

4. Santa Clara County Sheriff's deputies deployed with an ARV should not be directly involved in the tactical operations of the allied agency unless specifically requested to do so by the requesting agency. If the Sheriff's deputies are asked to participate in any part of the Allied Agency's operation other than the operation of the ARV, the deputies shall contact the Watch Commander, their direct supervisor or Special Enforcement Captain or his/her designee as soon as practical and brief them on the request of the allied agency. This policy is not intended to restrict deputies from taking action, if necessary, to prevent loss of life or serious bodily injury.
5. If the Allied Agency's request for an ARV develops into an extended operation, the deputies deploying the vehicle will contact the Watch Commander, their direct supervisor, Special Enforcement Captain, or his/her designee and advise him/her of the situation. For most extended incidents, the Special Enforcement Captain or S.E.R.T. Lieutenant(s) will assign two (2) S.E.R.T. members to relieve the patrol deputies in charge of the ARV at the scene of the deployment.
6. If multiple simultaneous requests are made for an ARV, the Special Enforcement Captain or his/her designee will evaluate the requests and determine which takes priority based on the nature of the incidents.

G. TRAINING

1. Deputies are to be trained in the operation of the ARV's prior to use. Training requirements will be set by the Special Enforcement Captain and the Training and Professional Development Captain in cooperation with the Emergency Vehicle Operations (EVO) Training Manager. Training will include knowledge of this policy, rules of the road and basic knowledge of electronic/mechanical functions on the vehicle. The training will also include a driving exercise. S.E.R.T. personnel will receive advanced training and are expected to maintain a higher level of operational knowledge and expertise.
2. All training shall be documented and forwarded to the Sheriff's Office Training Unit.
3. Only Santa Clara County Sheriff's personnel who have completed training and possess a County Driving Permit will be authorized to drive/operate the ARV(s), unless a delayed deployment of an ARV would result in serious bodily injury or death.

H. DOCUMENTATION

1. Each deployment of an ARV, including use by S.E.R.T., shall be documented in the ARV Deployment Log and a S.E.R.T. After Action Report or Sheriff's Office Incident Report. The ARV Deployment Log shall be kept and updated by the S.E.R.T. Administration. This Log shall at minimum include the following information:
 - a. Who requested use of the ARV

- b. Who approved use of the ARV
- c. Why the ARV was necessary
- d. Personnel assigned to the ARV
- e. When the vehicle was deployed (date/time)
- f. When the vehicle was returned (date/time)
- g. Any damage sustained to the vehicle
- h. If not for a critical incident, the timeframe of the use
- i. Mission outcome

I. PRE-PLANNED OPERATIONS

- 1. Any Division Commander or Watch Commander of the Santa Clara County Sheriff's Office may request to deploy an ARV in a pre-planned operation by making the request to the Special Enforcement Captain or his/her designee. The request should include but is not limited to; the date and time frame of the operation; the location(s) of the operation; and the reason why the ARV is necessary for the success of the operation. The Special Enforcement Captain or his/her designee will be responsible for approving/denying the request.

K. PRE-PLANNED SPECIAL EVENTS

- 1. Any Division Commander or Watch Commander of the Santa Clara County Sheriff's Office may request to stage an ARV in a pre-planned special event by making the request to the Special Enforcement Captain or his/her designee. With approval, the ARV may be discreetly staged at the location of a pre-planned special event for the purpose of providing a rapid response to acts of extreme violence. The vehicle should be parked and staged in a manner appropriate for the circumstances. Each event Incident Commander is responsible for communicating the intended use of the ARV's to the Special Enforcement Captain or his/her designee prior to deployment. If approval is granted, a trained ARV driver will be assigned to deliver and provide security for the vehicle.

L. OPERATIONS, STORAGE, AND MAINTENANCE GUIDELINES

- 1. Backing
 - a. When operating an ARV in reverse and when persons, equipment or other property is within the immediate area of the ARV, a ground guide or spotter should be used unless officer safety would be jeopardized.
- 2. Inventory
 - a. The Deputy operating an ARV during the deployment shall ensure that all of the vehicle's equipment has been returned to the ARV once the deployment is completed. The operator will also notify the S.E.R.T. Administrative Sergeant if any equipment is damaged or perishable items need to be replaced.
 - b. The S.E.R.T. Administrative Sergeant shall ensure quarterly inventories and inspections are completed and a list of the equipment stored inside of the ARV.

2. Fueling

- a. Prior to securing an ARV after deployment, the Deputy operating the ARV shall ensure that the vehicle has sufficient fuel and is ready for re-deployment.

3. Storage

- a. The Santa Clara County Sheriff's Office Bearcat will be stored at the Sheriff's Office Range so that it is readily available to Sheriff's Office personnel and able to respond to the areas where the agency provides law enforcement services. Likewise, the armored suburban will be stored at the West Valley Substation to have an armored vehicle available on the western portion of Sheriff's Office jurisdiction.

4. Maintenance

- a. The ARV's are Santa Clara County Fleet vehicles and will adhere to all Fleet licensing, insurance, maintenance, and repair requirements. The S.E.R.T. Administrative Sergeant will ensure the ARV's receive all required service.

5. Damage

- a. If the ARV's are damaged, the sheriff's deputy shall report damage to the S.E.R.T. Lieutenant(s) as soon as possible and complete a Vehicle Damage Report.

M. USE OF ARV BY GILROY/MORGAN HILL SWAT TEAM

1. The Sheriff's Office permits the use of the Bearcat by the Gilroy/Morgan Hill SWAT Team as a South Santa Clara County regional asset. The Gilroy/Morgan Hill SWAT Team will be responsible for the proper use, insurance coverage and damage to the ARV(s) when driven by their personnel.
2. The Gilroy/Morgan Hill SWAT Team will adhere to sections H. (Documentation) and L. (Operations, Storage, and Maintenance Guidelines) of this order to ensure the ARV(s) are available and ready for deployment.



**LAURIE SMITH
SHERIFF**



**COMPLAINTS BY MEMBERS OF THE PUBLIC
GENERAL ORDER #14.00**

Adopted: 07/07/2010
Replaces: G.O. #14.00 dated 04/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Sheriff's Office shall receive, document, and investigate as required all allegations of misconduct or neglect of duty involving its personnel brought by members of the public. The investigation of complaints will include those which are anonymous or are brought through a representative of the complainant. However, if an anonymous complaint cannot be verified by other evidence, or the representative refuses to identify the complainant, the complaint will not result in a sustained finding unless there is independent evidence to support such a finding.

PROCEDURE

- A.** Complaints by members of the public involving Sheriff's Office personnel may be made:
1. In person, by mail or by telephone to any staffed Sheriff's Office Facility.
 2. In person to any on-duty Sheriff's Office employee/supervisor.
 3. Via the Sheriff's Office website, (internet).
 4. Through the DOC using an Inmate Request Form.
 5. To a trained commissioner, member of the staff or volunteer of the Santa Clara County Human Relations Commission.
 6. County E.O.D.
- B.** Forms for members of the public to make written complaints involving personnel of the Sheriff's Office will be available during business hours at the Internal Affairs Unit,

Headquarters Patrol Operations Desk, West Valley Substation, South County Substation and at all Court security screening stations.

- C.** During normal business hours, all complaints by members of the public alleging misconduct on the part of Sheriff's Office personnel should be referred directly to the Internal Affairs Unit.
- D.** During other than normal business hours, all complaints by members of the public will be referred to the highest ranking officer on duty in the involved division.
- E.** If the complaint does not require immediate action, the supervisor will complete an Internal Affairs Unit Complaint Form, obtaining the significant details from the complainant. The supervisor will advise the complainant that he or she will be contacted by the Internal Affairs Unit on the next business day.
- F.** If the complaint is of such a serious nature that immediate action is required, the supervisor will contact his or her division commander via the chain of command. The division commander will notify the Internal Affairs Unit to initiate an investigation into the allegation.
- G.** The Internal Affairs Unit will document, and will assign a tracking number, to all complaints by members of the public except where:
 - 1.** the complaint does not involve an employee or volunteer of the Sheriff's Office,
 - 2.** the complaint is frivolous on its face and appears to be the product of mental disease or disorder and no additional action is justified,
 - 3.** the complaint does not on its face allege misconduct or neglect of duty which violates law or procedure and no additional action is justified,
 - 4.** the complainant disagrees with existing Sheriff's Office policy only and no additional action is justified.
- H.** The Internal Affairs Unit shall investigate allegations of misconduct or neglect of duty from members of the public as set forth in these General Orders.
- I.** In all cases where a complaint by a member of the public is received, the complainant shall be notified by mail by the Internal Affairs Unit of the final disposition of the complaint unless the complainant did not provide a mailing address. If the complainant cannot be notified by mail and the complainant provided a phone number, the Internal Affairs Unit will attempt to notify the complainant by phone of the final disposition of the complaint. Those complainants whose complaints were not documented and investigated will be notified that their complaint resulted in "no finding." This section

does not apply to complaints filed against one County employee by another County employee.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

LAURIE SMITH
SHERIFF



**INTERNAL AFFAIRS POLICY AND PROCEDURE
GENERAL ORDER #14.01**

Adopted: 07/07/2010
Replaces: G.O. #14.01 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Internal Affairs Unit will conduct thorough investigations of allegations of misconduct or neglect of duty involving employees and volunteers of the Sheriff's Office. The Internal Affairs Unit will also conduct an investigation/review and submit their findings directly to the Sheriff in cases where it is determined a retiree who possesses a concealed weapon permit and has violated a department rule, or State or Federal law that, if violated by a Deputy Sheriff on active duty, would result in that deputy's arrest, suspension, or removal from the agency.

PROCEDURE

A. INTERNAL AFFAIRS UNIT

1. The Internal Affairs Unit will investigate all allegations of misconduct or neglect of duty involving employees and volunteers of the Sheriff's Office that may lead to formal discipline and will conduct other investigations as directed by the Sheriff or the Undersheriff. "Formal discipline" means any disciplinary action resulting in a letter of reprimand, suspension, or termination. Although this is the general rule, division level investigations relating to performance issues arising out of a divisional assignment may be completed at the division level even if the final outcome could rise to the level of formal discipline.
2. Investigators from the Internal Affairs Unit are authorized to cross all lines of authority to obtain written statements, to interview any employee, and to gain access to other relevant information in regard to an ongoing investigation.
3. The duties and responsibilities of the Internal Affairs Unit are to:

- a. Determine whether or not a violation of Sheriff's Office policies and procedures or County policies and procedures occurred.
- b. Clear those innocent of wrongdoing.
- c. Facilitate prompt and just disciplinary action.
- d. Uncover defective procedures and recommend changes.
- e. Abide by the Public Safety Officers Procedural Bill of Rights.
- f. Utilize an Early Warning System.
- g. Maintain and purge records of disciplinary investigations as provided by California law and by Sheriff's Office policies and procedures.
- h. Provide discovery to the court with the assistance of the Administrative Services Division and the County Counsel's Office.
- i. Report to the Sheriff, the Undersheriff, the Department of Justice, and the community.

B. INTERNAL AFFAIRS INVESTIGATIONS

1. Internal Affairs Unit

- a. The Internal Affairs Unit will conduct full and thorough investigations of allegations of misconduct or neglect of duty involving employees or volunteers of the Sheriff's Office.
- b. Upon receipt of a case, the Internal Affairs Unit will log it and assign it a case number.
- c. After the case is logged, the Internal Affairs Unit will identify the alleged violations based on a review of Sheriff's Office policies and procedures and Santa Clara County policies and procedures. If the allegations do not describe a violation of those policies and procedures or do not involve an employee or volunteer of the Sheriff's Office and no further investigation is justified, the case may be closed as "no finding."
 - 1. The prepared allegations will outline the violations alleged. A copy of these allegations along with a cover letter will be sent to the employee or volunteer allegedly involved in the incident. The cover letter will instruct him or her on how the investigation will

proceed. The cover letter also will specify the date and time the employee or volunteer must report for an interview.

2. An original copy and a proof of service copy of the allegations (proof of service) will be sent to Division Captain, who will review it and send it to the involved employee or volunteer via the chain of command.

3. The employee or volunteer's supervisor will give the original copy of allegations to the employee or volunteer. The proof of service copy of allegation will be completed by the employee or volunteer's supervisor to show they were served with the allegations. The supervisor then will return the completed proof of service copy to the Internal Affairs Unit, indicating the time, date issued, and by whom.

d. The employee or volunteer may be requested to submit a detailed written Employee's Report (ER), to the Internal Affairs Unit, via the chain of command, or may be directed to report for an interview with the Internal Affairs Unit.

e. Prior to being directed to respond to the complaint, the involved employee or volunteer will be advised that they have the right to confer with a representative of their choice and to have them present during the interview process.

f. The Internal Affairs Unit investigator or supervisor may direct any employee or volunteer not to discuss the matter with any witness, potential witness, or other employee or volunteer other than the employee's representative. Failure to follow this direction may result in disciplinary action.

2. Divisional Investigations

a. Divisional level investigations will generally be conducted in those cases that are not likely to lead to formal discipline. Examples of divisional level investigation cases include minor allegations of discourtesy, lack of harmonious work environment, or performance based issues.

b. The Undersheriff/Assistant Sheriffs will determine whether or not an allegation will be investigated at the divisional level. Allegations relating to sexual harassment or use of force will not be investigated at a divisional level.

- c. Allegations that will be investigated at the divisional level will be forwarded by the Internal Affairs Unit to the employee or volunteer's divisional captain, via the chain of command.
- d. If during the course of a divisional investigation, the investigator determines that there was misconduct or neglect of duty that justifies formal discipline, he or she will contact the Internal Affairs Unit, which will determine if the case should be returned to the Internal Affairs Unit for investigation.
- e. Upon completion of a divisional investigation, the final report noting disposition, including any discipline, will be returned to the Internal Affairs Unit, via the chain of command.

3. Investigative Findings

- a. The investigative report of the Internal Affairs Unit will contain a statement of findings with a recommended disposition--unfounded, exonerated, sustained, not sustained, or no finding--for each alleged violation.
 - 1. **Unfounded:** The investigation indicates the act complained of did not occur.
 - 2. **Exonerated:** The investigation indicates the act occurred, but the act was justified, lawful, and proper.
 - 3. **Sustained:** The investigation finds by a preponderance of the evidence that the act complained of did occur and constitutes a violation of Sheriff's Office policies and procedures or Santa Clara County policies and procedures.
 - 4. **Not sustained:** The investigation cannot prove or disprove the allegations by a preponderance of the evidence.
 - 5. **No finding:** The investigation did not result in any finding because of lack of cooperation of witnesses, because the allegations did not contain any violation of Sheriff's Office policies and procedures or Santa Clara County policies and procedures, or because the allegations did not involve an employee or volunteer of the Santa Clara County Sheriff's Office.

C. INVESTIGATION OF CRIMINAL CASES INVOLVING EMPLOYEES OR VOLUNTEERS OF THE SHERIFF'S OFFICE

- 1.** In cases where a deputy or investigator receives an initial call to a matter involving a Sheriff's Office employee or volunteer suspected of being involved in a criminal act, the deputy/investigator will immediately notify his or her supervisor.

 - a.** The supervisor may choose to replace the deputy or investigator and will notify the division commander's respective Assistant Sheriff.
 - b.** If the supervisor chooses to replace the initial deputy, the deputy who replaces the first will be at least one rank higher than the suspect employee.
 - c.** The supervisor will monitor the handling of the case to ensure impartiality until the replacement officer arrives.
 - d.** The on-duty watch commander may, with the direction of command staff, put the involved officer on administrative leave pending the outcome of the investigation.
- 2.** When a Sheriff's Office employee or volunteer is suspected of criminal conduct, the Internal Affairs Unit will immediately begin a parallel Administrative Internal Affairs Investigation, unless the Undersheriff determines that the Administrative Internal Affairs Investigation will impede or obstruct the criminal investigation/prosecution.
- 3.** Criminal investigations of Sheriff's Office employees and volunteers that allegedly took place within Sheriff's jurisdiction in Santa Clara County will normally be assigned to the Investigative Services Division. These assignments will be made by the Sheriff or the Undersheriff and the assigned detective will report directly to the assigning authority.
- 4.** When during the course of an Internal Affairs investigation, the Internal Affairs Unit suspects that there has been a criminal violation, the Sheriff or Undersheriff will determine who should continue the investigation.
- 5.** In all cases involving suspected criminal conduct, the Internal Affairs Unit may monitor the criminal investigation and shall have access to interviews and evidence. The Internal Affairs Unit shall not disclose any confidential information to the criminal investigator.

D. REVIEW OF INTERNAL AFFAIRS UNIT FINDINGS

1. Upon completion of its report and findings, the Internal Affairs Unit shall forward the report to the involved employee's Lieutenant, Captain and Bureau Assistant Sheriff for review.
2. Upon completion of the review process, the Internal Affairs Lieutenant shall schedule a meeting with the involved employees Lieutenant, Captain and the involved employee's Bureau Assistant Sheriff. The purpose of this meeting is to review the findings and determine if there is concurrence with the findings as it relates to the allegations. If further investigation is required, the report will be returned to the Internal Affairs Unit for such investigation. Upon completing the additional investigation, another meeting will be scheduled for review and concurrence.
3. If the findings of the Internal Affairs report do not contain any sustained allegations and the Command Staff concurs, the report and findings will be sent to the Internal Affairs Unit with a signed concur form from the Assistant Sheriff. The Internal Affairs Unit will send the findings to the involved employee where disciplinary action is not intended.
4. If the findings of the Internal Affairs report contains a sustained allegation, the report will be forwarded to the Support Services Captain who will schedule a meeting of the Discipline Review Board.
5. If the outcome of the Discipline Review Board leads to recommended disciplinary action and the Command Staff and/or Sheriff concurs, the report and findings will be sent to the Support Services Captain directing that a notice of proposed discipline be prepared and designating who will be the hearing officer should the employee request an opportunity to be heard. If the employee does request a hearing, the Assistant Sheriff will direct the Internal Affairs Unit to prepare a discovery packet for the involved employee, including a copy of the report and findings as well as copies of recorded interviews and any relevant supporting documents.
6. If the complainant filed the complaint as a member of the general public, the Internal Affairs Unit will draft and send a letter to the complainant indicating the results of the investigation as provided in Penal Code section 832.5. If the complainant is a Sheriff's Office employee, the Internal Affairs Unit will verbally advise the complainant that the complaint has been resolved. No notice will be sent, and no details of how the matter was resolved will be released to an employee when complaining about the behavior of another employee unless the allegations include a complaint of sexual harassment.

G. SUPPORT SERVICES DIVISION RESPONSIBILITIES

The Captain of the Support Services Division is responsible for:

- 1.** Drafting the recommended disciplinary action letter. The letter will indicate the name of the hearing officer and shall describe the employee’s Administrative and County appeal rights.
 - a.** Copies of the recommended disciplinary action will be sent to the Sheriff, the Undersheriff and the Assistant Sheriff, as well as the employee’s bargaining unit in cases involving 521 employees.
 - b.** A copy of the notice of intended discipline will be placed in the employee’s personnel file in the Support Services Division.
- 2.** Ensuring the recommended disciplinary action letter is served on the involved employee. The original letter should be hand delivered whenever possible. The server should be one rank above the employee. The person serving the document on the involved employee shall return a “proof of service” copy of the recommended disciplinary action letter to the Support Services Division. If the server is unable to hand deliver the notice, service will be made by registered and regular U.S. mail (add 3 days to any service/response requirement).
- 3.** Drafting and sending a notice of the findings of the hearing officer.
 - a.** The Hearing Officer, in conjunction with the Support Services Division will draft the Hearing Officer’s Decision letter. The Support Services Division will forward the Hearing Officer’s Decision Letter as follows:
 - 1.** The letter will be hand delivered, if possible, to the employee. The server should be one rank above the employee. He or she shall return a “proof of service” copy to the Support Services Division. If unable to hand deliver the letter, service will be made by U.S. registered and regular mail.
 - 2.** Copies of the letter will be forwarded to the Sheriff, the Undersheriff, the Assistant Sheriff, County Labor Relations, and County Central Personnel.
 - 3.** A copy of the Hearing Officer’s Decision will be placed in the employee’s personnel file in the Support Services Division.

members of the public or complaints reported internally by other members of the Sheriff's Office. The fact that an employee is counseled regarding multiple complaints does not imply that these complaints have been or will be sustained.

3. Once an employee has been identified by the Internal Affairs Unit as meeting the criteria for the early warning system, the unit shall forward copies of the complaints to the Undersheriff.
4. The Undersheriff will review the complaints and may refer the matter to the employee's division commander with directions to hold a counseling session.
5. The counseling to be provided to the employee is intended to be a positive tool to assist the employee to obtain a higher level of awareness. The counseling session should employ administrative techniques designed to reinforce good performance, to improve poor performance, and to correct behaviors that precipitate or contribute to complaints.
6. While counseling pursuant to the Early Warning System is not considered as discipline, the fact that a counseling session took place may be considered in determining the appropriate level of discipline in the event that similar misconduct or neglect of duty takes place in the future.



**LAURIE SMITH
SHERIFF**



**ACCESS TO PERSONNEL FILES
GENERAL ORDER #15.00**

Adopted: 07/07/2010
Replaces: G.O. #15.00 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

An employee's (or former employee's) personnel file may only be accessed by authorized persons.

PROCEDURE

- A. All employees and former employees and their duly authorized representatives have the right to reasonable access to the employee's personnel files. They may obtain copies of material from their file, subject to the normal per-copy charge as mandated by law or by the county executive's office. Employees and former employees do not have the right to remove any material from their personnel files, or remove the files from the Sheriff's Office.
- B. Employees may obtain, at no cost, copies of training certificates and/or documents as needed for county personnel procedures, or for submission to the Commission on Peace Officers Standards and Training (POST) in order to qualify for a POST certificate.
- C. Access to an employee's (or former employee's) personnel file is restricted to the employee or former employee or his or her duly authorized representative, to personnel assigned to the Support Services Division, to representatives of the County Counsel's Office and County Personnel, and to persons assigned in one of the following administrative staff capacities:
 - 1. Sheriff
 - 2. Undersheriff
 - 3. Assistant Sheriff

4. Division Captain
 5. Supervisors (of the employees under their supervision)
 6. Administrative Assistant to the Sheriff
 7. Internal Affairs
- D.** Access by supervisors shall be limited to files of employees under their supervision. Supervisors may access files of employees not under their supervision only under unusual circumstances, and after obtaining permission from the Support Services Division, Undersheriff, Assistant Sheriff, or the Sheriff.
- E.** A copy of any material added to a former employee's file after his or her termination date (except correspondence received by the Sheriff's Office which includes a notation indicating that the copies were furnished to both the former employee and the Sheriff's Office) will be sent to the last available address known by this Office for that employee. All material to be added to a former employee's personnel file will be reviewed and initialed by the Support Services Division captain before it is placed in file.
- F.** Employees/former employees have the right to respond in writing to any material that has been placed in their personnel file if they disagree with the content of the material. Employees/former employees will have thirty days from the date notice was provided within which to file a written response which will be attached to the document in question and placed in their personnel file.
1. Before an adverse comment can be placed in an employee's personnel file, the employee must be made aware of the comment by:
 - a. Having read the document containing the adverse comment/statement.
 - b. Signing the document containing the adverse comment/statement.
 2. If the employee refuses to sign the document containing the adverse comment, a notation to that effect will be placed on the document by a staff officer with signature and date.
 3. The employee has the right to a review hearing, within thirty days, by the Support Services Division captain of the document containing the adverse comment/statement.
 - a. The Support Services Division shall, within five working days of the hearing, prepare a written summary of his or her conclusions, a copy of

which will be attached to the document contain the comment/statement and placed in the employee's file.

b. A copy of this summary shall also be issued to the subject employee.

G. Prospective employers or their investigators will not be allowed access to an employee's/former employee's file, without written authorization and a waiver from the employee/former employees.

1. Information that can be released (without permission) includes:

a. Dates of employment

b. Classification (rank or status)

c. Salary information

2. A signed statement directing the Support Services Division to release additional information from their personnel file must be obtained from the employee/former employee if further information is desired. A copy of this release, with date/time notation of release, and the name of the employee responsible for the released information will be placed in the personnel file involved.

3. A copy of the released information will be issued to the employee/former employee in question.



**LAURIE SMITH
SHERIFF**



**SMOKING POLICY
GENERAL ORDER #15.01**

Adopted: 07/07/2010
Replaces: G.O. #15.01 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Smoking is discouraged and is only authorized in areas designated by ordinance and this Order.

PROCEDURE

A. DEFINITIONS

1. "Smoking," for the purposes of this Order, means and includes the combustion of any lighted pipe, or lighted cigar or lighted cigarette of any kind or the lighting of a pipe, cigar or a cigarette of any kind, or any similar article or any other combustible substance in any manner or in any form.
2. "Enclosed" means closed in by a roof and four walls with appropriate openings for ingress and egress.

B. This smoking policy is established and enforceable in accordance with section B13-79 et. seq., of the Ordinance Code of Santa Clara County.

C. Members of the Sheriff's Office shall not smoke or use any form of tobacco, including smokeless, on duty while conducting interviews or under any circumstances where smoking may be detrimental to good conduct, appearance, or procedure. Members assigned to desk duty shall not use tobacco while conversing or transacting business in person with the public.

D. Smoking is prohibited within any enclosed structure owned or leased by Santa Clara County, wherever located, and in all enclosed public places within Santa Clara County, except:

1. Private residences, except when used as a child care facility, health care facility, or community care facility.
2. Hotel rooms rented to guests, except meeting and banquet facilities.
3. Retail stores that deal exclusively (other than insignificant sales) in the sale of tobacco and smoking paraphernalia.
4. An enclosed place of employment that is not accessible to the public, which employs only the owner and no other employee (unless it shares a ventilation system with another enclosed place or public place).
5. Any portion of a place of employment that is not enclosed.

These exceptions do not apply if the owner or person in control of the property establishes more stringent prohibitions against smoking.

E. Specific rules for Sheriff's Office personnel.

1. A private residence is not a "public place". A deputy may not smoke inside a private residence without first obtaining permission from all persons present who may be offended by smoke.
2. In any dispute arising under the smoking policy, the rights of the "non-smoker" shall be given precedence over those of the smoker.
3. In a fresh air or open-air environment, the employee who smokes should accommodate non smokers by creating a space of some distance to avoid a conflict.
4. Smoking is not permitted in County vehicles.



**LAURIE SMITH
SHERIFF**



**OUTSIDE EMPLOYMENT AND COLLEGE ATTENDANCE
GENERAL ORDER #15.02**

Adopted: 07/07/2010
Replaces: G.O. 15.02 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

All employees must receive prior approval from the Sheriff's Office for any outside employment or college attendance. Employment or college attendance that interferes with or in conflict with employment by the Sheriff's Office shall not be authorized. Some forms of outside employment are prohibited.

PROCEDURE

A. OUTSIDE EMPLOYMENT

1. For purposes of this Order, "outside employment" means employment not under the supervision of the Sheriff's Office. It does not include employment offered through the Sheriff's Office on a pay basis.
2. An employee's outside employment will be periodically reviewed by his or her immediate supervisor to determine if it impairs his or her ability to perform assigned duties.
3. Outside employment shall not require a change of, or substitution in, the regularly scheduled shift of the employee.
4. A written request for outside employment not under the supervision of the Sheriff's Office must be submitted through the division captain in advance of employment for approval by the Sheriff. The request shall include the following:
 - a. Location of employment
 - b. Type of employment

- c. Days and hours of employment
 - d. Name and address of employer.
5. Employees shall notify their division captain and immediate supervisor annually in January of each year of continued outside employment and the hours they are currently working. In addition, employees shall notify their immediate supervisor any time they have been approved by the Sheriff for outside employment.
- a. The hours worked shall not be in excess of twenty hours per week.
 - b. Permission to maintain outside employment may be terminated at any time and at the sole discretion of the Sheriff's Office.

B. CONFLICTS IN OUTSIDE EMPLOYMENT

1. Deputies shall not engage in outside employment that is in conflict with the position of peace officer. Outside employment is in conflict if it brings discredit or disrepute upon the Sheriff's Office and/or:
- a. It involves the use for private gain or advantage of the deputy's local agency time, facilities, equipment and supplies, or the badge, uniform, prestige, or influence of the Sheriff's Office-for employment.
 - b. It involves receipt or acceptance by the deputy or employee of any money or other consideration from anyone other than the Sheriff's Office for the performance of an act which the deputy or employee, would be required or expected to render in the regular course or hours of Sheriff's Office employment or as a part of his or her duties as a deputy or employee.
 - c. It involves the performance of an act in other than in his or her capacity as a deputy or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other deputy or employee or the Sheriff's Office.
 - d. It involves such time demands as would interfere with the performance of his or her duties as a deputy or employee.

C. OTHER PROHIBITED OUTSIDE EMPLOYMENT


- 1. Deputies of the Sheriff's Office shall not hold any other position granting peace officer authority pursuant to Penal Code sections 830.2 through 830.12.
- 2. Under Government Code sections 24004 and 24004.5, deputies shall not:

- a. Represent any person or practice law in a criminal matter or in any instance, where there may be a conflict of interest, or in any matter adverse to the Sheriff's Office.
 - b. Have as a partner a lawyer whose practice may cause a conflict of interest.
 - c. Act as a collector or be employed by any collection agency in Santa Clara County.
 - d. Have as a partner a lawyer or collector or anyone who acts as a lawyer or collector for a collection agency.
3. Deputies of the Sheriff's Office shall not engage in any type of employment or business as a private detective or private security employee, agent, manager, operator, owner of stock, or serve in the capacity of an officer in a corporation, or enter into a partnership, either general or limited, or be named on any license for any such business. Further, members shall not have any financial interest in any private detective agency, either directly or indirectly, by way of community property or trust. Any such involvement by members of the Sheriff's Office will automatically be construed to be a conflict of interest.
4. Sworn employees shall not engage in employment or business, including the services of the office of notary public, which would result in a conflict of interest with the employee's regular duties or responsibilities with the Sheriff's Office.
5. Have as an employer, partner, or principal anyone who has been convicted of a felony.
6. In addition to what is stated above, the following occupations are determined to be in conflict with the position of peace officer and are specifically prohibited for outside employment by deputies of the Sheriff's Office:
 - a. Bartender.
 - b. Bouncer.
 - c. Sales clerk in a liquor store or gun dealership.
 - d. Process server.
 - e. Repossessor.
 - f. Debt collector.

- g.** Card dealer, handicapper, change maker, caller, gaming machine repair person, keno runner, pit boss, table waitress, or employment in any gaming establishment where the employment is directly related to the primary purpose of the employer.
- h.** Bodyguard.
- i.** Funeral escort where traffic control or the wearing of a uniform which resembles that of a peace officer is required.
- j.** Any position in a massage parlor or any establishment that employs masseuses not affiliated with a licensed physical therapist or fitness facility.
- k.** Any position in an establishment whose primary purpose is the sale or promotion of pornography.

D. COLLEGE ATTENDANCE.

- 1.** Employees shall not carry more than nine college-level units per semester/quarter, without approval.
- 2.** Employees attending college courses shall submit notification to their division captain containing a schedule of his or her classes, showing:
 - a.** Subjects
 - b.** Hours
 - c.** Units per subject
 - d.** Location where classes are held.
- 3.** Employees wishing to carry more than nine units a semester/quarter shall make a written request (Employee's Report form, original and one copy) to their division captain, stating the number of units and the subjects to be carried. Employees on initial probationary status may not carry more than nine units per semester/quarter.



**LAURIE SMITH
SHERIFF**



**OFFICER IN CRISIS TEAM
GENERAL ORDER #15.03**

Adopted: 07/07/2010
Replaces: G.O. #15.03 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Officer In Crisis Team is available to provide immediate and confidential assistance to employees experiencing severe stress.

PROCEDURE

- A. The Officer In Crisis Team is a team of specially-trained employees of the Sheriff's Office that is available to respond to the scene of a critical incident or other situation involving employees who may be experiencing severe stress. The team's purposes are to evaluate the needs of the affected employees, to provide personal support and assistance when requested, and to facilitate critical incident debriefings. The Officer In Crisis Team is selected by, and reports to, the Undersheriff.
- B. Critical incidents include, but are not limited to:
 - 1. An incident where a serious injury or fatality has occurred,
 - 2. An officer involved shooting,
 - 3. An employee seriously injured while performing his or her duties,
 - 4. An employee exposed to serious disease or hazardous material,
 - 5. A stressful incident, such as a natural disaster or a workplace or school grounds shooting,
 - 6. A severe on-duty reaction to prescription or over-the-counter drugs.

- C.** Any on-duty employee who believes that he or she or another employee is in need of the services of the Officer In Crisis Team may request the services of the team by contacting the employee's division captain via the chain of command. The division captain will immediately notify the Officer In Crisis Team commander, using the contact telephone number maintained at the Operations Desk, Headquarters Patrol. The Officer In Crisis Team commander will notify two team members to respond to the location of the affected employee.
- D.** Any on-duty employee who believes that he or she or another employee is in need of the services of the Officer In Crisis Team may contact any Officer In Crisis Team member directly for assistance.
- E.** When the Officer In Crisis Team is called out to a location of a critical incident, the Officer In Crisis Team commander may contact Affiliated Psychologists and advise them that Sheriff's Office has been involved in a critical incident and may request that they respond to the location for briefing and deployment as needed.
- F.** Members of the Officer In Crisis Team shall maintain confidentiality of any conversations held with employees; however, members of the team, directed by the OIC Commander, shall prepare a confidential report and this report will be forwarded to the Undersheriff. This report shall be considered confidential and the information contained in the report may only be disseminated on a need to know basis at the direction of the Undersheriff.
- G.** Members of the Officers In Crisis Team do not conduct "incident debriefings" relating to the facts of the incidents themselves and do not conduct interviews of involved deputies to determine the facts of the incidents. Members of the Team may, however, become aware of issues involving misconduct or fitness for duty that will be addressed in the confidential report to the Undersheriff.
- H.** Training of the Officer In Crisis Team shall take place no less than once per year as directed by the Undersheriff.



LAURIE SMITH
SHERIFF



**POLITICAL ACTIVITY
GENERAL ORDER #15.04**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #15.04 dated 1/10/02

Reviewed: 02/22/2010

POLICY

Sheriff's Office personnel are expected to conduct themselves in a professional manner and not to act in a way that tends to discredit the County or County service. While the Sheriff's Office supports the rights of employees to support the candidates of their choice, employees must recognize the importance of conducting themselves according to the requirements of the policies and procedures of this agency, County rules, and state law.

PROCEDURE

All Sheriff's Office personnel shall abide by state law and County rules governing political activity by public employees.

- A. Government Code section 3205 makes it a misdemeanor for a public employee to directly or indirectly solicit a political contribution from another public employee (or from a person on a public agency employment list) with knowledge that the person from whom the contribution is solicited is a public employee. This section does not apply "if the solicitation is part of a solicitation made to a significant segment of the public" which may include public employees. This section also does not apply to solicitation of funds to promote or oppose ballot measures affecting working conditions (per Government Code section 3209).
- B. Government Code section 3206 prohibits public employees from participating "in political activities of any kind while in uniform", including being photographed in uniform for a political ad or flyer.

- C. The Santa Clara County Code of Ethical Conduct (Santa Clara County Board of Supervisors Policy Manual Section 3.32) provides, "Professional and personal affairs must be conducted in a manner that demonstrates that one could not be improperly influenced in the performance of official duties or that one seeks personal gain through their position, regardless of the level of responsibility of the individual employee."

A handwritten signature in cursive script, appearing to read "Laurie Smith".

LAURIE SMITH
SHERIFF



**EMPLOYEE-INVOLVED DOMESTIC VIOLENCE AND SEXUAL ASSAULT
GENERAL ORDER #15.05**

Adopted: 07/07/2010
Replaces: G.O. #15.05 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

There are occasions, due to family violence situations, when employees will need time off for the purpose of dealing with threats of emotional and physical abuse and also to seek safety and protection.

PROCEDURE

The following guidelines are offered to supervisors and managers to assist employees in managing family violence situations or employees who are victims of sexual assault. The length of time employees are required to be absent from work should be decided by the individual's situation. This time period shall be determined through collaboration with the involved employee, supervisor, manager and the Support Services Division. All situations of this shall be treated confidentially.

A. TYPE OF ABSENCES - CATEGORIES

Options available to employees are: family emergencies and personal time off with pay, or authorized leave of absence without pay.

1. A specific leave may be granted when the supervisor and division captain agree to bring the member back to the same position and the supervisor can make arrangements for temporary coverage of the employees position. Division Manager approval is required.
2. Employees should be able to establish a definite date to return.

3. If an employee cannot establish a definite date of return to work and requires more time off than they have accrued, a specific leave of absence without pay may be considered.
- B.** Employees, supervisors and managers are encouraged to explore paid leave options which will support employees coping with various family demands without having to take formal leave without pay. Examples of options to avoid the use of unpaid leave are:
1. Arrange flexible work hours so the employee can arrange court appearances, legal housing and child care services.
 2. Determine whether the job can be done full or part-time
 3. Keep in mind that Authorized Time and Family Emergency are paid time off options to be considered, especially if requests are for relatively short periods of time.
 4. Fiscal shall expedite any and all changes to payroll, benefits, etc.
- C.** If an employee is out of accumulated time off, a “leave without pay” option would be considered.



**LAURIE SMITH
SHERIFF**



**SHERIFF'S OFFICE LOCKER ROOM POLICY
GENERAL ORDER #15.06**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #15.06 dated 09/30/02

Reviewed: 02/22/2010

POLICY

The Sheriff's Office locker room, located on the second floor of the "Younger Avenue" building at 55 West Younger Avenue shall be treated for all purposes as a unisex locker room facility. The facility includes the locker room area, the dressing room/rest room area, and the exercise room area. The facility is designed for the use of all Sheriff's Office employees assigned to the facility, and accommodates the limited needs of those Sheriff's Office employees using the facility on a day-to-day basis. Employees using this facility shall store their clothing and equipment in their assigned locker, either permanent or temporary, and shall utilize the appropriate dressing room (male/female) associated with the shower and restroom facilities to change their clothing. It will be the responsibility of each employee to ensure that they use the locker room facility in a professional manner, and shall not subject fellow employees to offensive language or behavior.

PROCEDURE

- A. Employees shall utilize the dressing rooms to change clothing, and shall not dress, undress, or appear in an undressed state in either the exercise room area or the locker room area of the facility. The dressing rooms are located within the areas labeled "Men's Dressing Room" and "Woman's Dressing Room." Use of these rooms will be based upon gender, and no person authorized to use the facility will use the dressing room assigned to the opposite gender.

- B. The lockers contained within this facility are for the exclusive use of Sheriff's Office employees assigned to the "Younger Avenue" facility, and to accommodate the temporary day-by-day needs of Sheriff's Office employees using the "Younger Avenue" facility. The lockers shall be assigned by the building coordinator according to the needs of the Sheriff's Office and the needs of the employees. The lockers shall only be secured with a Sheriff's-Office-issued lock. Unauthorized personal locks securing lockers shall be removed when detected by the building coordinator. Any items stored within the

locker at the time the lock is removed shall be bagged and stored in a secure location by the building coordinator.

- C.** The lockers are provided for the storage of clothing, equipment and personal items while the employee is at work or away from work on their scheduled days off. Employees reassigned to another facility/workplace or leaving for an extended period of time shall remove the stored items/equipment and surrender their assigned locker. Lockers shall be closed and secured with a Sheriff's-Office-issued lock at all times when the employee is not present. No food or beverages may be stored in the lockers or anywhere within the locker room facility at any time.
- D.** Employees utilizing the locker room facility shall store all of their clothing, equipment and personal property within their assigned locker. No clothing or equipment shall be stored anywhere else within the locker room facility. Any equipment, clothing or personal item found abandoned within the locker room facility shall be bagged and stored in a secure location by the building coordinator.
- E.** Employees shall not post any unauthorized photographs, drawings, bulletins, signs or artwork of any kind on either the inside or outside portion of any locker within the facility.
- F.** This policy is applicable to the West Valley Station and the South County Substation, to the extent the procedures listed herein can be commonly implemented.



LAURIE SMITH
SHERIFF



**OVERTIME
GENERAL ORDER # 15.08**

Adopted: 07/07/2010

Updated: 02/02/2010

Replaces: G. O. #15.08 dated 4/15/08

Reviewed: 02/22/2010

POLICY

It is the policy of the Sheriff's Office to utilize voluntary and mandatory overtime as needed to maintain a minimum level of staffing as established by each division/unit and to respond to departmental emergencies.

PURPOSE

To establish an equitable and uniform guideline for the selection and assignment of overtime within each division/unit and to ensure staffing levels are adequate to meet safety, security, and other service requirements.

DEFINITIONS

FLSA: Fair Labor Standards Act

Overtime: Overtime work is time worked beyond 80 hours in any 14 consecutive day work-period, or beyond 8, 10, or 12 hours in any workday, depending on the number of hours in the duty-shift to which the employee is assigned. For badge employees working the 12 plan, all hours worked from 80 to 85.75 hours per pay period will be considered as paid at the base time rate and any excess time will be at the overtime rate. Overtime work does include pay-jobs.

PROCEDURE

I. Overtime Work

- A. Each bargaining unit defines overtime work, guidelines for voluntary overtime sign-ups and overtime exemptions specific to its member classifications.

1. Overtime work assignments will be distributed among employees in the same classification and work unit as equally as practicable.
 2. Voluntary overtime sign-ups for employees will be conducted based on the requirements specific to each division or unit.
- B. Employees assigned to work eight hour and/or ten hour shifts may not work more than 40 hours of overtime in a pay period. Employees assigned to work twelve hour shifts may not work more than 60 hours of overtime in a pay period. This rule is not applicable in a departmental emergency or as authorized by the division commander or his/her designee.
- C. For all employees, time for which pay is received, but not worked, such as vacations, sick leave, admin leave, etc., will be counted towards the base period.
1. Employees off on a scheduled vacation day, sick day, or other paid time off, may not work overtime during any portion of the 24 hours of that paid time off.
 2. Employees who are called back or ordered back to work on a scheduled vacation day or other paid time off day, will have the appropriate hours charged to their vacation bank and paid at the time and a half rate for hours worked.
 3. Employees may work overtime on their regular days off during their vacation weeks, provided the overtime worked is not more than one half of the vacation time taken.
- D. Employees serving a suspension are prohibited from working overtime during the pay period(s) in which the suspension is served.
- E. Employees placed on administrative leave are prohibited from working overtime during the pay period(s) in which they are on administrative leave.
- F. Unacceptable excuses or repeated failure to fulfill an exchange-of-day obligation may result in the employee being restricted from working future overtime or on an exchange-of-day basis.
- G. Excessive sick leave usage as defined in the General Orders may result in the employee being restricted from working overtime.

II. Paid Travel Time

- A. Travel time from home to work is not considered time worked, unless an employee is called back on a day the employee is not scheduled for duty (non-scheduled overtime) or if an employee is called back for a Department-wide emergency declared by the appointing authority.
- B. For call-back purposes, travel time will be considered time worked up to a maximum of one hour.
- C. Travel time from one work location to another work location is considered as time worked.

III. Overtime Sign-Ups

- A. Each division is responsible for conducting their own overtime sign-ups and maintaining a log of such overtime and projected overtime needs.
- B. Voluntary overtime will be exhausted before mandatory overtime is implemented.
- C. Officers are not allowed to sign up other officers for overtime positions. Every officer must sign up for his/her own overtime position.

IV. Sergeant Overtime Sign-Ups

- A. Sergeants will only be allowed to work overtime in their own rank; they may not work in subordinate positions for overtime purposes.
- B. Sheriff's Sergeants can backfill vacant Department of Correction Sergeants positions and visa versa in order to meet the minimum staffing within the DOC environment; however, at least one Sheriff's Office Sergeant must be on duty at all times at both the Main Jail Complex and the Elmwood Complex.

V. Limited Duty and 4850 Personnel

- A. Employees with permanent work restrictions will only be allowed to work overtime assignments that meet their work restrictions as imposed by their doctor. If no limited duty overtime assignments are available, no overtime will be offered to those employees.
- B. Employees with temporary work restrictions will not be allowed to work overtime until medically cleared for full duty or their work restrictions become permanent.
- C. Any employee who calls in sick with a work-related injury, requesting Labor Code 4850 time, will not be permitted to work overtime between that sick day and the beginning of the next pay period. They must also produce a doctor's clearance before working any overtime.

VI. Deputies in Training Status

- A. Deputies in a training status may not work overtime until their completion of training.
- B. In emergency situations or in exigent circumstances, the Division Commander, or designee, may authorize trainees to work overtime.
 - 1. Deputies in training will only be allowed to work overtime in their assigned division absent exigent circumstances.
 - 2. Deputies in training will only be allowed to work in the areas in which they have completed training absent exigent circumstances.
 - 3. Deputies in training may be utilized in any position as ordered by the Division Commander under a departmental emergency.

VII. Failing to Report for Overtime

- A. Employees who fail to report for confirmed overtime may be subject to disciplinary action.
 - 1. If an employee feels she/he cannot work a volunteer overtime shift, she/he must speak directly to the on-duty sergeant and inform them of the reason for the inability to work the scheduled overtime.
 - 2. The on-duty sergeant will consider the request and if justified, the employee will be excused.
 - 3. If an employee refuses or fails to report for a confirmed position and has not been excused, the shift sergeant will submit an "Employee's Report" to the division commander documenting the incident.
 - 4. Employees may not remove their own name from the overtime signup list.

VIII. Mandatory Overtime Assignments

- A. Mandatory overtime may be initiated to supplement voluntary overtime lists at the **divisional level** or to supplement departmental needs during a **Departmental emergency**.
- B. Mandatory overtime will be assigned based on inverse seniority. Other factors that will be taken into consideration include:

1. Scheduled vacation days/weeks.
2. Training status.
3. Limited duty restrictions.

C. **Divisional level** mandatory overtime may be initiated when a division's voluntary overtime sign-up lists have been exhausted and the division's staffing projections do not meet the minimum staffing requirements.

1. Absent exigent circumstances, the following personnel will be exempt from **divisional level** mandatory overtime:
 - a. Personnel on pre-scheduled leave.
 - b. Personnel on pre-scheduled Department approved training.
 - c. Personnel on approved medical leave.
2. Personnel who have worked voluntary overtime assignments within the pay period **will not** be considered exempt to mandatory overtime unless the employee would be in violation of the policy's overtime restrictions if they work the mandatory overtime shift.
3. In the event the shift is able to be filled with a volunteer overtime employee, the shift sergeant is responsible for contacting the mandatory overtime employee and canceling the mandatory assignment.
4. Exchange of mandatory assignment shifts will require an Employee's Report and approval by the Division Commander at least 24 hours prior to the assigned shift.
 - a. The employee agreeing to work the shift will be held accountable for the assigned shift.
 - b. The employee originally assigned to work a mandatory overtime shift will not receive credit for the assigned shift and will resume eligibility for subsequent overtime assignments.
5. Any illness preventing an employee from working mandatory overtime must be documented in a memorandum with a doctor's excuse attached, and forwarded to the division commander through the chain of command. The employee will immediately become eligible for subsequent mandatory overtime shifts.
6. It shall be within the discretion of the Bureau Assistant Sheriff to implement **Divisional level** mandatory overtime in order to alleviate an inordinate impact on one division.

D. **Departmental emergency** mandatory overtime may be initiated by the Sheriff or his/her designee as needed for department-wide emergencies. In these circumstances, mandatory overtime may include the suspension of overtime restrictions.

1. **Departmental emergency** mandatory overtime shall be conducted based on inverse departmental seniority. All department staff including personnel working special assignments shall be included absent exigent circumstances requiring immediate action.

2. Each Division Captain may institute emergency guidelines for mandatory overtime within his/her division.

3. An unforeseeable **Departmental emergency** may result in mandatory overtime based on needs of the department without regard to seniority.

IX. Overtime Restrictions

A. An employee may work a maximum of eighteen hours at the beginning and/or end of his/her regularly scheduled work-week. All other shifts shall be a maximum of sixteen hours.

B. The eighteen-hour work rule applies to all hours worked, including those in other divisions and/or assignments.

C. Employees must have at least eight hours off between shifts, with the exception of holdovers.

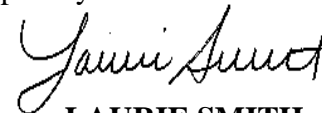
D. No employees assigned to a twelve, ten or eight hour shift may work more than six days per week and must have a consecutive twenty-four hours off in any seven day period.

E. Absent exigent circumstances, all employees must comply with the work rule directing mandatory periods of rest between shifts.

X. Policy Violation

A. Violations of this policy may constitute grounds for disciplinary action and/or removal from overtime privileges for a period up to thirty days.

B. Repeated violations may result in further disciplinary action and/or removal from overtime privileges for more than thirty days.



LAURIE SMITH
SHERIFF



**SOCIAL NETWORKING, PERSONAL COMMUNICATION DEVICES
AND CAMERAS**

GENERAL ORDER #15.09

Adopted: 10/02/2012
Replaces: NEW

Updated: 10/02/2012
Reviewed: 10/02/2012

PURPOSE

To establish guidelines and standards for social networking/social media in all of its related forms and to establish guidelines for use of Personal Communication Devices (PCD) by sworn and non-sworn members of the Santa Clara County Sheriff's Office. To maintain the public's highest level of trust, reasonable restrictions must be placed on our professional and private conduct in regards to technology and members must hold to these standards of conduct whether on or off duty. Because the County recognizes that social networking plays a burgeoning and often vital role in offices' lives, this policy also is intended as a guide for employees when engaging in social media as it relates to their employment or representation of employment as a member of the Santa Clara Sheriff's Office.

POLICY

Members of the Santa Clara County Sheriff's Office shall be subject to standards of conduct as outlined in this policy when they interact on and/or use social networking/social media technology, PCDs, and cameras depicting or referencing your official capacity. The policy is intended to provide a reasonable standard of conduct to ensure the professionalism of its members and the integrity of the Sheriff's Office.

DEFINITION

SOCIAL NETWORKING: A social network service focuses on building online communities of people who share interests and/or activities, or who are interested in exploring the interests and activities of others. Most social network services are web based and provide a variety of ways for users to interact, such as e-mail and instant messaging services. Popular current examples of social networking sites include Facebook, MySpace, and Twitter. The absence of or lack of explicit reference to, a specific site does not limit the extent of the application of this policy.

PERSONAL COMMUNICATION DEVICE: PCDs include, but are not limited to all cellular phones, Smartphones, IPads, Android Tablets, Personal Digital Assistants (PDA), cameras, and other wireless two-way communication and/or portable internet access devices.

POLICY GUIDELINES

A. SOCIAL MEDIA USAGE WHILE ON DUTY

1. Sheriff's Office members are prohibited from posting, updating or sharing and/or using social networking sites while on duty unless it is for County-approved business purposes. No Sheriff's Office member while on duty shall post any information regarding their work activities or professional affiliation to any social networking site. This does not apply to any Sheriff's Office authorized or maintained sites for the purposes of official business. This paragraph does not seek to limit off-duty conduct.

B. SOCIAL MEDIA USAGE WHILE OFF-DUTY

1. Sheriff's Office members may identify themselves as employees of the Sheriff's Office. However, once you identify yourself as a member of the Sheriff's Office, you take on added responsibility for maintaining an acceptable level of conduct while you are employed with the Department. Members shall carefully consider whether or not to identify themselves as a member of the Santa Clara County Sheriff's Office, employee of the County of Santa Clara or as a peace officer while using social networking sites. Appearing in uniform or identifying yourself as associated with the Sheriff's Office could trigger a review of the posting to determine if it violates our standard of conduct. When using any of the numerous social media sites, Sheriff's Office members should also bear in mind that any information posted may be made visible to the public at large, including potential citizen contacts, suspects, witnesses or victims of crimes.
2. No Sheriff's Office member shall knowingly post, or cause to be posted, or disseminate photographs, video images, audio files, or text documents that constitutes confidential or law enforcement sensitive information. Examples of such confidential or law enforcement sensitive information includes but is not limited to information not appropriate for public dissemination such as:
 - a. Photographs taken in the course of your employment with the Sheriff's Office including traffic collisions, crime scenes, contraband, persons in custody, witnesses, victims, vehicles, equipment or the interior of any Santa Clara County Sheriff's Office Facility.
 - b. Crime or Incident Reports including any form of official correspondence, official memorandum and/or policies to or from the Department or County,
 - c. Audio files, video files, training videos or transcription of any official, non-public statement or interview.
3. No Sheriff's Office member shall knowingly post, or cause to be posted, or disseminate photographs, video images, audio files, or text documents depicting the Sheriff's Office or County property, equipment, uniforms, or emblems, in any manner that places the Sheriff's Office in a negative or unfavorable light.
4. Nothing in this Order shall preclude the use of Social Networking sites to engage in union activity while off duty.

5. Nothing in this order shall preclude the use of Social Networking sites as an investigative tool. Accessing sites sponsored by the Sheriff's Office or the County of Santa Clara is permissible, providing it does not interfere with your official duties and responsibilities.

C. AGENCY ISSUED PCD

Depending on an assignment and needs of the position, the Sheriff's Office may, at its discretion, issue a PCD. Such devices shall remain the sole property of the Sheriff's Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice.

D. INDIVIDUALLY OWNED PCD(s)

Members of the Sheriff's Office may carry their own PCD while on duty subject to the following conditions:

1. The device shall be purchased, used and maintained at the Sheriff's Office member's expense.
2. The Sheriff's Office shall not be held liable for damage, theft or loss of a personally owned PCD.

E. USE OF PERSONAL COMMUNICATION DEVICES

Sheriff's Office members may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible, PCDs however, should not be used to replace regular radio communications.

PCDs, whether provided by the Sheriff's Office or personally owned, should only be used by on-duty members of the Sheriff's Office for legitimate agency business, and as described below:

1. PCDs shall not be carried in a manner that allows it to be generally visible while in uniform, except if being carried in a pouch on the deputy's duty belt.
2. Sheriff's Office members shall refrain from using PCDs while interacting with the public in the course of duty.

Sheriff's Office members shall limit the use of agency PCD's for personal use to appropriate and minimal necessary communications, which does not impact work performance. Sheriff's Office members will be responsible for reimbursing the agency for any charges incurred as a result of personal use of a Sheriff's Office PCD.

Personally owned PCDs may be used for personal reasons, however, usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.

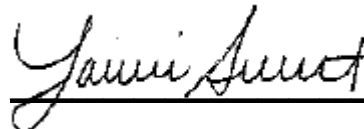
1. The on duty taking and/or retention of photographs for personal reasons are prohibited. All photographs and video taken with a personal camera or PCD while on duty shall be subject to review by a supervisor. Business photographs and video shall be transferred and/or stored to an agency owned device and deleted from the employee's personally owned device per policy.

2. No Sheriff's Office member shall show, send or wirelessly transmit video or photographs taken in the course of one's duty to anyone except as directed by a supervisor.
3. The intent of this policy is not to restrict or require authorization to take photographs or video during ceremonies such as service awards, promotions, retirements or community events such as BBQs, fairs and outreach programs.

F. USE WHILE DRIVING

The use of a PCD while driving can cause unnecessary distractions and presents a negative image to the public.

Except in the case of an emergency, Sheriff's Office members who are operating agency/County vehicles shall not use cellular phones or other personal communication devices while driving unless the PCD is specifically designed and configured to allow hands free listening and talking (Vehicle Code 23123 (a)). Such use should be restricted to emergency related calls, If an employee uses a hands free device, the device may not be worn in the ear if one ear is already obstructed (e.g. earpiece for portable radio). Text messaging on a PCD while driving an agency/County vehicle is prohibited at all times.

A handwritten signature in cursive script, reading "Laurie Smith", written over a solid horizontal line.

LAURIE SMITH
SHERIFF



**USE OF NALOXONE (NARCAN)
GENERAL ORDER #15.10**

Adopted: 04/06/2018
Replaces: NEW
Number of Pages: 5

Updated: 04/06/2018
Reviewed: 04/06/2018
Distribution: Unrestricted

PROCEDURE

I. PURPOSE

To establish guidelines and regulations governing the utilization of Naloxone by the Santa Clara County Sheriff's Office with the objective to reduce the number of fatal opiate overdoses and increase officer safety.

II. POLICY

It is the policy of the Santa Clara County Sheriff's Office that deputies are required to be trained in the use and appropriate application of Naloxone. The Santa Clara County EMS Agency in addition to recent legislation has authorized law enforcement personnel who have received training in the application of Naloxone, to possess and administer Naloxone without being liable in a civil action or subject to criminal prosecution for administering Naloxone in good faith in the performance of their duties.

III. DEFINITIONS

- A. **Naloxone Hydrochloride (Narcan):** Naloxone, also commonly known as Narcan, is a prescription medication used for the treatment of a possible opioid or suspected opioid overdose.

- B. **Intranasal:** Naloxone is a narcotic antagonist which works by affecting opiate receptor sites within the brain. Naloxone is administered into the subject's nose via intranasal administration (spray). The nasal cavity is covered by a thin mucosa, which is extremely vascular and provides a direct route into the blood stream of the subject. This method of administration is noninvasive and quickly effective.
- C. **Opioid Overdose:** An opioid overdose is an acute, life threatening, medical condition caused by excessive intake of opiates, such as heroin, morphine, tramadol and oxycodone. This serious medical condition causes the victim to suffer from an altered level of consciousness, pinpoint pupils, respiratory arrest, and can lead to death.

IV. **PROCEDURE**

A. ISSUING NALOXONE KITS:

1. Only authorized personnel who have completed prescribed training in the use and application of Naloxone will be assigned to carry and utilize Naloxone.
2. Assistant Division Commanders shall designate a Naloxone Coordinator within their facility or division. When trained personnel are assigned to carry Naloxone, or specific locations are designated as deployment locations, an Equipment Inventory Log shall be completed and maintained by the Naloxone Coordinator. This log shall include the assigned Naloxone kit number, date, and time the equipment is issued and the location where that particular kit number will be stored.
3. Naloxone must be stored in a climate controlled area within manufacturer temperature specifications and in a location where access to the medication can be controlled pending issuance to a specific division, facility or person.
4. Designated personnel shall conduct a pre-service inspection of the Naloxone kit and confirm its condition. Inspections of the secured safety case will be to ensure it is clean and not damaged or expired prior to placing the kit into service.
5. The Naloxone kit will be stored in a secured location that can be easily accessed and utilized when needed. Examples of storage locations may include but not be limited to the following examples:
 - a. Headquarters Operations Desk
 - b. Designated Division Storage Area
 - c. Supplement existing Patrol Medical Kits (upon daily check out)
 - d. Jail Floor Station
 - e. Jail Booking Area
 - f. Secured SCBA/911 Knife Jail Locations (Jail Facilities)

6. Patrol deputies/sergeants shall check out a Naloxone kit at the beginning of each shift and return it to the designated storage area in their assigned facility at the conclusion of each shift. This will be similar to checking out a PAS, Mobile ID Unit or vehicle keys.

B. USING NALOXONE:

1. Personnel who are trained in the use of Naloxone, are authorized to administer it without prior approval in cases where an opiate overdose is suspected.
2. When using Naloxone, trained personnel will maintain universal precautions against blood borne pathogens.
3. If the use of a Naloxone Kit is available, prior to administration of Naloxone, personnel must assess the victim for lack of breathing, pulse, and unresponsiveness. If the victim is not breathing and/or has no pulse, personnel should immediately begin CPR. Administering personnel should conduct a brief visual survey for any obvious signs, symptoms or evidence of drug use or exposure. Signs and symptoms may include, but are not limited to, the victim being unable to awaken with loud noise or rubbing firmly on the middle of the chest, slow or shallow breathing, lack of breathing and/or pinpoint pupils.
4. If administering personnel reasonably determines the victim is suffering from opiate based overdose an immediate request for Emergency Medical Services (EMS) will be made prior to the administration of Naloxone.
5. Naloxone shall be administered by trained personnel utilizing intra-nasal method only as approved by the Santa Clara County EMS and in accordance with training guidelines within this order.
6. If after 3 minutes no patient response to the Naloxone is observed, a **second** dose may be administered if EMS personnel have not arrived on scene.
7. On-scene medical personnel shall be informed when Naloxone has been administered so necessary further medical assessments can be made.
8. The expended Naloxone Kit contents shall be provided to the EMS personnel who assume medical care of the patient.

V. TRAINING

- A. Senate Bill 1438 authorizes Law Enforcement Personnel to administer Naloxone to a person at risk of an opioid-related overdose without being subject to civil or criminal liability.
- B. Training is required prior to the authorization of personnel to administer Naloxone. The training will consist of patient assessment (signs and symptoms of overdose), distinguishing between the different types of overdose, rescue breathing, the use of intra-nasal Naloxone as described in this order and follow-up care.
- C. The training delivery will be initially presented through briefing presentations of the Naloxone Training Video authorized by the EMS Agency and Sheriff's Office Training and Compliance Division. Additional ongoing refresher training will occur within the First Aid/CPR mandated training class every two years.
- D. The Naloxone Coordinator within each division or facility can facilitate any necessary training of personnel as needed and authorized by the Assistant Division Commander.

VI. MAINTENANCE AND REPLACEMENT

- A. Inspection of the Naloxone Kit shall be the responsibility of the deputy who deploys the kit and the Division Naloxone Coordinator during inventory checks. During Patrol deployment, the Naloxone Kit shall be returned to the indoor storage location of the assigned division at the completion of the shift. This is imperative since extreme temperature changes may affect the effectiveness and integrity of the medication. Non-patrol duty stations with Naloxone kits shall store them in such a way as to avoid the kit's exposure to extreme temperature.
- B. The Naloxone Coordinator in each division or facility will facilitate an inspection of the Naloxone kits on a monthly basis and maintain issuing and replacement logs for auditing and compliance purposes.
- C. Missing or damaged Naloxone kits will be reported as missing or damaged equipment to the on-duty immediate supervisor. The supervisor will notify the Naloxone Coordinator who will re-issue supplies.
- D. Naloxone can only be obtained by the Training and Compliance Division on an as needed basis. All replenishment supply orders requested by Division Naloxone Coordinators shall be directed to the Training and Compliance Division for processing.

VII. DOCUMENTATION AND REPORTING

- A. Upon administering Naloxone and advising appropriate medical staff, the administering deputy shall complete a Blue Team entry or (incident report if applicable) in addition to a Naloxone Use Report describing the details, circumstances and results of the incident. The report should include any information for victims, witnesses or suspects and include a detailed narrative describing symptoms observed and any evidence of drug use observed at the scene. This report is imperative for EMS Agency to conduct an audit of Naloxone administration within Santa Clara County. The Naloxone Use Report shall be provided to the Division Naloxone Coordinator who will send the Use Reports to the Training and Compliance Division who will forward it to the EMS Agency for tracking purposes. The retention of the Naloxone Use Reports will be subject to the EMS Agency and their statistical data collection policies.



LAURIE SMITH
SHERIFF



**CRIMINAL HISTORY INFORMATION
GENERAL ORDER #16.00**

Adopted: 07/07/2010
Replaces: G.O. #16.00 dated 04/15/08

Updated: 02/05/2020
Reviewed: 02/05/2020

POLICY

Employees of the Sheriff's Office shall obtain and use criminal history only for official business of the Sheriff's Office. Any employee who violates this policy will be subject to disciplinary action and may be subject to criminal prosecution.

PROCEDURE

A. USE OF CLETS

1. The California Department of Justice is responsible for the California Law Enforcement Telecommunications System (CLETS). This computerized system provides criminal history information and communications with state, federal and international law enforcement agencies.
2. Information accessed through CLETS is strictly confidential and is to be used for law enforcement purposes only.
3. The use of the CLETS system is governed by the provisions of the CLETS User's Agreement. The Department Agency Terminal Coordinator (ATC) is to ensure that all CLETS access equipment is installed and maintained as required by the CLETS agreement.
4. The use of the CLETS system also is governed by applicable provisions of criminal law, including Penal Code sections 182, 502, 11140-11143, and 13300 - 13304, and Vehicle Code section 1808.45. The use of CLETS for other than

authorized law enforcement purposes can be prosecuted criminally if the conduct violates the provisions of the criminal law.

5. All employees of the Sheriff's Office shall use the CLETS system in compliance with applicable law and agreements. Employees of the Sheriff's Office shall obtain and use information from the CLETS system for official business of the Sheriff's Office.

B. CORI – CRIMINAL OFFENDER RECORD INFORMATION

1. Criminal Offender Record Information (CORI), also known as Criminal History Record Information (CHRI), is not public information, and is subject to the provisions of sections 11075-11081 and 13300 - 13304 of the California Penal Code. This information includes arrest summaries, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.
2. Criminal Offender Record Information is maintained at the Sheriff's Office in various forms. It includes information maintained in the CLETS system as well as information contained in Santa Clara County's Criminal Justice Information Control (CJIC) system and hard copy files.

C. CRIMINAL JUSTICE INFORMATION

1. Criminal Justice Information (CJI) is any information collected, stored, maintained, or obtained from a criminal justice database, such as information obtained from CLETS and CJIC. CJI is sensitive information and should be safeguarded to prevent unauthorized or improper access, use or dissemination and release.
2. Criminal Justice Information Services (CJIS) includes any system used to process, store, or transmit CJI.

D. SECURITY OF CRIMINAL JUSTICE INFORMATION

1. Access to criminal offender record information is restricted by law to those who have both the right to know and the need to know. Employees with access to criminal offender record information shall comply with all applicable law and agreements regarding confidentiality of the information obtained. Employees of the Sheriff's Office shall obtain and use criminal offender record information for official business of the Sheriff's Office. Employees of the Sheriff's Office shall document the use and disclosure of all criminal history information as provided in

the applicable law and agreements regarding confidentiality of the information obtained.

2. Only personnel specifically designated by the Sheriff are authorized to release or photocopy criminal offender record information. No other personnel shall release criminal offender record information except as specifically authorized in a direct or written order and then only to persons who are authorized to receive such information.
3. The District Attorney's Office will be provided with criminal offender record information at the time that criminal charges are requested based on a criminal investigation conducted by the Sheriff's Office.
4. Sheriff's Office employees authorized to release or photocopy criminal offender record information shall determine whether the person receiving the information has a right to know and a need to know, except when the release of information is pursuant to a court order or other legal process. The fact that the person making the request is a peace officer does not relieve the employee of his or her responsibility to maintain the confidentiality of the information.
5. No employee shall destroy criminal offender record information except in compliance with the procedures specified in the CLETS User's Agreement and the applicable provisions of law.
6. Sheriff's office employees authorized to access CLETS, CORI or Confidential databases are issued individual user identifications and confidential passwords. Staff will not give out or share their user identifications or confidential passwords, use another person's user identification or confidential passwords, or allow their user identifications or confidential passwords to be used by another person.
7. CLETS and CORI access terminals/computers will be located in a secure area, accessible only to authorized staff and never in the view of the public or inmates. Terminal/computer screens shall use a privacy screen protector when necessary and monitors will be cleared and computers locked when not in use to ensure that confidential information is not displayed unnecessarily.
8. The processing and storing of CJI shall remain in secure areas. Doors will remain locked to prevent unauthorized access. Visitors must be escorted by authorized personnel at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any Criminal Justice Information therein.

9. Staff will exercise caution to ensure that unauthorized persons do not have access to transmitted confidential documents. Voice-to-voice contact and authorized receiver verification should occur before, or at the time of, CORI transmissions. Voice transmission of CJI should be limited and details of a criminal history should only be given over a radio or cell phone when an officer determines there is an immediate need for the CJI to further an investigation or situations affecting the safety of an officer or the general public. Fax machines that receive CORI shall be in a secure area. Confidential information will only be faxed in extenuating circumstances. Before transmitting any confidential document, staff must verify the receiving agency is authorized to receive the information, verify the correct fax number, avoid misdialing and confirm the receiving fax is in a secured location.

E. DESTRUCTION OF CRIMINAL JUSTICE INFORMATION

1. CORI, Criminal History and Criminal Justice Information must only be used for its intended authorized purpose for which it was requested and then it must be destroyed.
2. When ready for destruction, hard copy files and electronic media must be placed in a locked security bin. The contents in the security bins will be shredded once a week by an onsite shredding company that is escorted throughout the building as well as during the shredding process.

F. REPORTING MISUSE OR SECURITY INCIDENTS

1. All Sheriff's Office employees are responsible for reporting suspected misuse of CLETS, CORI, Confidential information or a suspected security incident.
2. To report the suspected misuse of information:
 - A. Employees must submit an Administrative Report to their immediate supervisor describing the circumstances. If their immediate supervisor is unavailable, the employee will notify the next person in the chain of command or the on-duty Watch Commander.
 - B. It shall be the responsibility of the immediate supervisor to promptly notify their superior in the chain of command.
 - C. Notification will be made to the Investigations Division and Internal Affairs Unit.

- D. The Investigation Division and Internal Affairs Unit will investigate accordingly.
- 3. To report a suspected security incident or a breach of CJI:
 - A. Employees must provide the following information to the Information Security Officer (ISO) or their designated representative(s).
 - 1. Date of incident, location of incident, systems affected, method of detection, nature of incident, actions taken/resolution, date and contact info for agency.

G. MISUSE OF CRIMINAL JUSTICE INFORMATION

- 1. Any employee, volunteer, or intern of the Sheriff's Office who misuses Criminal Justice information may result in any one or combination of the following actions:
 - A. Disciplinary action
 - B. Dismissal from employment
 - C. Criminal prosecution
 - D. Civil liability



**LAURIE SMITH
SHERIFF**



RELEASE OF INFORMATION GENERAL ORDER #16.01

Adopted: 07/07/2010
Replaces: G.O. 16.01 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Sheriff's Office will comply with the provisions of the California Public Records Act and other provisions of state and federal law pertaining to the release of information.

PROCEDURE

A. CALIFORNIA PUBLIC RECORDS ACT

1. The California Public Records Act (CPRA 6250 – 6270 GC) provides members of the public with a right to inspect public records, except as provided by law. Records which are legally subject to inspection must be provided during normal office hours upon reasonable notice. Records which are legally subject to copying must be provided within 10 calendar days, unless the records are located off-site or are voluminous, in which case the time for response can be extended by written request setting out the reasons for the delay and the date the records will be ready.
2. Public records include any writing containing information relating to the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
3. Section 6254 of the Government Code provides that certain records are exempt from public disclosure under the California Public Records Act. These include the following:
 - a) Preliminary drafts, notes, or interagency or intra-agency memoranda. . . provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;

- b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6. . . of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;
- c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- d) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice and the Sheriff's Office, and any state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. However, state and local police agencies shall disclose the names and addresses of persons involved in or witnesses (witnesses name and address shall not be given to a suspect or defendant per PC 841.5) other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, statements of all witnesses, other than confidential informants, to the persons involved in an accident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage as the result of the incident caused by arson, burglary, fire, explosion, robbery, vandalism or a crime of violence as defined by subdivision (c) of Section 13960 of the Government Code unless the disclosure would endanger the safety of a witness or other person involved in the investigation, disclosure would endanger the successful completion of the investigation or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflect the analysis or conclusions of the investigating officer.

Customer lists provided to a state or local police agency by an alarm or Security Company at the request of the agency shall be construed to be records subject to this subdivision.

Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation.

- (1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of

birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

- (2) Subject to the restrictions imposed by section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined by section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.
- (3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, where the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in chapter 11.3 (commencing with Section 7512) of division 3 of the Business and Professions code. However, the address of the victim of any crime defined by section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph may not be used directly or

indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury, nothing in this paragraph shall be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.

- e) Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege;

B. CALIFORNIA PUBLIC RECORDS ACT REQUESTS

1. CPRA (California Public Records Act) requests come for many different types of information and from a variety of sources. This information could include, but not limited to, requests for crime reports (see section C), crime statistics, arrestee names and warrant information.
2. When necessary the Records Division will have the requestor complete a copy of the “Public Records Act Request” form. The requestor should be as specific as possible when filling in the requested information. They should indicate how they would like to receive the information; IE, FAX, phone, copy. Although name and phone number are not required, it would be helpful to have if there are any questions regarding requested information.
3. CPRA copies or viewing of arrest lists of the previous day should be completed by Records personnel under Records Procedure 5.05.
4. Records personnel unable to handle an individual’s request shall immediately refer the request to the shift supervisor or Records Manager. All requests for policies, procedures, statistics, or requests that will have to be researched will be incorporated on the request form and given to the shift supervisor for review of content and determination of distribution for response.
5. All requested information or responses will be made available within 10 days to the requesting party unless an agreement for extension of response has been made.
6. Any request for public information from a reporter (self identified), or other representative, of any newspaper, magazine, television, radio station, or other such organization will be referred to the Public Information Officer. The Public Information Officer will coordinate with other divisions in the Sheriffs Office to ensure that all appropriate information is made available to any such organization,

while safeguarding the ongoing investigative processes. In any situation such as a) homicide, b) other violent personal crime, c) involving Sheriff's Office personnel or other prominent persons, or d) other situation where considerable sensation or notoriety may result, the concurrence of the Investigative Services Division Captain must be obtained to prevent any disclosure that could affect the investigation or subsequent prosecution of the case.

C. RELEASE OF REPORTS

1. An incident report/photo request form or authorized agency report request form shall be completed by the Records Section when a member of the public or authorized agency requests a copy of a report.
2. Incident reports may be released to any person (or their representative) suffering bodily or property damage or loss as a result of the incident caused by arson, burglary, fire, explosion, larceny robbery, carjacking, vehicle theft or any crime or public offense that would constitute a misdemeanor or felony. The employee receiving the request shall obtain identification of the requestor and will check it. If the request is approved, the report will be mailed to the requestor upon payment of the required fee. The victim of a crime will not be charged a fee for the first copy of a report requested personally.
3. Report request for the following report types will be forwarded to the investigations division for a decision:
 - a. Reports with no suspects
 - b. Homicides/fatalities
 - c. Sex crimes
 - d. Domestic violence
 - e. Child abuse and molestation
 - f. 5150 WI reports
 - g. Report requests for open cases
4. Report requests may be denied when:

- a. The disclosure would endanger the safety of a witness or other person involved in the investigation, or
- b. The disclosure would endanger the successful completion of the investigation, or
- c. The disclosure would endanger the successful completion of a related investigation.

5. Additional reports exempt from disclosure:

- a. Arrest reports involving juveniles unless the petition for release was approved by the Juvenile Superior Court (re: WI 827 and TNG order issued by the local Juvenile Court). Release of information regarding juvenile offenders is governed by special rules of confidentiality. Some of Juvenile reports may be released to (for a complete list of authorized releases for juveniles refer to PC :
 - 1. The minor or his or her attorney
 - 2. The District Attorney's Office
 - 3. The law enforcement agency in the jurisdiction where the minor lives
 - 4. Other law enforcement agencies that require it for crime investigation or reporting purposes
 - 5. The Probation Department--Adult or Juvenile Division
 - 6. The Department of Family and Children's Services
 - 7. The parents or legal guardian of the minor unless there is reference to another minor in the report (In that case, the request must be approved by the Juvenile Court.)
 - 8. The school attended by the minor
 - 9. Victims of juvenile crimes may receive the names and addresses of minors without any reference to the minor's status.
 - 10. Hospitals, schools, camps, Job Corps, or placement agencies which require the information, and are legally permitted to obtain the information, for the placement, treatment, or rehabilitation of the minor.
 - 11. Court personnel
 - 12. Persons entitled to the information under Vehicle Code sections 20008- 20012 (Department of Motor Vehicles, California Highway Patrol, driver involved, persons injured in accident, witnesses to accident, parent of minor driver, authorized representative of injured person or driver).

➤ CHILD ABUSE REPORTS (PC 11167.5)

➤ ELDER ABUSE REPORTS (WI 15633)

6. Reports released to authorized agencies do not require approval of the Investigative Services Division, unless:
 - a. The disclosure would endanger the safety of a witness or other person involved in the investigation; or
 - b. The disclosure would endanger the successful completion of the investigation; or
 - c. The disclosure would endanger the successful completion of a related investigation.

E. EDITING COPIES OF REPORTS

1. To protect confidential information and exempt information. . The editing criteria would include but not be limited to:
 - A. The right to privacy contained in the California Constitution.
 - b. Section 6254 of the Government Code.
 - C. Other information that may be classified as “Official Information.” “Official Information” means information acquired in confidence by a public employee in the course of his duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made. (Evidence Code section 104). This is information where disclosure is against the public interest.
 - d. The name and personal information of the victim of the following crimes:
 - I. PENAL CODE SECTIONS 220, 261, 261.5, 262, 264, 264.1, 273A, 273D, 273.5, 286, 288, 288A, 289, 422.6, 422.7, 422.75, AND 646.9.
 - e. Personal information of the victim (name, address, phone number, etc.) is prohibited from release to the arrestee, suspect or any person who may be a defendant in the alleged offense (PC 841.5).
 - f. The DL, SSN, Phone number and address of all parties in the report.

- g. Confidential informants.
 - h. Personnel, medical, or similar information, the disclosure of which constitutes an unwarranted invasion of personal privacy.
 - i. Other agency reports that may be included as file attachments.
 - j. Nothing requires the agency to disclose that portion of those investigative files that reflect the analysis or conclusions of the Investigative Officer.
2. The report will be edited by removing or indelibly marking words or passages.

F. APPLICABILITY OF OTHER REGULATIONS.

It is the policy of the Sheriffs Office to comply with the requirements of the CPRA while protecting the confidentiality and integrity of records that are exempt from disclosure. Because of the technical legal issues involving requests for disclosure of records and implications for the Sheriffs Office if records are either not released or released when they are exempt, the Sheriffs Office will work closely with its legal counsel and Public Information Officer to review and respond to public records requests. –Some Sheriff’s Office material may contain Criminal Offender Record Information (CORI). Unauthorized disclosure of this information may subject the person releasing these records to criminal penalties as well as to disciplinary action.



**LAURIE SMITH
SHERIFF**



**RELEASE OF SEXUAL OFFENDER INFORMATION (“MEGAN’S LAW”)
GENERAL ORDER #16.02**

Adopted: 07/07/2010
Replaces: G.O. #16.02 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

California's Megan's Law was enacted in 1996, and allows local law enforcement agencies to notify the public about sex offender registrants found to be posing a risk to the public. In 2004 Megan’s Law was revised allowing the public to view information about sex offenders required to register with local law enforcement under California’s Megan’s Law via a public web site (<http://www.meganslaw.ca.gov>). The law is not intended to punish the offender and specifically prohibits using the information to harass or commit any crime against an offender.

PROCEDURE

A. DEFINITIONS

The California Department of Justice (DOJ) has categorized each registered sex offender as either “FULL ADDRESS”, “ZIP CODE ONLY”, “NO POST” or “EXCLUDED”. Local law enforcement agencies, under statutes defining the type and extent of notice allowed, may also notify their communities about the presence of designated registered sex offenders in their area. This is usually done only when an offender is suspected of posing a risk to the public. Penal Code section 290.45.

B. CATEGORIES OF REGISTERED SEX OFFENDERS

1. Effective September 24, 2004, Penal Code section 290.46 required the California Department of Justice to create a Web site on or before July 1, 2005. There are four categories of registered sex offenders for purposes of disclosure on the Megan's Law Internet web site.

a. Full Address

A sex offender in this category will have his/her full residence address displayed. Generally, Full Address disclosure will occur if the offender has been convicted of any of the following:

- Lewd conduct with a child under the age of 14.
- A sex offense involving force or fear.
- A designated sex crime with a prior or subsequent conviction for a sex crime requiring registration.
- An offense resulting in a commitment as a Sexually Violent Predator as defined in Welfare and Institutions Code § 6600.

b. Zip Code Only

offender's personal A sex offender in this category is required to register and has been convicted of an offense(s) subject to public disclosure. However, he/she does not meet the "Full Address" display criteria. Although the ZIP Code rather than "Full Address" will be displayed, all other profile information will be the same.

c. No Post

While known to law enforcement, a sex offender in this category will not be disclosed on the public Internet Web Site.

d. Excluded

Certain convicted sex offenders may apply for exclusion from the Megan's Law website. Registrants whose only registerable sex offenses are for the following offenses may apply for exclusion: (1) sexual battery by restraint (PC 243.4 (a)); (2) misdemeanor child molestation (PC 647.6, or former section 647a); or (3) any offense which did not involve penetration or oral copulation, the victim of which was a child, stepchild, grandchild, or sibling of the offender, and for which the offender successfully completed or is successfully completing probation.

C. DEFINITIONS RELATED TO DISCLOSURE OF SEX OFFENDERS

1. "Reasonably suspects" means a suspicion based upon information provided by another peace officer, or a member of the public, that a child or other person may be at risk of becoming the victim of a sex offense by a serious sex offender.
2. "Likely to encounter" means that the entity or individual is in a location close to where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis, and contact with the offender is reasonably probable.

D. INVESTIGATIVE SERVICES DIVISION ASSISTANT COMMANDER

The position of Investigative Services Division assistant commander is designated as responsible for oversight and records keeping in instances of information release under Megan's Law.

E. ACCESS BY THE PUBLIC TO INFORMATION ON SEX OFFENDERS

1. Megan's Law Internet Web Site Access

A. The Web Site is accessible to anyone with access to the Internet via <http://meganslaw.ca.gov>.

F. PROACTIVE DISSEMINATION TO THE PUBLIC ABOUT SERIOUS SEX OFFENDERS.

1. Field officer/investigator - exigent circumstances

A field officer or investigator may disseminate information on a Serious Sex Offender when a deputy receives confirmation from the Violent Crimes Information Network/ Supervised Released File that the subject is a Serious Sex Offender and the following criteria are met. All criteria must be met to constitute exigent circumstances.

- a.** A deputy has a reasonable suspicion,
- b.** Based upon information which has come to his or her attention.
- c.** That a person might become a victim of the sexual offender, and that,
- d.** The offender is likely to encounter that person.

When all of the above criteria are met, the officer will:

- a.** Obtain approval from the field supervisor to disseminate information to the potential victim(s).
- b.** Tell potential victim(s) that the information is being provided to protect them and the public.
- c.** Document the release of information in an ER form detailing to whom the information was released and the circumstances surrounding the release. Attach a completed "Megan's Law Field Release/Disclosure" form to the IR report. Route a copy of the ER to the Investigative Services Division assistant commander.

- d. The deputy disclosing the information will have a Sheriff's Office Records Technician make an entry of the circumstances into the Supervised Release File regarding contact with Serious Sexual Offenders as soon as practical, noting such in their police report.

Example: Exigent circumstances which would warrant the release of information regarding a Serious Sex Offender, would be when an officer stops such an offender who has been convicted of § 288 PC (Child Molestation) and the offender is with a child who may be at risk.

Note: Anyone can be made aware of the California Megan's Law Web Site.

H. DEPARTMENTAL NOTIFICATION ABOUT SEX OFFENDERS

1. Public and private educational institutions, day care establishments, and organizations that primarily serve individuals likely to be victimized by the offender, or persons identified as being at risk, may be notified by a deputy that a serious sex offender;
 - a. lives
 - b. works
 - c. or otherwise frequents an area.

Note: An area is not limited by jurisdictional boundaries, but is determined by the offender's method of operation, access and mobility.

I. WHAT INFORMATION CAN BE DISCLOSED

1. Deputies may, with the approval of his or her supervisor, disclose any or all of the following information permitted by § 290 P.C., subdivision(m) 2:
 - a. the offender's full name
 - b. the offender's known aliases
 - c. the offender's gender
 - d. the offender's race
 - e. the offender's physical description
 - f. the offender's photograph

- g.** the offender's date of birth
 - h.** crimes resulting in registration under this section
 - i.** the offender's address, which must be verified prior to release and requires the specific approval of the Investigative Services Lieutenant or member of Command Staff
 - j.** description and license number of the offender's vehicle or vehicles the offender is known to drive
 - k.** type of victim targeted by the offender
 - l.** relevant parole or probation conditions such as one prohibiting contact with children.
 - m.** dates of crimes resulting in classification under this section
 - n.** dates of release from confinement
- 2.** The Sheriff's Office is not required to disclose the address (business or residence) of the Serious Sex Offender.
- a.** Release of general information such as street name, block number or cross street can be sufficient.
 - b.** Under exigent circumstances, with the approval of the Investigative Services Lieutenant (or Command Staff member) a deputy may release an offender's exact address.
 - c.** Prior to the disclosure of any address information about a serious sex offender, the Sheriff's Office must send a deputy, or otherwise verify, the offender's residence or business address to confirm that the offender lives or works there.
- 3.** Information identifying offenders' victims may not be released.
- 4.** The scope of notification shall be uniformly applied. When a member of the Sheriff's Office determines that there exists a need for notification, the same type of notification shall be made in all instances where similar circumstances apply.

J. RECORDS

1. Sheriff's Office members will prepare an IR with a "Megan's Law Field Contact/Disclosure" form which indicates the reasons for disclosing information on a Serious Offender. These forms will be forwarded to the Investigative Services Division assistant commander and he or she will maintain a record of the means and dates of dissemination for a minimum of five years.
2. The DOJ Supervised Release File shall be utilized to supplement this record. When an public release is made in response to a public inquiry to view the CD-ROM, the employee facilitating the release shall forward the completed "Request to Review Directory of Serious and High Risk Sex Offender Identification Information" to the Youth Services Unit Sergeant, who (if a specific offender is identified) will route a copy to the Records Section for appropriate updating of the DOJ Supervised Release File.

K. SHERIFF'S OFFICE NOTIFICATION TO THE PUBLIC

1. Releases shall be reviewed/approved by the Command Staff of the Sheriff's Office. In exigent circumstances the Sheriff may grant such approval. Note: Command Staff is comprised of the Sheriff, the Undersheriff, the Commanders, and the Captains.
2. Members of the Sheriff's Office, with such approval may use virtually any means to notify the public. Dependent upon the nature and risk presented in each circumstance, notification may be accomplished through television and radio announcements, newspapers, flyers, or personal contacts.
3. If a deputy believes that a serious offender who is not designated as high risk on the CD-ROM is in fact high-risk, the agency must contact DOJ for reevaluation of the offender's classification.
4. If information is disseminated on a high-risk offender, it must be documented in an IR report, accompanied by a completed "Megan's Law Field Contact/Disclosure" form. A copy of all releases of information will be maintained by the Investigative Services Division assistant commander for a period of five years. In each instance, the DOJ Supervised Release File shall be utilized to supplement this record.



**LAURIE SMITH
SHERIFF**



**DESTRUCTION OF FILES
GENERAL ORDER #16.03**

Adopted: 07/07/2010
Replaces: G.O. dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Sheriff's Office shall maintain records for the period required by law and office policy, and longer if justified by need and space considerations.

PROCEDURE

- A. Certain records of the Sheriff's Office are to be kept a minimum of two years.
 - 1. Divisional 'housekeeping' records and statistical records may be retained for the period of time for which the material is needed for reference, but available storage space should be considered when retaining these records.
- B. Record retention will be:
 - 1. Crime Reports - Open Capital Crime Reports and Felony Crime Reports with outstanding Warrants will be retained AFTER microfilming, in a segregated file in the Records Division.
 - 2. Civil cases still pending beyond retention period should be retained until closed.

3. Retention Process:

RECORD TITLE	STORAGE (YEARS)	MICROFILM (YEARS)
CIVIL PROCESSES		
Accounting--Ledger Receipts	2	
Case Records:		
Service of Summons	5	

Service of Attachments	5
Sheriff's instructions	5
Sale of Real/Personal Property	PERMANENT

	STORAGE	MICROFILM
DEPARTMENT ACCOUNTS		
Service-& Contract Invoices	2	
Travel Exp. Vouchers-Dup.	2	
Undercover Fund Accounts	2	
Misc. Receipts	2	
CRIMINAL RECORDS		
Traffic Citations-Dup.	2	--
Crime Reports	4	2
Warrant/Arrest-Invest. Report	1	--
Booking/Custody Records	2	2
Traffic Accident Reports	4	--
OTHER RECORDS		
CCW Permits & Applications	1	1
Spec. Dep./Dep. Personnel Rec.	4	4
Departmental Correspondence	4	--

C. Microfilming of noted records will be programmed through Support Services Division captain.

1. Microfilming is handled by bid.

D. Records not covered above will be reviewed by the Sheriff's staff, and disposition indicated.

1. County Counsel's opinions as to the disposition of questionable records, falling into this category, should be obtained.

*Storage Total time original documents are stored both in the office and at record retention center. (After which they are destroyed.)

**Microfilm Point of time in which originals are microfilmed. Microfilm is kept indefinitely.



**LAURIE SMITH
SHERIFF**



**VEHICLE STORAGE AND IMPOUND
GENERAL ORDER #17.02**

Adopted: 1/10/02
Replaces: G.O. #17.02 dated 1/10/2010

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Deputies shall give reasonable consideration to other available options before storing or impounding a vehicle.

PROCEDURE

- A. If it is determined that a vehicle on the highway should be towed and there is legal authorization to tow, it may be towed by the deputy; however, deputies shall give reasonable consideration to other available options before storing or impounding a vehicle.
- B. Deputies assigned to contract cities should refer to city ordinance and other regulations of the contract city regarding vehicle impounds and tows.

C. DOCUMENTATION

CHP 180 form will be used to document all vehicle reports. Accident report supplements (CHP 556) will be used to record additional information. On cases involving suspended or unlicensed drivers, the Suspended or Unlicensed Driver Questionnaire will be used. DL310 Verbal Notice by Peace Officer, DMV or Court Employee form should also be used, when appropriate. On cases involving abandoned vehicles, the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) Vehicle Abatement Reimbursement Claim Form will be used.

D. IMPOUNDED AND STORED VEHICLES

An impounded or stored vehicle is a vehicle seized or stored under authority of law. Deputies should refer to the Vehicle Code for the appropriate sections.

- 1.** Towing Due to Arrest - when a driver of a vehicle is arrested and booked, or cited for being an unlicensed driver or for driving on a suspended license, the following options and considerations should, when possible, be made prior to towing:
 - a.** If the driver is not the owner or registered owner of the vehicle, is the driver in lawful possession of the vehicle? Is consent to drive or have possession of the vehicle an issue and, if so, can it readily be verified or will it require follow-up investigation?
 - b.** Is the vehicle on private property and does the property owner or agent in lawful possession of the property want the vehicle removed? Refer to CVC 22658(a), 22653(c), 22655.5, 22651.
 - c.** Is the vehicle legally parked or can it be legally parked at the scene or location of occurrence? Is the area inherently unsafe to leave the vehicle because it is isolated, in poor lighting, located on a narrow roadway or likely to create a traffic hazard or obstruction?
 - d.** Does the vehicle contain property of value, tools, equipment or machinery which would make the vehicle or contents a target for theft?
 - e.** Does the condition of the vehicle itself make it unsafe to leave at the scene? (i.e., doors, windows, trunk lids or locks which don't work properly, convertible tops which can be easily cut to gain entry when valuables are stored in the vehicle or in plain view).
 - f.** Is the driver capable of and willing to sign a vehicle waiver release of liability form? Is there a licensed passenger? Does the owner consent to the passenger taking custody of the vehicle? Can the owner be located to determine whether consent may be given?
 - g.** Is the driver or person in control of the vehicle impaired or under the influence of alcohol or a controlled substance to such a point that their judgment or decision making should be questioned regarding whether or not the vehicle and its contents can be safely left at the scene?
 - h.** Is the driver unlicensed or driving on a suspended license? Does the driver show a history of these violations within the last five years?
 - i.** Is the driver or person in control of the vehicle reasonably likely to unlawfully drive or repeat a driving offense if released at the scene within proximity or access to the vehicle?
 - j.** Is the vehicle itself evidence or does it contain evidence which must be secured and collected, such as fingerprints, paint transfer, stolen property?

(i.e., recovered stolen or embezzled vehicles, hit and run vehicles, altered V.I.N. plates)

- k.** If the driver's license is suspended and fits the criteria of a 30 day impound or the driver has never been issued a license, the deputy **may** tow the vehicle.
- 2.** The deputy should utilize the Suspended or Unlicensed Driver Questionnaire - Form 6.05 to assist in determining the options and considerations governing the towing of the vehicle.
- 3.** Inventory Examination - an inventory examination shall be performed on every vehicle which is towed, as an administrative procedure to protect and safeguard the property and valuables of citizens and also to protect the Sheriff's Office from civil litigation resulting from lost, missing, damaged or unaccountable property. Items of value shall be listed on either the CHP 180 Form, the Property Report Form or the narrative of the report. In order to ensure that items of value are not overlooked, deputies may inventory the contents of unlocked containers found inside the vehicle if the contents cannot be determined from examining the outside of the container. Locked containers may be opened for inventory with the consent of the person in control of the container.

E. RECOVERED VEHICLES

The following guidelines will be used when recovering stolen vehicles:

- 1.** Investigation - Communications shall contact the reporting agency in order to determine if they are requesting evidence collection or if they would like to respond and recover the vehicle (if the vehicle was used in a major crime this may be the case). The deputy shall complete the recovery form and notify Communications of the recovery so that they may send the necessary cancellation to Stolen Vehicle System (SVS). Communications will send a teletype to the originating agency advising of the recovery.
- 2.** Local Owner - when a vehicle is recovered within Santa Clara County and the owner is a county resident, the initiating deputy shall attempt to contact the owner via Communications. It will be up to the owner to decide the disposition of the vehicle. This action should only be taken if the vehicle is not a hazard.

If the owner cannot respond to take charge of the vehicle in a timely manner, the deputy shall tow and store the vehicle. Actions taken by the officer regarding attempts to notify the owner and the owner's response will be noted in the report.

- 3.** Investigative Services Division Responsibilities- this division has the following responsibilities:

- a. Update case file with recovery report.
- b. Mail notification to legal and registered owners of vehicle, per 22852 CVC.
- c. Release vehicle in accordance with the procedure provided in this General Order; however, during non-business hours, the patrol supervisor may release a recovered vehicle to the owner if the vehicle is not needed for evidence.

F. ABANDONED VEHICLES

An abandoned vehicle is any vehicle left unattended in one location in excess of 72 hours. Authority to remove the vehicle is provided by 22651(k) CVC. The procedure for removing abandoned vehicles is as follows:

- 1. The initiating deputy will:
 - a. Completely fill out the Vehicle Check Card and chalk or otherwise mark the vehicle's location.
 - b. Request a stolen vehicle and registration check on the vehicle and attach hard copies to Check Card.
 - c. Attach warning notice to the vehicle.
 - d. Route Check Card to Headquarters Patrol or West Valley Division for follow up.
 - e. Check the vehicle after 72 hours. If the deputy is unable to check the vehicle after 72 hours, he or she should advise the patrol supervisor, who should assign another deputy to follow up to ensure removal of the vehicle.
 - f. A citation may be left with the vehicle.
 - g. CHP 180 form will be completed by the deputy requesting the tow and signed by the tow company and a copy given to the tow company. All paperwork will be identified with the case number.
 - h. Advise Communications of the impound with pertinent information to ensure that proper SVS entry is made.
 - I. Complete the AVASA Vehicle Abatement Reimbursement Claim Form.

2. Headquarters Patrol or West Valley Division will send a Notice of Stored Vehicle letter to the registered and legal owner. The letter will be completed by the secretary or by other division personnel.

G. PRIVATE PROPERTY TOWS

22658 CVC Requirements. The deputy responding to a private property tow will:

1. advise the owner of posting requirements in the section and make sure that property is properly posted.
2. have the owner call a tow company of his/her choice.
3. Advise the owner of the property that he/she must comply with the requirements of 22852 and 22853 CVC.



**LAURIE SMITH
SHERIFF**



**DEMONSTRATIONS AND CIVIL DISORDERS
GENERAL ORDER #17.03**

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Replaces: G.O. #17.03 dated 02/22/2010
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POLICY

The Santa Clara County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate, or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life, and preventing the destruction of property.

The Crowd Control Unit will be utilized when there exists a need for managing large crowds in preplanned or unplanned incidents.

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

1. Lawful, constitutionally protected actions and speech.
2. Civil disobedience (typically involving minor criminal acts).
3. Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life, and to prevent the destruction of property.

Deputies shall not:

1. Engage in assembly or demonstration-related discussion with participants.
2. Harass, confront or intimidate participants.
3. Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe deputies under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

PROCEDURE

A. UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

1. Location
2. Number of participants
3. Apparent purpose of the event
4. Leadership (whether it is apparent and/or whether it is effective)
5. Any initial indicators of unlawful or disruptive activity
6. Indicators that lawful use of public facilities, streets or walkways will be impacted
7. Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to County Communications, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until

command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

B. PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans shall be developed. The Incident Command System (ICS) should be utilized for all planned events.

C. RECOGNITION OF POTENTIAL PROBLEMS

Recognition and adequate preparation require the effort of all personnel.

1. Primary gathering of information concerning possible demonstrations and/or disorders shall be reported by Sheriff's personnel to the Special Enforcement Division or the Watch Commander.
2. The Special Enforcement Division shall be responsible for initial evaluation of information and shall report all findings to the Sheriff, Undersheriff, responsible Division Captains, and the Crowd Control Unit Commander.
3. In cases of impending action, the Special Enforcement Division shall, on behalf of the Sheriff, arrange for a meeting between all concerned command staff and applicable outside agencies to properly evaluate and plan for a multi-agency response.
4. The following pertinent information may be needed for evaluation and should be made available to the agency(s) as soon as possible. It shall include but not necessarily be limited to:
 - a. Concerned jurisdiction or jurisdictions.
 - b. Date and time.
 - c. Schedule of events.
 - d. Exact location.
 - e. Estimate of weather conditions.
 - f. Stated purpose of demonstration.

- g.** Possible real purpose.
- h.** Estimate of crowd size.
- i.** Activities planned.
- j.** Character and temperament of those participating.
- k.** Likely climate of meeting.
- l.** Sponsoring person or groups.
- m.** Key personalities.
- n.** Possible cooperating groups, such as monitors, first aid, and press.
- o.** Identity of cooperating persons and coordinators.
- p.** Identity of antagonistic groups and leaders.
- q.** Anything else that may be of assistance (too much information is better than too little).

D. PREPARATION

Proper preparations of plans, supplies, and support are essential to a successful operation.

- 1.** The Sheriff shall designate a Command-Level (Lieutenant or higher rank) Incident Commander, who will be responsible for the overall management of the incident.
- 2.** In emergency situations where time does not allow for the designation of an Incident Commander, the normal chain of command will be followed until an Incident Commander can be designated by the Sheriff.
- 3.** The Incident Commander shall determine the needed incident staff and ICS sections (operations, planning, logistics, finance/admin, etc.) necessary to maintain a manageable span of control and ensure appropriate attention to the necessary incident management functions.
- 4.** In “Mutual Aid” operations, the Sheriff shall retain final control over all agencies called, to assist and shall be constantly aware of local jurisdiction and their responsibilities. A liaison officer of the Sheriff’s Office will be assigned and

remain with all “Mutual Aid” contingents.

5. All departmental equipment shall be made available to the Incident Commander and/or Crowd Control Unit Commander if necessary.
6. The Special Enforcement Division will be responsible for intelligence and shall distribute information to the Incident Commander or Planning Section Chief, once designated by the Incident Commander.
7. The Crowd Control Unit Commander shall be responsible for the Operations Section until an Operations Chief has been designated by the Incident Commander.
8. Logistical support, including supplies and personnel resources, shall be coordinated by the Incident Commander or Logistics Section Chief once designated. All departmental personnel shall be made available as needed to support ongoing operational periods.
9. Normal rules of wages, hours, and working conditions may be waived for the department and its personnel by the Sheriff during a crisis situation. Any disagreement on these items during a crisis situation will be postponed and considered when the crisis is over.

E. THE OPERATION

The control of the actual operation shall remain with the Sheriff through their appointed Incident Commander.

1. **Tactics:** The Crowd Control Unit Commander will have prepared the unit for all reasonable contingencies and will be responsible for any law enforcement or public safety actions carried out.
2. **Use of Force:** The use of force during a crowd control event is governed by current office policy and applicable law. When feasible, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response to accomplish the law enforcement mission. Any use of force by a member of this office during a crowd control event shall be reported to the Incident Commander and documented promptly, completely, and accurately in an appropriate report.
3. **Coordination:** During all phases of the operation, it shall be the responsibility of the commander of the Intelligence Unit to remain in constant contact with both the Incident Commander and Crowd Control Unit Commander. They will advise both and be consulted on any actions taken. In a case of conflict, the final decision shall remain with

the Incident Commander.

4. Evidence: The Incident Commander shall ensure that supporting evidence is gathered as needed, i.e., photographs, films, recordings, and collection of evidence. Investigative Services Division personnel may be called upon for this support.
5. After Action: The Incident Commander will be responsible for ensuring that an after action report is filed on each event by all participating units.

F. USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Penal Code § 13652 mandates that Kinetic Energy Projectiles and Chemical Agents (defined below) shall only be deployed for crowd control purposes by deputies who have received POST training for crowd control. Moreover, the use of such devices must be objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including a deputy, or to bring an objectively dangerous and unlawful situation safely and effectively under control.

The use of Kinetic Energy Projectiles and Chemical Agents in a crowd control setting must also be in accordance with the following requirements:

1. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
2. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
3. Persons are given an objectively reasonable opportunity to disperse and leave the scene.
4. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.
5. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
6. Deputies shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel,

journalists, or other unintended targets.

7. An objectively reasonable effort has been made to extract individuals in distress.
8. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so in accordance with General Order #12.00 (“Use of Force”).
9. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
10. Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:
 - a. A violation of an imposed curfew.
 - b. A verbal threat.
 - c. Noncompliance with a law enforcement directive.
11. If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

The following definitions will be used for purposes of understanding this section:

“Kinetic energy projectiles” means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

“Chemical agents” means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzalmalononitrile gas, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

This section does not apply to the use of Kinetic Energy Projectiles or Chemical Agents within any county detention facility.

G. VACATING AN AREA

Penal Code § 726 provides, “Where any number of persons, whether armed or not, are unlawfully or riotously assembled, the sheriff of the county and his/her deputies, the officials governing the town or city, or any of them, must go among the persons assembled, or as near to them as possible, and command them, in the name of the people of the State, immediately to disperse.”

1. The decision to clear an area shall normally fall on the Incident Commander in liaison with a representative of the District Attorney's Office, who will be attached to the Sheriff's Office whenever possible during a major disturbance.
2. Consideration shall be made as to whether the area needed to be cleared of violators is public land or private property. If the area under the control of the violators is privately owned, then the owner or agent of the owner must first make an order to the crowd per Penal Code § 602(j). The following announcement should be made by the owner/agent:

“I am (full name and title) and I represent the owner or management of this property. You are not welcome here and are causing a disturbance. I request that you leave immediately and if you do not, I shall ask for your arrest.”

3. The following announcement shall be made by a Peace Officer upon a decision to clear an area.

“This is (rank and full name). I am a Deputy Sheriff of Santa Clara County. I hereby declare this to be an unlawful assembly and, in the name of the People of the State of California, command all those assembled (Name of location of unlawful assembly) to disperse. If you do not do so, you will be arrested. Penal Code Section 409 prohibits remaining present at an unlawful assembly.”

This announcement should be made up to two or three times and recorded if possible. The deputy should also give directions as to which way he/she expects persons to vacate the area and a definition of the boundaries of the order.

4. If necessary, any responsible deputy may make the decision to arrest persons for failure to disperse in violation of Penal Code § 409 after the above announcement has been made.

The above should also be made clear and recorded.

H. ARRESTS OF INDIVIDUALS OR GROUPS (MASS ARREST)

1. Arrest and booking procedure shall be organized and under the direction of the Incident Commander or the Crowd Control Unit Commander and coordinated through the Custody Bureau.
2. Once persons are booked in a custodial facility, whether permanent or temporary, they shall become the responsibility of the Custody Bureau and the Crowd Control Unit shall be relieved of responsibility.

I. CONTROL OF THE AREA

The Incident Commander shall confer with the Operations Section and the Planning Section and decide when the area of the disturbance may be returned to normal operations.

1. The Crowd Control Unit Commander shall release the personnel to their normal assignments after providing for necessary adjustments (i.e., rest, showers, clothing, food).

J. MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event.

K. MEDIA ACCESS

If deputies close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in protected activity pursuant to the First Amendment, deputies shall comply with the following requirements with respect to authorized representatives of the media:

1. A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas described in this section.
2. A deputy shall not intentionally assault, interfere with, or obstruct the duly authorized representative of any news service, online news service, newspaper, or radio or television station or network who is gathering, receiving, or processing information for communication to the public.

3. A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network that is in a closed area described in this section shall not be cited for the failure to disperse, a violation of a curfew, or a violation of paragraph (1) of subdivision (a) of § 148, for gathering, receiving, or processing information. If the duly authorized representative is detained by a deputy, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.

Nothing in this section shall prevent a deputy from enforcing other applicable laws if the person is engaged in activity that is unlawful.

L. REPORTING

Penal Code § 13652.1 mandates that the Office shall ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the Office website. The commander of the division responding to the crowd control incident or their designee shall be responsible for preparing the summary (e.g., Patrol Division Commander if patrol division responds, Crowd Control Commander if crowd control unit responds). The summary shall be prepared and published within 60 days of the incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Office at the time of the report and include the following required information:

1. A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.
2. The type of kinetic energy projectile or chemical agent deployed.
3. The number of rounds or quantity of chemical agent dispersed, as applicable.
4. The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.
5. The justification for using the kinetic energy projectile or chemical agent, including any de-escalation tactics or protocols and other measures that were taken at the time of the event to deescalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent.

The incident summary shall be routed to the PIO's for publishing on the department's website.

M. TRAINING

Deputies should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Office should, when practicable, train with its external and mutual aid partners.

Deputies authorized to deploy kinetic energy projectiles and chemical agents should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.



**LAURIE SMITH
SHERIFF**



**STRANDED MOTORIST
GENERAL ORDER #17.04**

Adopted: 07/07/2010
Replaces: G.O. #17.04 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Office of the Sheriff will provide assistance to all disabled motorists upon public roads and highways, as well as any other locations found to be applicable in accordance with this order.

PROCEDURE

- A. Sheriff's Office personnel who are driving marked Sheriff's vehicles who observed a disabled/stranded motorist on a highway or freeway will stop and provide reasonable assistance unless one of the following conditions exist:
 - 1. The Sheriff's personnel is involved in an assignment that could be jeopardized by stopping to render assistance.
 - 2. The safety of the Sheriff's personnel or other motorists might be endangered by the maneuvering necessary to stop.
- B. If the Sheriff's Office personnel is unable to stop and assist a disabled motorist located within the Sheriff's or contract city jurisdiction, the county communication dispatcher will be advised of the vehicles description, location, and direction of travel. The dispatcher will advise another beat unit or the appropriate agency to assure assistance is provided.
- C. All Sheriff's personnel, while operating a marked patrol vehicle, that observes any occupied vehicle on a roadway which appears to be disabled shall stop and inquire if the motorist needs any assistance, except in the following circumstances:
 - 1. When responding code 3 to an emergency call, or in an attempt to overtake or pursue an actual law violator.

2. When it appears that assistance already has been rendered by another agency, commercial vendor, or a citizen.

D. In providing assistance to a disabled motorist, the deputy shall not:

1. Perform any mechanical repair service.
2. Cause the department or the county to incur any extraneous expenses such as providing fuel or mechanical supplies.



LAURIE SMITH
SHERIFF



BICYCLE REPORTS GENERAL ORDER #17.05

Adopted: 07/07/2010
Replaces: G.O. #17.05 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Office of the Sheriff adopts the following procedure for cases involving bicycles abandoned, stolen, found, recovered and storage.

PROCEDURE

- A.** Cases involving bicycles are to be reported on a bicycle report form as well as an incident report form and shall be given an incident report number. All such reports will be written, reviewed and submitted in the same manner as an incident report.
- B.** Stolen bicycles may fall into either a felony or a misdemeanor category as defined in P.C. 486. The value of the property, as well as the fact that property was stolen during a burglary will be deciding factors.
- C.** Recovered bicycles, which were previously reported stolen to the Sheriff's Office, will be handled with a supplementary report to the original bicycle case.
- D.** Found bicycles, which are not linked to a previous incident report, shall be documented with a found bicycle report form and an Incident Report – Found Property form and classified as such.
- E.** Abandoned bicycles are those which appear obviously discarded either intact or with major components missing. Documentation will consist of a bicycle report form.
- F.** Outside service has a bicycle reported stolen to another police agency, but recovered by the Sheriff's Office. This event will be documented on a bicycle report form as well as an incident report form and classified as outside service. Court Liaison Unit will ensure that a copy of the report is forwarded to the police agency.

- G.** The buff copy of the bicycle report form and a departmental evidence tag shall be attached to each bicycle taken into storage.
- H.** Bicycles impounded as evidence pursuant to a lawful arrest, associated with a suspect, as evidence, or for safekeeping will be handled in the same manner as other forms of evidentially property.
- I.** The Investigative Service Division will be responsible for retention, release and destruction of routine bicycle property cases.
- J.** Evidence Technicians will be responsible for receiving the bicycle into the Sheriff's Office property storage area. An inventory will be maintained and processing of the bicycle for disposition will occur pursuant to statutory law.
- K.** County ordinance A20-7 deals with the return of property in the custody of the Sheriff after 6 months of the date of the deposit. Exception to this will be property seized and held in lawful custody pending release by a court order.
- L.** The intent of this procedure is to return the bicycle to the rightful owner in an expeditious manner. All attempts to achieve this goal will be inquired thoroughly and then resolved.



LAURIE SMITH
SHERIFF



**HATE CRIMES
GENERAL ORDER #17.07**

Adopted: 07/07/2010
Replaces: G.O. #17.07 dated 1/10/2010

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

It is the policy of the Sheriff's Office to ensure that rights guaranteed by the constitutions and laws of the United States and the State of California for all citizens regardless of their race, color, religion, ethnic origin, national origin, or sexual orientation. The Sheriff's Office has a zero tolerance policy for hate crimes, and will investigate all reported prejudice-based incidents and support vigorous prosecution of those apprehended for such acts.

PROCEDURE

A. DEFINITIONS

1. "Prejudice-based incident" or hate crime:

"Any violence, or intimidation by threat of violence against the person or property of another, where the motive of the perpetrator is hatred of one or more of the personal characteristics of the victim(s), including, but not limited to: race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute."

2. Guidelines for hate crime determination:

- a.** The hate crime must involve a specific target, such as an individual, property of an individual, residence, house of worship, religious or ethnic organization, or business.
- b.** Graffiti must be racial, ethnic, religious, or homophobic in nature, such as swastikas, KKK, Nazi, or other hate group symbols, slogans or literature, or involve the use of epithets.

- c. Any assault against a person, in the absence of other apparent motivation, when initiated with, or involving racial, ethnic, religious, or homophobic epithets, will be considered to be a hate crime.
- d. Vandalism to a house of worship, ethnic, religious, gay and lesbian organization's property will be considered a hate crime in the absence of evidence of other motives.
- e. Obscene or threatening phone calls, when containing racial, ethnic, religious or homophobic slurs, are considered hate crimes.
- f. Although the following are of concern because they may reflect intergroup tension, they are not considered hate crimes because they are not aimed at a specific target or because of constitutional protections:
 - 1. Graffiti on freeway overpasses, public phone booths, etc.;
 - 2. "Punk rock" or gang graffiti, even if accompanied by a swastika;
 - 3. Interracial crimes, such as robbery, assault or rape, which are motivated by factors other than race, ethnicity, religion, or sexual orientation;
 - 4. Intragroup acts, regardless of graffiti, including gang graffiti and other gang acts;
 - 5. Name calling and epithets not accompanied by assault; and
 - 6. KKK, Nazi, or other similar group rallies, leafleting, or recruiting drives.

Reportable incidents include: criminal acts such as threatening phone calls, physical assaults, destruction of property, bomb threats, and disruption of religious meetings, as well as non-criminal acts, such as name calling or news articles, done with the apparent motive to harass, intimidate, threaten, retaliate, or create conflict among groups having different personal characteristics such as race, religion, ethnicity or sexual orientation.

Motivation: The motivation behind the act determines whether an incident is prejudice-based. When determining motivation, a deputy must ask:

- 1. Why does the victim believe he/she was victimized?
- 2. Were words or symbols, such as a burning cross or swastika, used or acts performed which are or may be considered to be offensive to the victim or a particular group?

3. Is there a history of similar acts or crimes directed against the same individual or group, or against the person or persons with whom the victim is associated?
 4. Does a meaningful portion of the community perceive the incident as prejudice-based?
 5. If all the parties involved were of the same race, ethnicity, etc., would the incident still have occurred?
 6. Has an injunction been issued in related cases?
- B.** The proper investigation of hate crime incidents is the responsibility of each deputy. All deputies must be sensitive to the feelings, needs, and fears that may be present in the victim and the community as a result of incidents of this nature. The primary personnel responsible for investigating these types of incidents are the deputies responding first to the alleged incident.

When a deputy on the scene determines (after applying the established criteria) that a hate crime incident is alleged, the crime **must** be thoroughly investigated and a sensitive response provided to the victim(s) and community by following these procedures:

C. INVESTIGATING DEPUTIES

1. Shall respond in a sensitive way to the feelings and needs of the victim(s).
2. Shall immediately take all possible investigative and enforcement action.
3. Shall record the incident on the appropriate form.
4. Shall preserve the crime scene and evidence.
5. Shall note any hate crime-motivated destruction or defacement of property, such as cross burning or a painted swastika, with special attention to paints, drawings, remarks, handwriting, or other graphical evidence. Shall immediately report these findings to the shift sergeant/field commander for evaluating the need to dispatch investigative services officer(s).
6. Shall gather evidence and search the scene on those incidents to which an investigative services officers does not respond.
7. Shall prepare a detailed report.

D. SHIFT SERGEANT/WATCH COMMANDER

1. Shall respond immediately to the scene of all incidents as defined above.
2. Shall ensure that the crime scene is protected.
3. Shall request investigative services officer(s) if any hate crime-motivated destruction or defacement of property has taken place which cannot be documented by the investigating deputy or if the special expertise of investigation services is needed.
4. Shall ensure that the scene is properly searched and evidence is gathered for incidents in which investigation services does not respond.
5. Shall visit the victim(s) as soon as possible. Assure each victim that the preliminary investigation, as well as any follow-up, will be actively pursued.
6. Shall notify division commander of all hate crime incidents. The division commander shall notify the Assistant Sheriff, Field Enforcement Bureau, of all hate crime incidents.
7. Shall arrange for an immediate increase of patrols throughout the affected area.
8. Shall ensure that all physical evidence from the incident is removed for processing. . If the evidence is too large to be transported by police vehicle, a commercial truck shall be used. If the evidence cannot be physically carried away (example: paint on walls), the shift sergeant or watch commander shall attempt to impress upon building or property owners the need for complete restoration as soon as possible.
9. Shall ensure that the report contains full data on the materials used (cross, literature, paint, etc.), including size, construction, wrappings, messages, plus the method of removal and the disposition of the remains.
10. Shall ensure that copies of all photos taken are forwarded to the intelligence section for analysis and monitoring purposes.

E. DIVISION COMMANDER AND/OR LIEUTENANT

1. Shall ensure that the investigation is actively pursued to a successful conclusion until all leads have been exhausted.
2. Shall ensure that the investigation is considered a top priority matter by the investigating personnel.

3. Shall ensure that personnel make an immediate follow-up contact with the victim(s) to assure each that the investigation will be actively pursued.
4. Shall make personal contact with the victim(s) if the severity of the case (as measured by the magnitude of the crime, the impact upon the community, etc.) dictates this action.
5. Shall ensure that increased patrols through the affected area are continued as long as necessary, but at least for several days following the incident.
6. Shall ensure that the word(s) and/or symbol(s) that cannot be carried away (example: paint) have been appropriately covered or eliminated as soon as possible.
7. Shall ensure that the victim(s) and concerned parties are informed of a case clearance contact and coordinate activities with the Assistant Sheriff, Field Enforcement Bureau, and the Public Information Officer.

F. ASSISTANT SHERIFF, FIELD OPERATIONS BUREAU

1. Shall ensure that the investigation is actively pursued to a successful conclusion or until all leads have been exhausted.
2. Shall ensure that shift sergeant/watch commander and lieutenant/division commander have made follow-up contact with the victim(s) to assure each that the investigation will be actively pursued.
3. Shall make personal contact with the victim(s) if the severity of the case (as measured by the magnitude of the crime, and the impact on the community) dictates this action.
4. Shall notify the Sheriff. Make regular reports to the Sheriff about the investigation and contact with the victim(s) and the community and if requested to do so by the Sheriff, shall notify the chair of the Board of Supervisors and the Director of the Santa Clara County Human Relations Commission within 3 business days, as required by County Ordinance A20-13.
5. Shall ensure that the public information officer is apprised of such incidents, clearances, and any other information which may be of interest to the media.
6. Shall ensure that the Sheriff's Office response is adequate, such as increased patrols through the affected area as long as necessary.
7. Shall maintain contact with community leaders concerning the progress of the investigation.

8. Shall ensure that the victim(s) and other concerned parties are informed of a case clearance.
9. Shall coordinate with the public information officer, division commander(s) and other department personnel, as necessary.
10. Shall ensure that the incident is properly reported to the Department of Justice.

G. INTELLIGENCE SECTION

1. Shall respond to the scene if a response is warranted in the opinion of the intelligence section lieutenant.
2. Shall collect data for the purpose of tracking organized hate groups and extremists to detect patterns and suspects of criminal activity.

H. INVESTIGATIVE SERVICES DEPUTIES

1. Shall respond to the scene of any hate crime-motivated destruction or defacement of property.
2. Shall obtain a sample of the cross, paints, or other materials used.
3. Shall photograph and process the scene.
4. Shall gather and take custody of any related evidence.
5. Shall forward copies of all photographs to the intelligence section for analysis and monitoring purposes.

I. CLASSIFICATIONS OF REPORTED HATE CRIME INCIDENTS

1. Verified

To be verified as a reported hate crime, an incident must meet either or both of the following conditions:

- a. It must be motivated or apparently motivated by racial, religious, ethnic, and/or sexual orientation, prejudice.
- b. The incident is perceived by the victim as being motivated by hate crime prejudice.

2. Unverified

The unverified classification is for those incidents where the evidence is conflicting, incomplete, inconclusive, or otherwise insufficient to classify as verified or unfounded. In some cases a detective from the intelligence section may be asked to gather additional information.

3. Unfounded

A reported hate crime incident will be classified unfounded if the evidence definitely indicates that the incident is not a hate crime or if the incident never occurred, for example, a false report.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

LAURIE SMITH
SHERIFF



PUBLIC INTOXICATION GENERAL ORDER #17.08

Adopted: 07/07/2010
Replaces: G.O.# 17.08 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

When a subject is intoxicated in public to a degree that he or she cannot care for his or her own safety, in violation of Penal Code section 647(f), deputies are encouraged to follow that disposition which serves the best interests of the subject and the people of Santa Clara County.

PROCEDURE

A. INITIAL CONTACT

A deputy who observes an individual suspected of being under the influence of intoxicating liquor or a drug to a degree that he or she cannot care for his or her own safety, in violation of Penal Code section 647(f), shall determine whether there are objective facts supporting a determination that probable cause exists to arrest the suspect.

B. ARREST OR RELEASE

1. If a deputy determines that probable cause exists to arrest the suspect for a violation of Penal Code section 647(f), the deputy should consider alternatives for disposition that are consistent with the best interests of the community, the suspect, and the Sheriff's Office.
2. The alternative dispositions available to a deputy who has probable cause to believe that a suspect is in violation of Penal Code section 647(f) are to:
 - a. Release the suspect to a responsible, sober adult at the scene. **Note:** If emergency medical personnel have been called to the scene, the deputy should not call them off. The deputy should permit the emergency medical personnel to conduct a medical evaluation of the suspect.

- b. Transport the suspect to his or her home or to a place where a responsible, sober adult will accept responsibility for him or her, if practical.
- c. Book the suspect into county jail.

A handwritten signature in black ink, appearing to read "Laurie Smith". The signature is written in a cursive, flowing style.

LAURIE SMITH
SHERIFF



**DOMESTIC VIOLENCE AND PROTECTION ORDERS
GENERAL ORDER #17.09**

Adopted: 07/07/2010
Replaces: G.O. #17.09 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Santa Clara County Sheriff's Office recognizes that domestic violence is a serious community problem, and will respond to acts of domestic violence as crimes. Victims of domestic violence will be treated with respect and dignity and will be given assistance by law enforcement personnel responding to an incident of domestic violence, and referred to other sources of assistance and support.

DEFINITIONS

- A. "Domestic Violence" is abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, a person with whom the suspect has had a child or is having or has had a dating or engagement relationship. Domestic Violence also includes abuse committed against a child in the family or a child who is the subject of an action under the Uniform Parentage Act.
- B. "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or another.
- C. "Victim" means a person who is a victim of domestic violence.
- D. "Pro-Arrest Policy" refers to an enforcement policy in which physical arrest shall be made in every situation where an arrest is legally permissible; absent exigent circumstances.
- E. "Deputy" means any sworn member of the Sheriff's Office.

- F.** “Restraining Order” is an order which requires a person to refrain from doing a particular act or acts. It is issued by the Superior Court, with or without notice to the person who is to be restrained. A restraining order remains in effect for a set period of time which is stated on the face of the order. If no time period is stated on the face of the order, the effective time period is 5 years.
- G.** “Temporary Restraining Order” is a type of restraining order which requires a person to refrain from doing a particular act or acts. It is issued by the Superior Court, with or without notice to the person who is to be restrained. A temporary restraining order will remain in effect until a formal court hearing can be held.
- H.** “Domestic Violence Order” is a type of restraining order which is issued pursuant to the Domestic Violence Prevention Act, (Family Code Sections 6200-6389), or the Uniform Parentage Act (Family Code Sections 7710 and 7720), Domestic Violence Protection Act (Family Code Sections 6200-6389) or in connection with a dissolution, legal separation or annulment (Family Code Sections 2045, 2047, and 2049). This includes all local Domestic Violence related orders from other states, counties and juvenile courts.
- I.** “Stay Away Order” is a type of restraining order in a criminal or civil case involving domestic violence where there is a likelihood of harassment of the victim by the defendant. A Penal Code Stay Away Order may remain in effect as long as the defendant is under a court's jurisdiction, including any sentence, probationary or parole period. Stay Away Orders are issued pursuant to Penal Code Section 136.2 while a criminal prosecution is pending. Orders may also be issued pursuant to the Civil Harassment Prevention Act (Code of Civil Procedure Section 527.6), Workplace Violence Safety Act (Code of Civil Procedure Section 527.8), Uniform Parentage Act (Family Code Sections 7710 and 7720), or in connection with a dissolution, legal separation, or annulment (Family Code Sections 2045, 2047, and 2049). Civil Restraining Orders may be issued for a maximum of 5 years. Restraining Orders may be issued for a maximum of 10 years pursuant to 646.9(h) PC. The Juvenile and Dependency Court can also issue restraining orders pursuant to W&I Section 213.5 if the minor meets the qualifications listed under sections (a), (b) and (c) of this section.
- J.** “Emergency Protective Order” (EPRO) is a type of restraining order issued by a Judge or Commissioner at any time, whether or not Court is in session. It is intended to function as a temporary restraining order if a person is in immediate and present danger of domestic violence or child abuse, or where a child is in immediate and present danger of being abducted by a parent or relative. It can also function as an order (when no custody order is in existence) determining temporary care and control of minor children of the above-described endangered person. The issuance of an EPRO is not precluded by an arrest.
- K.** “Cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship (including same sex relationships). Factors that may determine whether persons are cohabiting include, but are not limited

to: (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

- L.** “Dating Relationship” means voluntary associations characterized by the expectation of affectional or sexual involvement.

COMMON CHARGES

A situation involving domestic violence may result in a violation of one or more of the following sections of the Penal Code: (This list is not all inclusive.)

- | | | | |
|-----|---------|---|--|
| 1. | 136.1 | - | Intimidating or dissuading a witness. |
| 2. | 148 | - | Resisting arrest. |
| 3. | 166 | - | Violation of a court order. |
| 4. | 187 | - | Murder. |
| 5. | 207 | - | Kidnapping. |
| 6. | 236/237 | - | False imprisonment. |
| 7. | 236/1 | - | Trafficking |
| 8. | 240 | - | Assault. |
| 9. | 243 (a) | - | Battery. |
| 10. | 243 (e) | - | Battery - Spousal/Cohabitor/"parent of suspect's child"/non-cohabiting former spouse/fiance/fiancee/dating relationship abuse. |
| 11. | 243 (d) | - | Battery with serious bodily injury |
| 12. | 243.25 | - | Battery of an elder or dependent adult, who knew or should have know that the victim is an elder or dependent adult |
| 13. | 245 | - | Assault with a deadly weapon. |
| 14. | 246 | - | Shooting at an inhabited dwelling. |
| 15. | 261.5 | - | Unlawful sexual intercourse |
| 16. | 262 | - | Spousal rape. |
| 17. | 273.5 | - | Spousal/Cohabitor/"parent of suspect's child" abuse. |
| 18. | 273.6 | - | Violation of a protective order. |
| 19. | 417 | - | Brandishing a weapon. |
| 20. | 418 | - | Forcible entry into the home of another. |
| 21. | 422 | - | Terrorist threats. |
| 22. | 459 | - | Residential burglary. |
| 23. | 591 | - | Malicious destruction of a telephone. |
| 24. | 591.5 | - | Unlawful removal, damage of wireless communication device, or obstructing use of such device to summon law enforcement. |
| 25. | 594 | - | Vandalism. |
| 26. | 597a | - | Cruelty to animals |
| 27. | 602.5 | - | Trespassing. |
| 28. | 603 | - | Forcible entry with damage to property. |
| 29. | 646.9 | - | Stalking. |

- 30. 647 (f) - Public drunkenness.
- 32. 653m (c) - Annoying telephone calls - (1) violating court order; or (2) by spouse/cohabitor/parent of suspect's child.
- 33. 12020 (a) - Possession of a dangerous weapon.
- 33. 12021 (g) - Restrained person possess or attempt to purchase firearm
- 34. 12025 (a) - Possession of a concealed firearm.
- 35. 12028.5 - Confiscation of firearms (Administrative section)
- 36. 12031 - Possession of a loaded firearm.
- 37. 653.2 - Electronically distributing, publishing, e-mailing, or making available for download, personal identifying information of an electronic message of a harassing nature, about another person, with the intent to place the person in reasonable fear for his or her safety, or his or her immediate families safety and for the purpose of imminently causing the person unwanted physical contact, injury or harassment by a third party.
- 38. 664 - Attempt of any of the above
- 39. 139 Threatening witnesses

PATROL DEPUTY RESPONSE/INVESTIGATION

A. Enforcement of Laws in Domestic Violence Incidents.

FELONY

- 1. An arrest shall be made in the event that there is probable cause to believe that a felony has occurred. All suspects arrested should be booked into the county jail, or juvenile hall. If a deputy has probable cause to believe that a felony has occurred, an arrest shall be made irrespective of whether the deputy believes the offense may ultimately be prosecuted as a misdemeanor.

MISDEMEANOR

- 2. The suspect shall be arrested in the event that a misdemeanor domestic violence incident occurs in the deputy's presence. Such situations include, but are not limited to, a deputy who witnesses an act of domestic violence, a violation of a verifiable restraining order or illegal possession of a weapon.
- 3. When a misdemeanor domestic violence assault or battery has been committed outside the deputy's presence, and the victim is the suspect's spouse, former spouse, cohabitant, former cohabitant, fiancée, parent of his or her child, or a person with whom the suspect has had or is having an engagement relationship or a current or prior dating relationship, a peace officer may arrest the suspect without the need of a private person's arrest. Penal Code section 836(d) PC, effective 1/01/97, now makes it possible for deputies to arrest when the crime

does not take place in their presence where both of the following circumstances apply:

- a. The peace officer has reasonable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
 - b. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
 - c. This will also apply if the assault or battery involved a person age 65 or older where the elderly victim is related to the suspect by blood or legal guardianship (836.5 PC).
4. An arrest shall be made if the officer has probable cause to believe that the suspect has violated a domestic violence protective order, restraining order, stalking emergency protective order, or elder abuse protective order, even when the crime did not occur in the officer's presence (836 PC).
 5. If a victim complains only of a prior unreported incident and has no complaint of pain or physical injury at the time of the current report, the officer shall make a good faith effort to inform the complainant of his/her right to make a private person's arrest (arrest must fall within the statute of limitations). If the complainant chooses not to exercise that right, the officer shall submit a report to the District Attorney or Juvenile Probation for review. **The arrest must fall within the statute of limitations and meet the requirements listed above in paragraph (3).**

HANDLING OF THE INCIDENT

6. The existence of the elements of a crime supporting an agency arrest or the willingness of the victim to make a private person's arrest shall be the sole factors that determine the proper method of handling the incident. The following factors, for example, are not to influence the deputy's decision to arrest in domestic violence incidents except as they relate to the elements of the crime:
 - a. The relationship or marital status of the suspect and the victim, i.e., not married, separated, or pending divorce;
 - b. The fact that the victim and suspect are of the same gender;
 - c. Whether or not the suspect lives on the premises with the complainant;

- d.** The existence or lack of a temporary or other restraining order;
 - e.** The potential financial consequence of arrest;
 - f.** The complainant's history or prior complaints;
 - g.** Verbal assurances that violence will cease;
 - h.** The complainant's emotional state, or state of sobriety
 - i.** Injuries are not visible;
 - j.** The location of the incident, i.e., public or private;
 - k.** Speculation that the complainant may not follow through with the criminal justice process or that the arrest may not lead to a conviction.
- 7.** Once a suspect is arrested on a misdemeanor offense, he/she should be booked into the county jail.
- a.** In situations where mutual protective orders have been issued under subdivision 10 (commencing with section 6200) of the Family Code prior to making an arrest the deputies shall make reasonable efforts to identify, and may arrest, the “dominant aggressor” involved in the incident without a warrant (PC 836(3))
 - b.** Persons arrested for crimes specified in PC 1270.1, including the following crimes, cannot be released at the scene:
 - 1. PC 243 (e)(1) – misdemeanor domestic violence
 - 2. PC 273.5 – domestic violence with corporal injury
 - 3. PC 273.6 – violation of a protective order if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of the protected party; or
 - 4. PC 646.9 – stalking

These arrestees must be taken to jail, after which they may post bail. If they are to be released for more or less than the scheduled bail or on their own recognizance, a hearing must be held in open court pursuant to PC 1270.1 (Note: No cite and release)

- 8.** A deputy shall make no statements which would tend to discourage a victim from reporting an act of domestic violence or requesting a private person's arrest.

9. Pursuant to Penal Code section 13700 et seq., a deputy responding to an incident of domestic violence shall prepare a Domestic Violence Incident Report in all cases.

B. Investigation of Domestic Violence Cases.

1. Deputies arriving at a domestic violence scene should conduct a thorough investigation and submit reports of all incidents of violence and all crimes related to domestic violence. If the incident occurred in another jurisdiction, the deputy should contact that jurisdiction to determine which agency will investigate the incident.
2. The following steps should be included in a deputy's investigation and subsequent report:
 - a. Arrival at scene
 - i. Determine location and condition of victim and suspect.
 - ii. Determine if any weapon is involved or in the home. Confiscate and collect as evidence any weapons or firearms used in the incident. If the incident involves any threat to human life or a physical assault, the weapon shall be taken into temporary custody under Penal Code Section 12028.5,
 - iii. There are now three additional instances when a search warrant can be requested and issued in a case PC 1524.
 - a. At the premises occupied or under control of the person arrested for domestic violence incident involving a threat to human life or a physical assault as provided in 12028.5 (b) above.
 - b. When the property or things to be seized include a firearm or other deadly weapon that is owned by, or in the possession of, or in the custody of, a person described in W&I 8102 (a).
 - c. When the property or things to be seized include a firearm that is owned by, or in possession of, or in the custody or control of a person who is subject to the prohibitions regarding firearms pursuant to Family Code 6389.
 - iii. Provide appropriate level of aid to injured parties.
 - iv. Separate suspect, victim, and witnesses. (Victim should be out of suspect's view.)

- b.** Preliminary investigation
 - i.** Interview everyone separately - victim, suspect, children, other witnesses.
 - ii.** Ask victim and suspect if they have pain even if there are no visible injuries.
 - iii.** Document victim's and suspect's condition and demeanor.
 - Document torn clothing.
 - Document smeared make-up.
 - Investigate the evidence of injury.
 - iv.** Document disarray in house.
 - v.** Document suspect's symptoms of use/influence of alcohol or controlled substances.
 - vi.** Document size relation of victim and suspect.
 - vii.** In apparent “mutual combat” situations, try to determine who was the dominant aggressor (dual arrests are discouraged, but not prohibited per Penal code Section 13701):
 - Was one party in actual fear of the other?
 - Did one party escalate the level of violence, i.e., did one party react to a slap by beating the other party?
 - Was one party physically larger and stronger than the other?
 - Was there a history of violence by one of the parties against the other? Against other people?
 - Was one party usually the aggressor?
 - Did any injuries appear to be defense wounds?
 - viii.** If victim has a restraining order against suspect, obtain a copy of the order and valid proof of service (proof of service is not necessary if the suspect was in court when the order was issued).

If no copy is available, contact the Department of Justice Domestic Violence Protective Order Registry (Domestic Violence Restraining Order System DVROS/CLETS) to verify the existence of the order. (Family Code Section 6383(d)). If there is no order, inform victim how to get an order.

- ix.** Advise victim of Emergency Protective Order (EPRO), and ask if one is desired. (Victim should be out of suspect's view.)
 - x.** If victim has a restraining order which has not yet been served on suspect, verbally inform the suspect of the order and note in the report including case number of the Restraining Order. If victim has an extra copy of the order, serve on the suspect and fill out proof of service. Return the original proof of service to the victim for filing with the court. If a suspect is given verbal notice of the Order, the deputy must advise the suspect to go to the local Family Court to obtain a copy of the Order containing the full terms and conditions of the Order (Family Code Section 6383(g)).
- c.** If suspect taken into custody
- i.** Document spontaneous statements.
 - ii.** Prevent communications between suspect and victim/witnesses.
 - iii.** Advise suspect of Miranda rights.
 - iv.** Take statements.
- d.** Evidence
- i.** Document condition of crime scene (disarray of physical surroundings).
 - ii.** Photograph crime scene, if applicable.
 - iii.** Ensure that victim/suspect are photographed.
 - iv.** Impound and/or photograph weapons and other evidence. (Consider Penal Code Sections 12021 (c) - Persons convicted of specific misdemeanors and 12028.5 - Confiscation of firearms and dangerous weapons.
- e.** Medical treatment

- i.** Obtain authorization for release of medical records from victim, if possible.
 - ii.** Document extent of injuries/treatment, if known.
 - iii.** Obtain names, addresses, and phone numbers of fire, ambulance or paramedic personnel treating the victim, if possible.
- f.** Completing Crime Report
 - i.** Maintain objectivity in reporting. Avoid personal opinions regarding comments from victim/suspect.
 - ii.** Ensure that elements of all involved crimes are included in the report.
 - iii.** Document any injuries victim/suspect have sustained.
 - iv.** Document that victim received referral per Penal Code Section 13701
 - v.** Document past history of violence.
 - vi.** Document prior domestic violence incidents at that address involving the alleged abuser or victim.
 - vii.** Document statements of victim, suspect, and all witnesses including children.
 - viii.** Document physical evidence obtained.
 - ix.** Document probation/parole status.
 - x.** Document whether alcohol/drugs were involved by the alleged abuser.
 - xi.** Document names and ages of children who were present and/or residing in the home at the time the offense occurred or who were not present but reside in the home. Also document the names, addresses and ages of children present in the home at the time of the incident, who may not be related to the victim and/or suspect AND children who may not reside in the home but whose parents are involved in the domestic violence incident.

3. When documenting a domestic violence-related crime, identify the report as a domestic violence incident on the face of the report as required by Penal Code Section 13730 (c).
4. Deputies should not misinform victims of domestic violence that the victim has the authority to “press” charges or “drop” charges. If a victim spontaneously states that prosecution is not desired, the victim should be told that the decision to prosecute is made by the District Attorney.

FOLLOW-UP INVESTIGATION

- A. All domestic violence reports prepared by Deputies pursuant to Penal Code section 13700 et seq., should be reviewed and given follow-up investigation as needed.
- B. Follow-up investigations should be geared to the requirements of the District Attorney's Domestic Violence Unit.
 1. Follow-up investigations should include the following:
 - a. Verify the inclusion of all investigative steps described above regarding patrol deputy response/investigation;
 - b. Obtain medical records, if available;
 - c. Preserve a copy of the 911 tape involving the original call for assistance, as needed;
 - d. Interview/re-interview witnesses, as necessary;
 - e. Contact the victim to inform him/her of the status of the case and the intended referral to the District Attorney;
 - f. Obtain photographs of injuries to the victim (irrespective of whether photos were taken by the responding deputy);
 - g. Record name, address, and phone number of two close friends or relatives of the victim who will know the victim's whereabouts 6-12 months from the time of the incident;
 - h. Conduct a complete CJIC, CII history of the suspect and attach it to the investigator's report.
 2. Follow-up investigation shall not consider the desire of the victim to “drop” charges in assessing whether the case should be submitted to the District Attorney's Domestic Violence Unit.

- 3.** Investigative personnel handling domestic violence cases should analyze each domestic violence case by asking the following questions:
- a.** Can the elements of the offense be established without the testimony of the victim?
 - i.** If the answer is “yes,” the case should be submitted to the District Attorney for review, irrespective of the wishes of the victim.
 - ii.** If the answer is “no,” the next question should be considered.
 - b.** Will the victim come to court and tell the truth if subpoenaed to do so by the District Attorney?
 - i.** If the answer is “yes,” the case should be submitted to the District Attorney for review.
 - ii.** If the answer is “no,” can further investigation locate additional witnesses or evidence which would allow prosecution without a cooperative victim, such as:
 - witness statements;
 - prior inconsistent statements;
 - physical evidence;
 - content of 911 tape;
 - circumstantial evidence;
 - defendant's statements.If so, the evidence should be obtained and the case should be submitted to the District Attorney.

If not, the case need not be submitted, but should be filed with Records pursuant to Penal Code Section 13700 et seq.
- 4.** Under no circumstances should a victim be asked if he/she wishes to “press charges” or “drop charges.” Investigative personnel should not ask a victim if he/she wants to “prosecute” his/her partner. The focus of the investigative follow-up should be on the questions contained above in section 3 and the victim should be informed that the decision to proceed is out of his/her control.

5. Deputies arriving at a medical facility in response to a phone call or report made by a medical professional shall prepare a Domestic Violence Incident Report irrespective of the wishes of the victim.

ENFORCEMENT OF RESTRAINING ORDERS

- A. Domestic violence restraining orders will be enforced by all law enforcement officers. Under Penal Code Section 273.6 (a), it is a misdemeanor to intentionally and knowingly violate any of the protective orders issued pursuant to the Uniform Parentage Act, Family Code, the Domestic Violence Prevention Act, the Workplace Violence Safety Act or the Civil Harassment Prevention Act. Penal Code Section 273.6 (d) makes it a felony to violate a restraining order, with violence or threat of violence, after suffering a prior conviction for violation of Penal Code Section 273.6 within 7 years. The elements of the crime require willful disobedience of the terms of the order. Proof of Service shows that the suspect has the needed knowledge to be in violation of the order. Verbal notice by the deputy of the terms of the Order is sufficient notice for the purpose of Section 273.6 PC (Family Code Section 6383(e)). Each Agency shall ensure the original Proof of Service is filed with the court issuing the order and a copy retained with the police report.

Note: The terms and conditions of the restraining order remain enforceable, in spite of the acts of the victim or suspect, and may be changed only by order of the court.

Penal Code Section 273.6 shall apply to the following orders:

1. An order enjoining any party from directly or indirectly contacting, telephoning, contacting repeatedly by mail with the intent to harass, molesting, attacking, striking, threatening, stalking, sexually assaulting, battering, harassing, or disturbing the peace of the other party or other named family and household member.
 2. An order excluding one party from the family dwelling or the dwelling of the other party or other named family and household member.
 3. An order enjoining a party from specified behavior which the court determined was necessary to effectuate the orders.
- B. Stay Away Orders are typically ordered in domestic violence cases as a condition of a supervised own-recognition release and will be enforced by all law enforcement officers. Pretrial Services enters a teletype of the Stay Away Order into the SLETS System, which forwards the order to pertinent police agencies. This order is valid until the order is terminated or modified, at which time police agencies are once again notified via the SLETS System by Pretrial Services. Pretrial Services also takes responsibility for victim notification. Information in support of the need for a Stay Away Order should be included by the deputy in the Probable Cause Affidavit.

- C.** Deputies shall make arrests for any violations under the above sections that they observe. A victim still retains his/her right to make a private person's arrest. A misdemeanor warrantless arrest shall be made absent exigent circumstances if a deputy has reasonable cause to believe that the person violated a restraining order outside his/her presence (836(c)(1) PC), (13701 P.C).
- D.** If, at the scene of a domestic disturbance a person shows or informs the deputy of the existence of a restraining order, it is crucial to establish the present status and terms of the order. Pursuant to Penal Code Section 13710, each Law Enforcement Agency shall maintain a complete and systematic record of all protection orders with respect to domestic violence incidents. These records shall include orders which have not yet been served, orders issued pursuant to Penal Code section 136.2, restraining orders, and proofs of service in effect. This shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect. All civil restraining orders are in the statewide registry available to all law enforcement.
- 1.** Upon request, law enforcement agencies shall serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody. Once the order is served, an arrest may be made if the suspect refuses to comply with the terms of the order.
 - 2.** If the deputy cannot verify the order, it may be enforced through a private person's arrest procedure. If it is the deputy's opinion that the elements of the crime do not exist, the deputy may then consider a release per Penal Code Section 849(b).
 - 3.** If a Restraining Order violation has occurred and the suspect is not present, the deputy will submit a crime report of the appropriate violation and the deputy will attempt to locate the suspect and arrest pursuant to Section 836(c) PC.

Under no circumstances shall a deputy fail to prepare a crime report on a restraining order violation simply because the suspect is no longer present.
 - 4.** A restraining order issued in a criminal case of domestic violence has precedence over any conflicting civil orders affecting the parties. (Penal Code Section 136.2(h)(2)).
- E.** When responding to any domestic violence incident, a deputy shall advise the victim of the availability of an Emergency Protective Restraining Order (EPRO) and civil restraining orders in every case even if the suspect is arrested and in non-criminal situations where the victim is fearful. The deputy is required to request the protective order if the deputy believes the person requesting the order is in immediate and present danger..

1. In arrest situations, the following procedures should be implemented:
 - a. When a person is arrested based upon an allegation of a recent incident of abuse or threat of abuse and the deputy can assert reasonable grounds to believe that a person is in immediate and present danger of domestic violence, or child abuse, or where a child is in immediate and present danger of being abducted by a parent or relative, which would require restraint if the defendant were to be released from custody (e.g., bail, OR, 849, or no PC found), then the deputy shall be required to explain the EPRO to the victim and ascertain if the victim desires one. In extraordinary circumstances where the deputy fears for the safety of the victim, but the victim does not desire an EPRO, an investigating officer may request one on behalf of the victim.
 - b. If an EPRO is appropriate, the application should be completed. During normal court hours the deputy should call the Family Court at 299-8582 and ask to speak to the Supervising Judge. If no answer, call 299-7365 or 299-8523 and ask for a judicial officer. During nighttime hours, weekends, and holidays the deputy should call County Communications at 299-2501 and ask for the Duty Judge to call back. The deputy should leave the phone number where he/she can be reached. If the Duty Judge is not available, the deputy should ask to speak to another Judge.
 - (1) Deputies should be advised that EPROs are not provided at the Jail nor is a Stay Away Order automatically issued. A deputy should not request a Stay Away Order or an EPRO on the probable cause affidavit. If he/she feels a restraint is required upon defendant's release, follow the EPRO procedures. In order to have a Stay Away Order initiated as a condition of Supervised OR, at the time of booking, information in support of the need for restraint should be included in the probable cause affidavit, not requested on the form.
 - (2) The functions of each order do not necessarily overlap. The Supervised Own Recognizance Order provides a mechanism for supervision of a criminal defendant including ensuring court appearances, and it often includes drug and weapon conditions. The EPRO provides the victim with a way to enter the Civil Justice System with protection already in place.
 - (3) **Law Enforcement is authorized to request the immediate surrender of firearms when a person is served with a domestic violence protective order, rather than having to wait 24 hours for the person to self-surrender the firearms.**

2. In a non-arrest situation where an EPRO is desired, the deputy should complete an application and contact the Duty Judge or Family Court for evaluation and issuance of the EPRO.
 3. If issued, EPRO legislation requires a deputy to make a reasonable attempt to serve the restrained party. If he or she is present or can be readily contacted, serve the order and complete the Proof of Service on the form. Give the restrained person's (canary) copies to him or her. Document whether and how the order was served in the police report.
 4. Once an EPRO is issued, it is the responsibility of the police agency to promptly file the EPRO with the Family Court at 170 Park Center Plaza, San Jose, California 95113.
 5. A judicial officer may issue an EPRO if a peace officer asserts reasonable grounds to believe that a person is stalking another person as defined in PC 646.9 (authority 646.91).
- F.** Deputies shall enforce out-of-state protective or restraining orders that are presented to them if:
1. The orders appear valid on their face.
 2. Contain both parties' names.
 3. Has not yet expired.

(Full Faith and Credit Provision of the Violence Against Women Act, Family Code 6380.5)

Deputies should check CLETS to determine if the order has been registered in California. If the order is not registered, an attempt should be made to contact the foreign jurisdiction or its registry for confirmation of validity. If validation cannot be substantiated, the deputy can contact the Duty Judge for an EPRO, but the out-of-state protective or restraining order must still be enforced if it meets the above criteria. If not registered in California parties should be advised to immediately register the order through the Family Court.

VICTIM ASSISTANCE

- A.** If a victim has injuries, visible or not, which require medical attention, deputies shall administer first aid, as appropriate, and offer to arrange for proper medical treatment.
- B.** When a party in a domestic violence incident requests police assistance in removing a reasonable amount of personal property (e.g., a suitcase) to another location, deputies shall stand by a reasonable amount of time until the party has safely done so.

- C. In all domestic violence incidents, a deputy shall:
1. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for safety or the deputy determines a need exists.
 2. Explain options available to the victim including the private person's arrest process, temporary restraining orders, Emergency Protective Restraining Orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
 3. Advise the victim of available community resources and the State Victim Assistance Program. (This includes the victim of an alleged battery or corporal injury to a domestic partner). Pursuant to Penal Code Section 13701, deputies shall furnish victims with a "Victims of Domestic Violence Card" which includes the toll free number for the California Victims' Compensation Program. The card shall include the names and phone numbers of shelters or counseling centers, and state that domestic violence or assault by a person who is known to the victim or who is the spouse of the victim is a crime. The card will also include an explanation of the Santa Clara County Victim Notification Service.
 4. Verify and enforce court issued protective orders pursuant to this protocol.
 5. Exercise reasonable care for the safety of the deputies and parties involved. No provision of this instruction shall supersede that responsibility.

MILITARY SUSPECTS

- A. All domestic violence incidents involving military suspects shall be handled according to this law enforcement protocol if:
1. The incident occurred outside the boundaries of a military facility; or the Sheriff's Office is responsible for law enforcement on the military facility, and
 2. Local law enforcement agencies are called to assist in handling such an incident.
- B. The intent of this policy is to eliminate all informal referrals, diversions, or report taking omissions in the handling of domestic violence incidents involving military personnel.
- C. No informal agreements with military police or a suspect's commanding officer shall take precedence over a suspect's arrest and prosecution by the non-military authorities.

LAW ENFORCEMENT SUSPECTS

- A. All domestic violence incidents involving law enforcement suspects shall be handled according to this law enforcement protocol. Any deputy investigating an alleged incident of domestic violence involving a law enforcement suspect shall have an on-duty

supervisor notified as soon as possible. The investigation agency shall notify the employing agency as soon as possible after the incident or initial report. All alleged incidents of domestic violence involving suspects who are employed as peace officers will be reviewed by the District Attorney's Office. All reports and information regarding suspects who are employed as peace officers shall be delivered to the suspect's law enforcement employer as soon as practical at the completion of the investigation.

The investigation agency shall contact local domestic violence agencies for assistance when referring the victim to an advocate trained in working with victims of domestic violence perpetrated by law enforcement suspects.

TRAINING

- A.** Each law enforcement agency shall conduct mandated domestic violence training for members of the agency per 13519(b) PC and 13730 PC.
- B.** The goals of the training are to inform deputies of:
 - 1.** The domestic violence laws;
 - 2.** The Sheriff's Office's domestic violence policy and procedures;
 - 3.** The dynamics of domestic violence;
 - 4.** Peace officer investigative techniques; and
 - 5.** District Attorney Domestic Violence Unit policies.
- C.** Additional training should include written bulletins, videotapes, verbal reminders, and updates during patrol briefings.
- D.** The Sheriff, or his/her designee, shall ensure the review of the Sheriff's Office's training policies annually and make any revisions deemed necessary.



**LAURIE SMITH
SHERIFF**



BODILY INTRUSION SEARCH PROCEDURE GENERAL ORDER # 17.11

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. # 17.11 dated 07/01/04

Reviewed: 02/22/2010

POLICY

Recovering evidence from the person or body of a suspect or other person constitutes a search and seizure. This includes bodily intrusion searches for items which may in and of themselves constitute evidence of a crime, or blood, which may be relevant to the prosecution of the crime for which the suspect has been arrested. While we recognize the need to obtain evidence through bodily intrusion searches, it shall be the policy of this agency to obtain evidence in the least intrusive means whenever possible. Deputies shall make every effort to obtain consent or acquiescence to the search prior to initiating any type of non-consensual search for evidence.

While investigating DUI events, employees of the Sheriff's Office shall comply with California State Vehicle Code Sections 23612, 13353, (implied consent law). Employees are cautioned about resorting to the use of force in Misdemeanor DUI cases, and advised that the use of force to obtain a blood sample where the law already prescribes a penalty for refusing to consent or acquiesce is inappropriate absent exigent circumstances.

Warrantless Blood Seizure

Absent consent by the suspect, any search and seizure of blood from a suspect's body must be authorized by a search warrant or court order unless all of the following circumstances exist:

1. The person is in custody pursuant to a valid arrest for a crime in which the existence of alcohol or drugs in the bloodstream would be relevant.

2. There is probable cause to believe that the suspect is under the influence of drugs or alcohol.

3. It reasonably appears that any delay in completing the seizure would result in the loss of the evidence.
4. The search is effected at or near the time the offense was committed.
5. The blood is drawn by trained professional medical personnel in accordance with accepted medical practices.

Warrantless Bodily Intrusion Searches

Absent consent by the suspect, any search for items of evidence which may be secreted inside a suspect's body must be authorized by a valid search warrant or court order unless the following circumstances exist:

1. The person is in custody pursuant to a valid arrest.
2. There is probable cause to believe the search would result in the discovery of evidence of a crime.
3. It reasonably appears that any delay in completing the search would result in the loss of the evidence.
4. The search is effected close in time to the offense.
5. The evidence is removed from the suspect's body by trained professional medical personnel in accordance with acceptable medical practices.

Blood Typing/DNA Testing

Due to the fact that a delay in completing the search will not result in a loss of evidence, the seizure of a blood sample for "typing" or "DNA" testing requires either the consent of the person tested or a search warrant.

1. If a suspect consents to the search, their consent shall be documented in the occurrence report or on a Consent to Search Waiver form.
2. If the suspect refuses to give consent, a search warrant may be obtained through the District Attorney's Office during business hours or from the on-call District Attorney after business hours.
3. Nighttime service of search warrants (between 10 p.m. and 7 a.m.) for blood typing or DNA testing shall not be authorized.

PROCEDURE

- A. A felony or misdemeanor, without any additional factors, is not sufficient reason to seize blood or complete any other type of bodily intrusion search.
- B. Deputies must be able to articulate the probable cause for the search, and shall document those reasons in the occurrence report.
- C. Deputies will make every effort to obtain the suspect's consent or acquiescence prior to completing any type of bodily intrusion search. However, consent is not required where submission to the seizure of a specimen is implied by law.
- D. If the arresting deputy determines that the policy standards for a warrantless seizure are met, the deputy may obtain the evidence without consent in accordance with subsections E, F and G of this General Order.
- E. Searches for the retrieval of evidence pursuant to this order shall be completed at either the Alcohol Investigation Bureau (A.I.B.), Sheriff's Office Interview Rooms, or at a licensed Medical Facility. Other locations may be approved by the on-duty supervisor or medical personnel if they are sanitary and the conditions will not expose the suspect, the deputies, or the medical personnel to a risk of contamination, infection or injury.
- F. If the suspect refuses to voluntarily submit to a valid bodily intrusion search, and there is a basis under this policy for completing the search and seizure without consent, deputies shall employ the following procedure:
 - 1. The deputy will explain to the suspect that his or her refusal to voluntarily submit to the search will be documented in the occurrence report, along with the fact that it was necessary to physically restrain the suspect in order to complete the seizure.
 - 2. The Deputy will contact his immediate supervisor and advise him or her of the refusal, and request permission to complete the seizure.
 - 3. If the suspect continues to refuse to consent or acquiesce to the seizure after the deputy has obtained authorization from their immediate supervisor, the deputy will request assistance from a second officer and will not attempt to complete the seizure until the second officer/deputy arrives and is able to assist.
 - 4. The deputy will use the minimum amount of force necessary to complete the seizure, keeping in mind that by law we may only use that degree of force, which is necessary to overcome resistance to the process.

5. If the suspect becomes combative during any portion of the process, and the deputy, the medical technician, or the supervisor believes that the seizure cannot be completed without exposing the suspect or the others present to undue risk of injury, the deputy shall stop the process and note the circumstances in the occurrence report.
 6. If force is necessary to complete the blood draw process, the deputy shall ensure that all force used, by both the deputy and the suspect, is documented in the occurrence report. The report shall include the facts necessitating the forced blood extraction, along with the resistive conduct of the suspect and the type of force used to overcome the resistance.
- G. If a suspect is unable to consent due to being unconscious, or is unable for any other reason to give consent, the deputy may obtain the evidence if probable cause exists for completing a seizure without a warrant or court order subject to approval of the attending medical personnel.
- H. Exemptions: Hemophiliacs and people using anticoagulants under the direction of a physician are exempt from bodily intrusion searches.



LAURIE SMITH
SHERIFF



BIAS-FREE POLICING GENERAL ORDER #17.12

Adopted: 3/26/2021
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POLICY

The Sheriff's Office is committed to providing services and enforcing laws in a professional, non-discriminatory, impartial, and equitable manner that keeps both the community and deputies safe and protected. The intent of this policy is to increase the Sheriff's Office effectiveness as a law enforcement agency and to build mutual trust and respect with the diverse groups and communities of Santa Clara County.

It is the policy of the Sheriff's Office to provide law enforcement services and to enforce the law equally, fairly, objectively, and without discrimination toward any individual or group. The Sheriff's Office expressly prohibits racial and identity profiling (Pen. Code § 13519.4).

All employees of the Sheriff's Office are prohibited from taking law enforcement actions, including the use of force, based on actual or perceived personal characteristics, including but not limited to race, color, ethnicity, national origin, age, religion, political affiliation, gender identity or expression, sexual orientation, mental and or physical disability. All employees of the Sheriff's Office shall rely on their training and experience when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group. Personnel must not delay or deny policing services based on an individual's actual or perceived personally identifying characteristics. All employees should draw upon their training and use their critical decision-making skills to assess whether there is criminal conduct and to be aware of personal implicit bias and bias by proxy when carrying out their duties.

BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited. However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct

information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

A. DEFINITIONS

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

Bias-Based Policing: conduct by peace officers motivated, implicitly or explicitly, by the deputy's beliefs about someone based on the person's actual or perceived personal characteristics, i.e., race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability.

Explicit Bias: Conscious belief or attitude toward a specific social group or person that may lead an individual to act in discriminatory ways.

Implicit Bias: the attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal.

Bias by Proxy: when an individual calls/contacts the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service based in unlawful bias, they risk perpetuating the caller's bias. Sworn and civilian staff should use their critical decision-making skills, drawing upon their training to assess whether there is criminal conduct.

B. CALIFORNIA RELIGIOUS FREEDOM ACT

Employees shall not collect information from a person based on religious belief, practice, affiliation, national origin, or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Employees shall also not assist federal government authorities (Government Code § 8310.3):

1. In compiling personal information about a person's religious belief, practice, affiliation, national origin, or ethnicity.

2. By investigating, enforcing, or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

C. THE RACIAL AND IDENTITY PROFILING ACT (RIPA) / STOP DATA

Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report.

When multiple deputies conduct a stop, the deputy with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227). If multiple agencies are involved in a stop and the Sheriff's Office is the primary agency, the Sheriff's Office deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the deputy's shift or as soon as practicable. It must; however, be submitted within 24 hours of the stop (11 CCR 999.227).

D. EMPLOYEE RESPONSIBILITIES

Every employee of the Sheriff's Office shall perform his/her duties in a fair, impartial, and objective manner, and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Employees should, when reasonable to do so, intervene to prevent any biased-based actions by another employee of the Sheriff's Office.

E. TRAINING

Training on fair and objective policing and review of this policy shall be conducted by the Training and Compliance Unit and supplemented with periodic roll-call training and discussions facilitated by supervisors.

1. All sworn personnel will be scheduled to attend Peace Officer Standards and Training (POST) approved training about bias-based policing, implicit bias, and bias by proxy.
2. Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

F. REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Lieutenant of the Professional Compliance Unit or his/her designee shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the DOJ as required for reporting (Penal Code § 13012; Penal Code §13020).

Employees shall ensure that stop data reports are provided for required annual reporting to DOJ (Government Code § 12525.5). The Sheriff's Office Records Divisions shall be responsible for releasing the annual data to the DOJ consistent with existing record release procedures.



LAURIE SMITH
SHERIFF



**CIVIL PROCESS SERVICE AND FEES
GENERAL ORDER #18.00**

Adopted: 07/07/2010
Replaces: G.O. #18.00 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

State and federal civil process shall be served and executed in accordance with law.

A. SERVICE OF CIVIL PROCESS ON SHERIFF'S OFFICE EMPLOYEES

1. Service in state civil lawsuits

- a.** Personal service requires delivery to the defendant personally or to the defendant's agent authorized to accept service on behalf of the defendant. Personal service is complete at the time of delivery. The time to respond begins at that moment.
- b.** Service by mail is also permitted in California. A defendant must be mailed a copy of the summons and complaint, two copies of the notice and acknowledgement, and a return envelope. If service is not acknowledged within 20 days, the defendant may be held liable for extra expenses incurred.
- c.** Substitute service is a combination of personal service and service by mail. It involves the delivery of the summons and complaint to the defendant or his or her agent personally and mailing a copy as well. Substitute service is limited by a number of factors, including:
 - 1.** The Sheriff's Office will not accept substitute service for the County.
 - 2.** Completion of substitute service occurs only when copies of the documents served are mailed to the party being served.

2. Service in federal civil lawsuits

- a.** Federal Rule of Civil Procedure 4(c) provides that service may be provided pursuant to the laws of the state in which the district court is held or by mailing a copy of the summons and complaint to the person to be served together with a notice and acknowledgment of service. Most federal suits are served on the defendant by mail.
- b.** If service is not acknowledged within 20 days following service, the court may order the defendant to pay the costs of personal service. Defendants have 20 days after acknowledging service in which to answer, file a motion to dismiss or take other appropriate action.
- c. Accepting federal and state civil process**
 - 1. Personal service is authorized provided the deputy or employee being served is available for personal service at the time the attempt is made.
 - a. If the deputy/employee is not available at the time of attempted service, the person attempting to serve the process shall be directed to return at a favorable time.
 - b. Valid legal procedure insists upon the conditions in subtopic (a) above.
 - 2. If service is made by substitute service, the immediate supervisor of the deputy/employee being served can receive the summons and complaint.
 - a. The supervisor accepting the substitute process shall make it clear to the person serving the process that personal service is not being accepted or acknowledged, only substitute service.
 - b. Personal service must answer within 30 days.
 - c. Substitute service must answer within 40 days.
 - 3. Upon receiving a summons and complaint by either personal or substitute service, the document(s) received shall be delivered immediately to the county counsel.

3. Procedure upon receipt follows:
 - a. Do not sign the acknowledgment form, forward the unsigned acknowledgment along with the document(s) to the county counsel.
 - b. Employees who do not wish that the county counsel provide defense are directed to forward a copy of the document(s) directly to the county counsel.
 - c. Significant complaints are to be hand-delivered to the county counsel on the same day received.
 - d. Forward copies of all document served to the division commander.
4. Note: civil process served on the county is not to be accepted at the sheriff's office. Such service requires leaving a copy of the summons and complaint in the office of the person authorized to be served on behalf of the entity -- the clerk of the board of supervisors.

B. Civil subpoenas

a. Procedure regarding civil subpoenas for deputies or other Sheriff's Office personnel

1. Whenever a sheriff/deputy sheriff is required to witness before any court or tribunal, or to appear for the taking of a deposition, in any civil action or proceeding in connection with matters regarding an event or transaction which a deputy perceived or investigated in the course of their duties, a subpoena requiring a deputy's attendance may be served by delivering a copy either to the deputy personally or to the deputy's immediate supervisor.
2. No attendance as a witness under the above is required outside of the residing state of the witness.
3. If service is made on the immediate supervisor as in topic 1 above, that person is to accept service and immediately notify the witness deputy. If, at the time of service the supervisor believes they will encounter difficulty, or be unable to notify the deputy as above, they are to so advise the server of the subpoena, and may refuse to accept service.
3. If the supervisor accept service and is subsequently unable to notify the deputy, they are to notify the person or attorney listed on the subpoena that contact with the deputy was not feasible, and to provide reason for the incomplete service. If neither party can be contacted, the court shall be notified accordingly.

4. If the witness deputy cannot appear for reasons beyond their control, the deputy shall notify the person or attorney listed on the document, or contact the court/tribunal of their inability to appear, and state the reason(s).
5. The witness deputy may arrange with the person or attorney listed on the subpoena to appear at an alternate time or on the basis of some notice both parties can agree upon.

Any such agreement is to be as specified as possible, thereby eliminating any probability of misunderstanding or party-unavailability which may result in a contempt of court judgment.

b. Procedure regarding civil witness fees for deputies

1. The person requesting service of a subpoena for a sheriff or deputy sheriff is required to deposit \$150.00 with the sheriff's civil section before the service of the subpoena. The same amount must also be deposited for each subsequent day the sheriff/deputy is to appear as a witness.
2. The court may, for sufficient reason, waive the requirement for a second (or subsequent) \$150.00 deposit.
3. Any person who pays or offers to pay any money or other form of enumerations for the services of any sheriff/deputy sheriff, and any sheriff/deputy sheriff who asks or receives and such enumerations, except as stated herein, is guilty of a misdemeanor.

c. Procedure regarding receipts -- subpoena fees

1. Upon receipt, the civil section shall issue a paper receipt, including the following information:
 - a. Name and address of party paying the fee.
 - b. Check/draft number
 - c. Case number of the incident.
2. Use only an official Santa Clara County receipt for all transactions of this nature.
 - a. must be complete in triplicate.
3. All used receipt books are to be forwarded to the fiscal office. Order new receipt books via Sheriff's Office fiscal requisition.
4. All fees collected shall be deposited with the county treasurer using a regular county affidavit and record of deposit to account for each deposit.

- a. File the goldenrod copy with the fiscal office.
 - b. Civil section retains the green copy for periodic audit and reconciliation.
 - c. The account coding in the affidavit is as follows:
 - (1) t/c-119 index-3929 rsbj-6979 rd-01 fund-0001
 - (2) description: civil subpoena fees.
 5. Forward the original and one copy of both the receipt and subpoena to the deputy's division commander for personal service.
- d. Procedure regarding payment refund on claims
1. Requires that the party requesting the subpoena, and officer's appearance, submit a letter directing that the subpoena be released and that all revenues be refunded.
 2. The division/section and/or officers receiving such a letter shall forward the request to the civil service for refund.
 3. The refunding process requires completion of a blue claim form and submitting the form to the county controller, who in turn will issue a county warrant to the party making the request.
 4. The letter of instructions must contain the name and address of the party requesting the refund.
- e. Procedure regarding the appearance of the deputy
1. Before appearing, the witness deputy is to make their supervisors aware of their appearance.
 2. Deputies are to be on time for their appearance, prepared to testify, and bring all subpoena document or records to the hearing.
 3. Take a "true" copy of the original record, do not take the original record to avoid submittal into evidence at court -- the original must be maintained and submitted to county records. Further, it is strongly recommended that the attorney requesting the subpoena be contacted prior to the hearing it may save a personal appearance if sufficient information can be obtained via the telephone.

4. Travel to and from the appearance, except in rare circumstances, is to be by Sheriff's official vehicle, thereby reducing liability factors. Travel by other means by prior division commander approval only.

A handwritten signature in black ink, appearing to read "Laurie Smith". The signature is written in a cursive, flowing style.

LAURIE SMITH
SHERIFF



ASSET FORFEITURE GENERAL ORDER #18.01

Adopted: 07/07/2010
Replaces: G.O. #18.01 dated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The process of taking or forfeiting property is a civil proceeding in which there is a criminal filing. In California state asset forfeiture cases, the court in the county in which the property is located has jurisdiction. The Sheriff's Office will promote the uniform and proper use of the provisions of the law pertaining to asset seizure.

PROCEDURE

A. DEFINITION

Forfeiture is the taking by the government of property which is illegally used or obtained without compensating the owner.

B. TYPES OF FORFEITURE

1. An administrative forfeiture exists when the asset is seized and no petitions have been filed by any claimants or owners and the property is forfeited by administrative paperwork. This results in a forfeiture order by the Superior Court.
2. A judicial forfeiture is when claims are made to regain control of the property and petitions are filed with the Superior Court. A hearing is conducted to ascertain the facts of the case and determine if the property is subject to forfeiture. This may again result in a forfeiture order by the Superior Court.

C. STATE AND FEDERAL ASSET FORFEITURE

1. Under most circumstances, asset forfeiture seizures conducted by the Sheriff's Office are based on California state law. Under some circumstances; however, asset forfeiture seizures may also be conducted pursuant to federal law. The federal agencies participating in the United States Department of Justice Forfeiture Program are: Federal Bureau of Investigation, Drug Enforcement Administration, Immigration and Customs Enforcement, United States Park Police, United States Marshals Service, United States Attorneys' Offices, Criminal Division, and United States Postal Inspection Service.
2. The Sheriff's Office, as a local law enforcement agency, can participate in the federal "equitable sharing program" for asset forfeiture seizures in two ways:
 - a. Sharing forfeiture proceeds based on seizures pursuant to a joint investigation conducted by the Sheriff's Office and a federal agency; or
 - b. The Sheriff's Office, having seized property, may request that a specified federal agency adopt the seizure and proceed with federal forfeiture. Federal agencies may adopt such seized property for federal forfeiture where the conduct giving rise to the seizure is in violation of federal law and federal law provides for forfeiture. The Sheriff's Office has 30 days from the date the property was originally seized to request a federal adoption, unless a waiver is approved based on exceptional circumstances justifying the delay.

D. PROPERTY SUBJECT TO SEIZURE:

Health and Safety Code Section 11470 defines the property and conditions which are subject to forfeiture under California law. These include:

1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the law.
2. All raw materials or equipment of any kind which are used, intended to be used in manufacturing, processing, delivering, importing or exporting any controlled substance in violation of the law.
3. All property except real property or a boat, airplane, or any vehicle which is used, or intended for use, as a container for controlled substances in violation of the law.
4. All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of the law. The community property interest of a

5. The interest of any registered owner of a boat, airplane, or any vehicle other than an implement of husbandry which has been used as an instrument to facilitate the manufacture of, or possession for sale or sale of certain quantities of drugs. The community property interest of a non-defendant in a class C, M1, or M2 vehicle, which is the sole class c. M1 or M2 vehicle available to the defendant's immediate family, prevents forfeiture of the entire vehicle.
6. All money, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all monies, negotiable instruments, or securities used or intended to be used to facilitate any violation of Health and Safety Code sections 11351, 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11382, 94 11383 or Penal Code Section 182, or a felony violation of Health and Safety Code Section 11366.8, insofar as the offense involves manufacture, sale, possession for sale, offer for sale, or offer to manufacture, if the exchange, violation, or other conduct which is the basis for the forfeiture occurred within five years of the seizure of the property, or the filing of a petition under the law, or the issuance of an order or forfeiture of the property, whichever comes first.
 - a. The “Exchange Theory” permits forfeiture of all money, negotiable instruments, securities, or other things of value furnished or intended to be furnished by a person in exchange for a controlled substance.
 - b. The “Proceeds Traceable to an Exchange Theory” permits forfeiture of all proceeds traceable to an exchange mentioned in the above theory.
 - c. The “Facilitation Theory” allows forfeiture of all money, negotiable instruments or securities used or intended to be used to facilitate any violation of the listed code sections.
7. The real property of any property owner who is convicted of violating Health and Safety Code sections 11366, 11366.5, or 11366.6 with respect to that property. This does not apply to property which is used as a family residence, or for other lawful purposes, or which is owned by two or more persons, one of whom had no knowledge of its unlawful use.

E. CONSTITUTIONAL CONSIDERATIONS

Although the processes previously described are civil in nature, the course of conduct requiring police intervention is usually criminal in nature. Careful consideration must first be given to the criminal case with secondary considerations given to the forfeiture case. However, critical

evidence may be developed during the investigation to enhance the forfeiture case merely by documenting the statements and actions of the defendant regarding the seized property.

1. Fourth Amendment Concerns. A warrant is not required to seize property subject to forfeiture; however, the Fourth Amendment does require that any such seizure be reasonable, i.e., that the seizing officer has reasonable cause to believe the property is subject to forfeiture. This means that a deputy should conduct his or her investigation in an equivalent manner to that of an arrest in a public place or seizing evidence in plain view. He or she must be legally on the premises and must have probable cause to believe the property is subject to forfeiture. Care should be exercised in conducting the search of property which otherwise has been lawfully seized for forfeiture. In the case of parked/stored vehicles or residences “seized” for forfeiture, a warrant should be obtained prior to a search of its contents.
2. Eighth Amendment Concerns. The Eighth Amendment to the United States Constitution prohibits excessive fines. The United States Supreme Court has interpreted this provision to prohibit asset forfeiture if the amount of the forfeiture is “grossly disproportionate” to the gravity of a defendant’s offense.

F. AUTHORIZATION

1. Watch commanders or division captains must authorize the seizure of all property for asset forfeiture. Consideration should be given to the type of property and the possibility of long term maintenance or retention of it.
2. Supervisors must ensure that proper authorization has been obtained from the watch commander or captain to seize the property. Supervisors will review all asset seizure cases and ensure that they meet the proper criteria for forfeiture and are routed to the proper investigator for assignment.
3. Deputies and Investigators will ensure that proper authorization is obtained from the on-duty watch commander or division captain prior to the seizure of any property. All property must be handled as evidence and all evidence handling procedures followed. Proper documentation shall be made in the incident report (IR) and procedures outlined in this General Order shall be followed. Investigators assigned these cases will ensure that the case is presented to the Asset Forfeiture Unit of the District Attorney's Office for a case review and complaint.

G. PROPERTY

Property seized will be documented the same as evidence and will be logged into evidence. Thorough inventories shall be conducted. Proper care must be taken with fragile or expensive property. Property seized must be able to be returned in the same condition as it was seized

should the need arise. Fragile items which have been seized should be photographed to depict the integrity of the property at the time of seizure.

H. NOTICE

Notice of Seizure and Proof of Service Forms should be completed at the time of the seizure. These should be given only to the owner of the property, the person in possession if the owner is unavailable or left in a conspicuous place if nobody is present. An approximate value must be given based on the deputy's valuation at the time of seizure per the statute. The property may then be seized.

I. DOCUMENTATION

1. Asset Forfeiture/Criminal Case. Most reports of Asset Forfeiture will be initiated from a criminal case. The criminal portion of the case shall be documented exactly the same as any other standard criminal cases, in order to reduce duplication, just check the block at the top of the face sheet indicating additional related cases and note "Asset Case".
2. Asset Forfeiture/Non-Criminal. Under most circumstances, asset forfeiture seizure cases will involve a criminal case and, under the Health and Safety Code some forfeitures require a criminal conviction. There may, however, be occasions when an asset forfeiture will be initiated from a non-criminal case. This may occur when property becomes subject to seizure and the person in possession is not arrested or involved in a criminal case. Therefore, an incident report (IR) will need to be initiated utilizing the classification of: Asset Forfeiture/Non-criminal. These cases will require all the normal case forms utilized in any criminal case and the Asset Forfeiture Case Form. The only difference is there may not be any booking sheets attached or criminal violations annotated.
3. General Overview. When cases are documented for asset forfeiture the only difference is the Asset Forfeiture Case Form will begin documentation of this portion of the case. the Notice of Seizure/Proof of Service Form should also be attached when applicable. Otherwise, these cases are written the same as any case, such as incident report (IR) face sheet, suspect sheet, property record, additional narrative, CHP 180, vehicle waivers, and copies of computer print-outs.

J. DISTRIBUTION OF ASSETS

1. Property. Property seized will be secured and maintained by the Sheriff's Office until the property has been forfeited by law. The sale of the property or retention of the property by the Sheriff's Office will be determined after forfeiture by the

District Attorney in the county where the property was seized. All property retained must be authorized by the Sheriff and utilized for those Sheriff's Office operations that are permitted pursuant to the Health and Safety Code or the federal equitable sharing program.

2. Funds. Forfeited funds are distributed according to statute by the District Attorney's Office in the county where the property was seized. Funds from the sale of seized property or funds actually seized shall be deposited with the District Attorney's Office (County Treasurer) when the case is presented for forfeiture. Upon forfeiture, the funds will be released by the District Attorney and placed into an account authorized by the county. These funds are not to be used to defer normal operating expenses of the Sheriff's Office, but utilized for special purchases or projects.



LAURIE SMITH
SHERIFF



FIELD TRAINING PROGRAM GENERAL ORDER #19.00

Adopted: 07/07/2010
Replaces: G.O. #19.00 dated 9/11/03

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

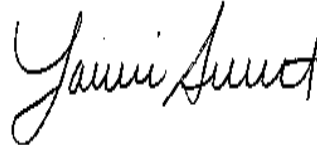
All Sheriff's Office deputies will successfully complete the Sheriff's Office field training program, subject to the exceptions listed in Section D of this general Order.

PROCEDURE

- (A) Headquarters Patrol Division staff will administer the field-training program, and ensure that the program maintains its current P.O.S.T. accreditation.
- (B) The field-training program will include remediation when appropriate, however, no employee may stay in the field-training program for more than 680 hours. Any employee who does not complete the program within the 680 hour time frame shall be considered to have failed the program.
- (C) Failure to complete the field-training program shall result in termination from employment with the Sheriff's Office, or restriction to service in the Court Services Division pursuant to Sections (E) or (F) of this Order.
- (D) The Sheriff's Office requires successful completion of the field-training program prior to regular assignment in any division or special unit. An exception has been granted to the Court Security Division for; (1) employees who had not completed the field-training program by July 1, 1999, (2) for employees who were assigned to the Court Security Division as Deputy Sheriff 1's on or before June 10, 2001, and (3) for new hires who are awaiting the opportunity to work through the field training program.
- (E) Any deputy who fails to complete the field-training program for reasons beyond his or her control, (not related to performance or attitude) may petition the Sheriff in writing for permission to withdraw from the program and complete it at a later date. Permission may

be granted or denied based upon factors, which include the remaining length of the employee's probationary period, and the availability of future training slots.

- (F) A request to return to the Court Security Division after withdrawal from, or failure of, the Field Training Program may be granted only if; (1) the employee was employed by the Sheriff's Office and had not completed the field-training program by July 1, 1999, or (2) if the employee was assigned to the Court Security Division as a Deputy Sheriff 1 on or before June 10, 2001.
- (G) The Field Training Sergeant shall notify the Support Services Division at least two weeks prior to any employee completing the field-training program. The Support Services Division shall be responsible for assigning the newly trained personnel to vacant positions within the Sheriff's Office.



LAURIE SMITH
SHERIFF



**CANINE PROCEDURES
GENERAL ORDER #19.01**

Adopted: 8/15/18

Replaces: G.O. #19.01 dated 07/07/2010

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POLICY

The Canine Program was established to augment law enforcement services to the community. Highly skilled and trained teams of handlers and canines are used to supplement law enforcement operations to track, locate and apprehend criminal offenders.

When properly used, a Sheriff's Office canine increases the degree of safety to persons within a contained search area, enhances officer safety, significantly increases the likelihood of apprehension of a suspect, and reduces the amount of time necessary to conduct a search. Deployment of a canine when a bite occurs constitutes a use of force. **Canine units shall only deploy the canine as a use of force when it is reasonably necessary to utilize that level of force to apprehend or secure a suspect or to prevent escape, or as an alternative to the use of a higher level of force.**

CHAIN OF COMMAND FOR THE CANINE UNIT

A. THE FOLLOWING CHAIN OF COMMAND WILL BE FOLLOWED BY THE CANINE UNIT:

1. Sheriff
2. Undersheriff
3. Assistant Sheriff in charge of the Enforcement Bureau
4. Captain of the Special Operations Division
5. Canine Commander
6. Canine Coordinator

7. Canine Handler

PROCEDURE

A. USE OF CANINES IN ENFORCEMENT DIVISIONS

1. A canine may be used to track, locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:
 - a. There is a reasonable belief that the individual poses an immediate threat of violence or serious harm to the public, any officer/deputy, or the handler.
 - b. The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
 - c. The individual(s) is/are believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers/deputies or the public.
 - d. It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.
 - e. In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practical.
2. Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s)/deputy(ies) shall not serve as good cause for the use of a canine to apprehend an individual.
3. Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the suspect of the search and to the deputy without compromising the canine teams tracking ability.
4. Canines may be used to locate missing persons, evidence of crimes, narcotics or destructive devices. Canines may also be utilized for controlling crowds, demonstrations and riot at the direction of the Sheriff or designee.

B. PREPARATIONS FOR UTILIZING AN ENFORCEMENT CANINE

1. Prior to the use of a canine to search for or apprehend any individual, the canine

handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to the following:

- a. The individual's age or estimate thereof;
 - b. The nature of the suspected offense;
 - c. Any potential danger to the public and/or other officers/deputies at the scene if the canine is released;
 - d. The degree of resistance or threatened resistance, if any, the subject has shown;
 - e. The potential for escape or flight if the canine is not utilized;
 - f. The potential for injury to officers/deputies or the public caused by the suspect if the canine is not utilized.
2. The handler will evaluate each situation and determine if the use of a canine is technically feasible. As circumstances permit, the canine handler should make a reasonable effort to communicate and coordinate with other involved deputies to minimize the risk of unintended injury.
 3. Generally, the decision to deploy the dog shall remain with the handler; however a supervisor sufficiently apprised of the situation may direct the handler not to deploy the canine during an incident.
 4. Unless otherwise directed by the supervisor on scene, assisting deputies should take direction from the canine handler while assisting in searches and apprehensions to avoid interference with the canine and to avoid an accidental bite.

C. WARNINGS GIVEN TO ANNOUNCE THE USE OF AN ENFORCEMENT CANINE

1. Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not surrender shall be made prior to releasing the canine. Where it is known to the deputy that the suspect(s) are not English speaking, the warning should be given in language that would be understood, if possible. A reasonable amount of time shall be allowed for the suspect to respond. If practical, a final warning should be given prior to the deployment of the dog.
2. The canine handler, when practical, shall first advise the supervisor of their decision if a verbal warning is not given prior to releasing the canine. In the event of

an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

D. USE OF CANINES ASSIGNED TO THE CUSTODY BUREAU

1. Canines assigned to the Custody Bureau may only be used to locate narcotics, search for articles, located electronic devices, or to locate destructive devices.
2. Requests for use of Custody Canine Teams:
 - a. All requests for use in the facility will be coordinated by the on-duty supervisor of the custody canine team at the direction of the Elmwood Facility Commander.
 - b. Any requests for the use of the custody canine teams outside of the facility will be at the direction of the Canine Unit Coordinator or the Canine Unit Commander.
3. Canine assigned to the Custody Bureau shall only be utilized by Sheriff's Correctional Deputies within jail facilities, but shall participate in canine training as required by the department

E. USE OF NARCOTIC DETECTION CANINE

1. A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:
 - a. To assist in the search for narcotics during a search warrant service;
 - b. To assist in obtaining a search warrant by using the detection canine in support of probable cause;
 - c. To search vehicles, building, bags, and any other articles deemed necessary
 - d. Canines will not be used to search the physical body of a person for illegal substances.

F. USE OF BOMB/EXPLOSIVES DETECTION CANINE

1. Because of the high risk of danger to the public and officers/deputies when a bomb or other explosive device is suspected; the use of a trained explosive detection dog team may be warranted. When available, a trained explosive detection dog team may be used in accordance with current law and under the following circumstance:
 - a. To conduct preventative searches at locations such as special events, VIP

visits, official buildings and other restricted areas;

- b. To assist with searches at transportation facilities and vehicles (buses, airplanes and trains);
 - c. To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
2. Canines trained in explosives detection can generally be used for area searches. They are not to be used to assess, examine, or clear items already identified as a suspected explosive item or possible IED. Searching refers to conducting a systematic examination of an area, vehicle, or other non-suspect items with ED canine teams.
 3. At no time will a detection dog be used to render a suspected device “safe” or “clear,” this responsibility remains solely a Bomb Technicians’ duty.

G. GUIDELINES FOR NON-APPREHENSION USE

1. Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application. The canine handler shall have the ultimate discretion to deploy his/her canine in any search.
2. Absent a change in circumstances which presents an immediate threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that the canine will not bite or otherwise injure the individual, if located.
3. Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurances that the canine will not bite or hurt the person.
4. Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.
5. Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practical.

H. REPORTING USE OF ENFORCEMENT AND CUSTODY CANINES

1. All use of canines shall be documented by the handlers via the Canine Tracking System.

- a. The handlers shall track all bites, non-bites, searches, finds, and training using this system.

I. REPORTING BITES OR INJURIES CAUSED BY DEPARTMENT CANINES

1. If a bite or injury results from one of the departments canines (whether accidental or intentional), that information shall be documented in an Incident Report. The canine handler shall also complete a BlueTeam entry as required by department policy. Both reports should include, at a minimum, the following:
 - a. The event number;
 - b. The date and time the incident occurred;
 - c. The type of injury;
 - d. Digital photographs of the bite or injury.
 - e. All relevant information known to the handler which led to the use of the canine.
 - f. If a supervisor was present on scene.
 - g. All medical treatment provided for the injury.
 - h. Whether or not an announcement was given prior to the deployment of the canine (if no announcement was given, an explanation as to why that decision was made.)
 - i. Whether the canine was on leash or off leash at the time of the bite.
 - j. Any other relevant information related to the appropriate deployment of the canine.
2. Whenever a bite results, the handler shall notify his supervisor immediately and the Canine Coordinator as soon as practical. If the Canine Coordinator is unable to be reached, the handler shall then contact the Canine Commander directly to report the bite.
 - a. The Canine Coordinator shall notify the Canine Commander of the details of the bite and whether he/she has any concerns over the use of the canine. If the Canine Commander is unavailable, the Canine Coordinator may contact the Special Operations Captain directly to relay this information to him/her.

3. In the event of an accidental canine caused injury or if a subject alleges an injury that is not visible, notification shall be made both to an on-duty supervisor and the Canine Coordinator. If the Canine Coordinator is unable to be reached, the handler shall then contact the Canine Commander to report the injury.
 - a. The Canine Coordinator or the Commander (whichever was advised of the injury) shall be responsible for notifying the Sheriff's Office County Counsel representative of the accidental bite/injury as soon as possible.
 - b. The location of the alleged injury should be digitally photographed as soon as practical after attending to the immediate needs of the injuries.
 - c. The photographs shall be retained as evidence in accordance with current department evidence procedures.
4. In all instances, the handler shall summon a supervisor to the scene when a bite occurs on or off-duty.
 - a. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, a deputy shall standby with the suspect until treatment has been rendered

J. REPORTING CANINE INJURIES

1. In the event that a canine is injured, the injury will be immediately reported to the canine handler's immediate supervisor and the Canine Coordinator. If the Canine Coordinator is unable to be reached, the handler shall then contact the Canine Commander to report the injury.
2. Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.
3. The injury will be documented with a BlueTeam report.

K. ASSIGNMENT AND MANAGEMENT OF CANINE TEAMS

1. The canine teams may be assigned to various divisions throughout the Sheriff's Office, with day-to-day operational control under the responsibility of the particular division where assigned. The overall management of the canine teams will be the responsibility of the Canine Unit Commander, who is assigned, as a collateral duty, to the Special Operations Division.

2. The canine teams will be supervised by the Canine Coordinator as a collateral assignment to the Canine Unit.
3. Canine teams assigned to a patrol function shall utilize a “9” as the second number in their call sign (e.g. 79E1, 89G6, 69C3) regardless of their shift. This is to indicate the unit is a canine team

L. REQUEST FOR USE OF CANINE TEAMS

Sheriff’s Office personnel are encouraged to request the use of an on-duty canine team. Canine teams shall not be used for any assignment inconsistent with this policy.

1. Requests made while the canine team is on duty shall be made through the canine handler’s immediate supervisor and/or division commander;
2. Requests made for a canine unit while the handler is off-duty;
 - a. If a request is made within the division where the canine is assigned, the request shall go through the handler’s division’s command staff.
 - b. If request is for a canine unit is from a different division, the request should be made to the Canine Unit Coordinator. If the Canine Unit Coordinator cannot be reached, the request may be made to the Canine Unit Commander.
 - c. In all off-duty cases, the Canine Unit Coordinator should be notified as soon as practical.

M. REQUESTS FOR CANINE ASSISTANCE FROM OUTSIDE AGENCIES

1. All requests for Mutual Aid from outside Santa Clara County shall be directed to the Santa Clara County Mutual Aid Coordinator.
2. The Mutual Aid Coordinator shall contact the Canine Commander who will advise whether the Canine Unit has the resources being requested. If so, the Mutual Aid Coordinator will contact the Special Operations Captain for permission to fill the mutual aid request.
3. Any request requiring the immediate use of Sheriff’s Office canine resources within Santa Clara County, may be evaluated by the on duty Watch Commander. The Watch Commander will then approve or deny the response of the canine unit and include the details of the deployment in the Watch Commander Log. In absence of an on-duty Watch Commander, the response may be evaluated by the

senior sergeant on-duty assigned to the Headquarters Patrol Division. If the sergeant approves the canine unit deployment, they will then notify their chain-of-command and the Canine Commander of the use of the canine unit by an outside agency. The sergeant will include the details of the deployment in the Sergeant's Log.

4. The following provisions will be adhered to during all outside agency deployments:
 - a. Canine teams shall not be used to perform any assignment, which is not consistent with this policy;
 - b. Upon arrival at the scene, the handler has the ultimate decision as to whether or not the canine is to be used for a specific assignment;

N. REQUEST FOR PUBLIC DEMONSTRATIONS

1. All public requests for a canine team shall be approved by the Canine Unit Commander and the canine handler's division command staff.
2. Handlers shall not demonstrate any "apprehension" work to the public unless authorized to do so by the Canine Unit Commander.

O. SELECTION OF CANINE HANDLERS

1. The following are the minimum qualifications for the assignment of an Enforcement Canine Handler:
 - a. Deputies must be able to perform the essential functions of the Patrol Deputy Sheriff position.
 - b. Deputies must have successfully completed the FTO Program and have a minimum of two years patrol experience at their time of appointment;
 - c. Deputies must reside in an adequately fenced, single-family, residence with a minimum of a six-foot high fence with locking gates and room to support a dog kennel within the fenced yard;
 - d. Deputies shall live within (60) minutes travel time from Headquarters Patrol (55 West Younger Avenue);
 - e. Deputies must successfully complete the Canine Handler's Qualification Course.
 - f. Deputies must be able to run 500 yards within 3 minutes and able to lift and carry 80 lbs ten yards and over an obstacle.

2. The following are the minimum qualifications for the assignment of a Custody Canine Handler:
- a. Correctional Deputies must be able to perform the essential functions of the Correctional Deputy position, and maintain 24 hours of annual mandated STC training;
 - b. Correctional Deputies must have successfully completed the Probationary on the job Training Program and have a minimum two (2) years' experience at the time of appointment.
 - c. Correctional Deputies must have the ability to pass the Sheriff's Office firearms course and maintain firearms qualifications;
 - d. Correctional Deputies must reside in an adequately fenced, single-family residence, with a minimum of a six-foot high fence with locking gates and room to support a dog kennel within the fenced yard;
 - e. Correctional Deputies shall live within (60) minutes travel time from Headquarters Patrol (55 West Younger Avenue);
 - f. Correctional Deputies must successfully complete the Canine Handler's Qualification Course;
 - g. Correctional Deputies must be able to run 500 yards within 3 minutes and able to lift and carry 80 lbs. ten yards and over an obstacle.
 - h. Correctional Deputies must have good report writing skills and the ability to complete their own crime reports.

P. SELECTION PROCESS

- 1. Submission of a written recommendation from a supervisor;
- 2. Pass a physical agility test;
- 3. Complete an oral panel interview.

Note: An Internal Affairs and personnel file review will be completed for all qualified applicants. Qualified applicants will be selected from the list after an administrative review.

Q. CANINE HANDLER RESPONSIBILITIES

- 1. It is the responsibility of the Canine handlers to keep his or her dog in such

physical condition that the canine is able to perform the duties required. Canine handlers shall be responsible for, but not limited to, the following:

a. Availability

- (1) Should a situation arise which requires the use of a Canine Team during off duty hours, the Canine Team who is contacted and determined to be available shall respond to the call.

a. Care for the Canine and Equipment

- (1) The handler shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The handler will be responsible for the following:
 - (a) Handlers shall permit the Canine Unit Coordinator to conduct on-site inspections of affected areas of their residence, with reasonable notice, to verify that conditions and equipment conform to policy;
 - (b) Any changes in the living status of the handler, which may affect the lodging or environment of the canine, shall be reported to the Canine Unit Coordinator as soon as possible, but in no case more than 48 hours;
 - (c) Canine handlers are expected to have a secure kennel at their home, and when the canine is left unattended, the kennel shall be locked and/or otherwise secure;
 - (d) The canine should be permitted to socialize in the home with the handler's family;
 - (e) Under no circumstances will the canine be lodged at another location unless approved by the Canine Unit Coordinator;
 - (f) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Canine Unit Coordinator;
 - (g) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Canine Unit Coordinator so that appropriate arrangements can be made.

(h) The handler shall maintain all department issued canine equipment under his/her control in a clean and serviceable condition.

(i) If the assigned canine vehicle is taken home, the handler shall maintain the vehicle in a locked garage away from the public's view.

R. CANINES IN PUBLIC AREAS

1. All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific law enforcement operations for which the canines are trained, during maintenance training, and required breaks.
 - a. Canines shall not be left unattended in any area to which the public may have access.
 - b. When the canine is left unattended in a vehicle or home, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure the unattended vehicle remains inhabitable for the canine.

S. HANDLER COMPENSATION

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

T. MEDICAL CARE OF THE CANINE

1. All medical attention administered to the canine shall be rendered by the designated canine veterinarian, except during an emergency as provided in Section T.1.b of this order.
 - a. Non-Emergency Medical Care
 - (1) Non-emergency medical care will be coordinated through the Canine Unit Coordinator.
 - (2) Any indication that a canine is not in good physical condition shall be reported to the Canine Unit Coordinator as soon as practical.

(3) All records of medical treatment shall be maintained in the canine's divisional file.

b. Emergency Medical Care

(1) The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Canine Unit Coordinator as soon as practical when emergency medical care is required.

U. TRAINING

1. Before assignment in the field, each canine team shall be trained and certified to meet current POST standards and/or the California Narcotic Canine Association standards (as applicable.) Demonstration of proficiency shall be evaluated as a pass or fail.

V. CONTINUED TRAINING

1. Each canine team shall thereafter be re-certified to POST canine standards and/or California Narcotic Canine Association standards (as applicable) on an annual basis. Additional training considerations are as follows:

- a. Canine teams shall receive a minimum of 16 hours documented monthly training as the California Peace Officers Standards & Training (P.O.S.T.) requires;
- b. Canine handlers are encouraged to engage in additional training with approval of the Canine Unit Coordinator;
- c. In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to policies of the Santa Clara County Sheriff's Office;
- d. All canine training shall be conducted while on-duty unless otherwise approved by the Canine Unit Coordinator.

W. FAILURE TO SUCCESSFULLY COMPLETE P.O.S.T./CNCA TRAINING

1. No canine team failing POST canine certification and/or California Narcotic Canine Association standards (as applicable) shall be deployed until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol/custody duties.

X. TRAINING RECORDS

1. All canine training records shall be maintained by the canine handler and reviewed by the Canine Coordinator.
2. The Canine Unit Commander shall also review the training records to ensure all handlers are in compliance with this General Order.

Y. CANINE UNIT COORDINATOR RESPONSIBILITIES

1. The Canine Unit Coordinator shall be appointed by Command Staff, and shall supervise the Canine Program. The Canine Unit Coordinator is directly responsible to the Canine Unit Commander and the Special Operations Division Captain. The Unit Coordinator shall be responsible for, but not limited to, the following:
 - a. Maintain liaison with the vendor kennels;
 - b. Maintain liaison with the Administrative Staff and function supervisor(s);
 - c. Maintain liaison with other agency canine coordinators;
 - d. Maintain accurate records to document canine activities;
 - e. Recommend and oversee the procurement of needed equipment and services for the unit;
 - f. Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams;
 - g. Provide an annual supplemental performance appraisal to all handlers' supervisor;
 - h. Provide an annual canine report.
 - i. Reviewing all canine training logs and BlueTeam entries to ensure compliance with policies, to identify training issues, and to identify other needs of the program.

Z. CONTROLLED SUBSTANCE TRAINING AIDS

1. Controlled substance training aids are required to effectively train and maintain the department's drug detection dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.
2. Health and Safety Code 11367.5 provides that any sheriff, police chief, the Chief of the Bureau of Controlled Substances Enforcement, or the Commissioner of the

California Highway Patrol, or a designee thereof, may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

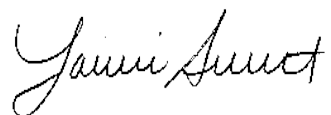
- a. To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency; and
 - b. Provided the controlled substance is no longer needed as criminal evidence; and
 - c. Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.
3. Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:
- a. All necessary controlled substance training samples shall be acquired from the Department's evidence personnel or from allied agencies authorized by Health and Safety Code 11367.5, to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler;
 - b. The weight and test results shall be recorded and maintained by the Canine Unit Coordinator;
 - c. Any person receiving controlled substance training samples pursuant to Health and Safety Code 11367.5, shall maintain custody and control of the controlled substances and shall keep records regarding loss of, or damage to, those controlled substances;
 - d. All controlled substance training samples will be inspected, weighed, and tested annually. The results of the annual testing shall be recorded and maintained by the Canine Unit Coordinator, and included in the Special Operations annual report. The testing of the controlled substance will be conducted by the Canine Unit Coordinator and/or the Canine Unit Commander.
 - e. Controlled substance training samples will be assigned to each Narcotics Canine Handler for training purposes.

- f. The assigned controlled substance training samples will be stored in a locked area approved by the Canine Commander.
- g. Canine Handlers may retrieve their assigned controlled substance training samples from their assigned storage area for purposes of conducting on-duty training. The samples will be returned back to their assigned storage area before going off duty, unless the Handler receives permission from the Canine Unit Coordinator or in his absence, the Canine Unit Commander.
- h. The assigned controlled substance training samples shall be transported in secured cases, while on duty or to and from training, and safely secured in the Canine Handler's vehicle.
- i. The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage and tampering and take any appropriate action.
- j. When an assigned controlled substance training sample becomes unusable, the assigned Canine Handler will complete and submit a report to the Canine Unit Coordinator for the destruction of the controlled substance training sample. Any unusable controlled substance training sample shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

AA. EXPLOSIVES TRAINING AIDS

1. Explosive training aids shall be stored and transported in a safe and secure manner in accordance with ATF explosives guidelines.
2. Training aids shall be stored in an ATF-approved magazine and the required logs tracking the movement of the explosives shall be maintained.
3. Training aids that are taken from the explosive magazine and transported to off-site training locations shall be in at ATF-approved, locked and secure container. The appropriate log tracking the movement of the training aids shall be completed as per ATF guidelines.
4. Training aids shall be kept in approved containers and continually examined for stability and cross contamination.
5. Items found no longer serviceable will be removed by a Bomb Squad Technician and destroyed pursuant to EOD guidelines.
6. Any lost training aid will immediately be reported to both the on-duty supervisor and the Canine Coordinator. The Canine Coordinator will immediately report the loss of the training aid to the Canine Commander. The loss of the item shall

be documented in a BlueTeam report.

A handwritten signature in cursive script that reads "Laurie Smith".

**LAURIE SMITH
SHERIFF**



SHERIFF'S EMERGENCY RESPONSE TEAM GENERAL ORDER #19.02

Adopted: 8/1/2022
Replaces: G.O. #19.02 dated 2/22/2010

Updated: 7/28/2022
Reviewed: 7/28/2022

PURPOSE AND SCOPE

The mission of the Sheriff's Emergency Response Team (S.E.R.T.) is to provide specialized support in handling critical and high-risk field operations throughout Santa Clara County and in mutual aid of agencies requesting assistance where special tactical deployment methods beyond the capacity of field officers appear to be necessary. The primary purpose behind the Sheriff's Emergency Response Team is to reduce risk to the community, law enforcement, and suspect(s). This policy was established in compliance with the guidelines set by the Attorney General's Commission on Special Weapons and Tactics 2022 Report and the POST 2019 SWAT Operational Guidelines and Standardized Training Recommendations (pursuant to Penal Code § 13514.1).

SHERIFF'S EMERGENCY RESPONSE TEAM (S.E.R.T.) DEFINITION

The Sheriff's Emergency Response Team is a designated specialized unit of Sheriff's personnel that is specifically trained and equipped to work as a coordinated team to respond to critical incidents including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of agency policy, such a unit may be used to serve high-risk warrants, both search and arrest, where public and officer safety issues compel the use of such a unit.

POLICY

It shall be the policy of this department to maintain the Sheriff's Emergency Response Team (S.E.R.T.) and to provide the equipment, personnel resources, and training necessary to maintain the unit. The Sheriff's Emergency Response Team should develop sufficient resources to perform four basic operational functions:

1. Command and control
2. Containment

3. Entry, Apprehension and Rescue

4. Precision Rifle/Observer

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders.

An assessment should be conducted to determine the type and extent of S.E.R.T. missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the S.E.R.T. Commander or his/her designee. S.E.R.T. members shall follow the policies and procedures of the team as established by the team command.

BASIC OPERATIONAL FUNCTIONS

1. Command and Control

- Planning, organizing, staffing, and directing the overall tactical operation including:
 - Establishing Incident and Tactical Command
 - Establishing and relaying the operational goals
 - Continually assessing the situation as it develops and determining the appropriateness of the planned course of action
- Coordination with support resources such as the Crisis Negotiation Team (CNT), Bomb Squad, Canine Unit, etc.
- Coordination with allied agencies
- Mission documentation
- Communications
- Medical support
- Mission debriefings
- After action reports (AAR)

2. Containment

- Control of the inner perimeter
- Evacuation
- Tactical deliveries

3. Entry, Apprehension and Rescue

- Scouting Missions
- Breaching

- Enter, search and secure objective(s)
 - Rescue operations
 - Subject/suspect detention
4. Precision Rifle/Observer
- Intelligence gathering and reconnaissance
 - Overwatch support
 - Concealment and camouflage techniques
 - Precision shooting capabilities

IDENTIFIED MISSIONS FOR S.E.R.T RESPONSE

S.E.R.T. resolves critical incidents beyond the general response capabilities of patrol operations or situations that warrant a coordinated tactical team approach. The following is a general list of missions typically warranting a S.E.R.T. response:

- Hostage rescue operations
- Barricaded subject operations
- Sniper operations
- High-risk warrant services
- High-risk apprehension operations
- High-risk security and dignitary protection details
- Terrorism response operations

TEAM ORGANIZATION AND COMMAND STRUCTURE

1. Sheriff, Undersheriff and Assistant Sheriff for the Field Enforcement Bureau

For the purpose of mission command, the Sheriff, Undersheriff and the Assistant Sheriff for the Field Enforcement Bureau, are of an overall command status that is separate from the Operational and Tactical command. The Operations Commander is ultimately responsible for the mission and all decisions made. The Tactical Commander is responsible for all tactical decisions. The Team Leaders are responsible for carrying out the tactical decisions. The Team members are responsible for their actions and to follow orders given by the chain of command. S.E.R.T. is assigned to the Special Enforcement Division of the Field Enforcement Bureau. Therefore, the Field Enforcement Bureau Assistant Sheriff will be notified of and ultimately authorize all S.E.R.T. missions.

2. Operations Commander – Captain of Special Enforcement

The Captain of the Special Enforcement Division will serve as the Operations Commander and is responsible for overall command of S.E.R.T. operations, to include all tactical, crisis negotiation, and support resources committed to the incident. The

Operations Commander provides authority for all efforts necessary to resolve the event and authorizes all actions. The directives and orders of the S.E.R.T. Operations Commander are absolute to team members and are imperative should the order to neutralize a target be given to a team member. The funding, development, training, and utilization will be directed and assured by the Operations Commander.

3. Tactical Commander - S.E.R.T. Tactical Commander

The Tactical Commander is responsible for directing all S.E.R.T. tactical operations, to include planning and executing courses of action. The Tactical Commander controls all tactical units, S.E.R.T. or otherwise, committed to an event. The Tactical Commander is also responsible for the following oversight and tasks:

- Approving, reviewing, and ensuring compliance of all team policies, procedures, duties, and orders.
- Ensuring completion of continuous and specialized training as well as team member evaluation.
- Selection and training of new members.
- Ensuring the team and team members maintain the highest standards possible and is responsible for the team and individual member's conduct.
- Reporting to the Operations Commander.

4. Team Sergeants

The Team Sergeants will provide oversight for the entry and sniper elements. The Team Sergeants must be the rank of Sergeant and are to be selected based on knowledge and experience. There shall be a Sergeant assigned to oversee the entry team and a Sergeant assigned to oversee the sniper/observer team, but both shall have the experience and knowledge to be interchangeable. The Team Sergeants will have the following responsibilities:

- Advisory role in mission planning and operation oversight.
- Training/mentoring the Team Leaders.
- Preparation of a yearly training schedule for the team based on a training needs assessment. The schedule will be reviewed by the Tactical Commander.
- Ensuring that all members are aware of the dates, type, and locations of training.
- Ensuring there is an accurate record of all team training performance, which will contribute to a reduction in liability and enhanced safety through early identification and resolution of non-proficiencies.
- Administrative oversight for all team members' equipment, equipment records, and inspections of equipment, logs and personnel.

5. Team Leaders

The Team Leaders are selected by the S.E.R.T. Commander to lead and be responsible for the training, duties, assignments, records, and conduct of the team and team members. The Team Leaders are to be selected based on performance, knowledge and experience. The Team Leaders may hold the rank of Sergeant or Deputy depending on the needs of the team at the time of appointment. The Team Leaders will consult with the Tactical Commander and Team Sergeants on mission planning. The Team Leaders will command and control the team during all phases of S.E.R.T. events and training. The Team Leaders will designate a rank structure based on the performance and abilities of each Team Member. This ranking will be regularly reviewed and can be changed at any time. The Team Leaders will advise the S.E.R.T. Team Sergeants and the Tactical Commander of any and all changes.

6. Assistant Team Leaders

The Assistant Team Leaders are selected by the Team Leaders to assist in the responsibilities and duties associated with the team. The Assistant Team Leaders shall assume responsibility for the team in the absence of their Team Leaders.

7. Team Members

S.E.R.T. is made up of a variety of personnel to provide various services and to perform various tasks in specific scenarios and circumstances as outlined in this policy. These personnel are directly responsible to the Tactical Commander and are the regular team members, command personnel, team administrator/liaison, reserve deputies, armorer(s), various medical personnel, and any additional personnel depending on mission goals and needs.

Each member of the Team is responsible for his/her own conduct and compliance to the department and team policies and procedures. Team Members and their equipment are to be ready at all times to respond to a critical event or training at any time. Team Members will conduct themselves in a professional manner at all times. Team Members will maintain a professional appearance. Team Members are not to bring any undue attention to themselves or their Team. Each Team Member will follow and complete all tasks, duties, and lawful orders as directed by the S.E.R.T. Commander, Team Leaders, or ranking Team Members. The Team Members are responsible for maintaining their shooting skills to the highest standard. As much on-duty time as possible should be made available to develop marksmanship. However, it is the Team Members who are ultimately responsible for their marksmanship abilities. Team Members are to utilize the Sheriff's Office Range whenever possible to practice shooting skills. The Department will provide ammunition as needed for training.

S.E.R.T. PERSONNEL SELECTION

Interested sworn personnel who are off probation and have at least one year of patrol time shall submit an interest memorandum, resume and supervisor letter of recommendation to the Personnel Division during the posted selection period. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion

of the S.E.R.T. Tactical Commander. The testing process will consist of an oral board, physical agility, firearms evaluation, and scenario evaluation.

TRAINING REQUIREMENTS AND CORE COMPETENCIES

1. Basic Special Weapons and Tactics (S.W.A.T.) School

Each Team Member shall attend and satisfactorily complete a basic California Peace Officer Standards and Training (P.O.S.T.) certified S.W.A.T. school. The purpose of the basic school is to familiarize each member with basic knowledge and skills necessary to contribute to the S.E.R.T. team. The chosen school should address basic subjects and skills such as:

- Communications (radios and terminology)
- Mission concepts (types and planning)
- Assaults (residential, commercial, vehicle, etc.)
- Weapon and wound ballistics
- Team responsibilities
- Rules of engagement and shooting policies
- Advanced defensive tactics
- Advanced de-escalation techniques
- Scenarios (barricaded suspects, hostage rescues, etc.)
- Rappelling
- Marksmanship
- Room entries
- Equipment
- Use of gas (tactics and systems)
- Tactics and weapons
- Close quarters combat skills
- Physical surveillance
- Scouting (drawings, diagrams, photos and notes)

2. Special Weapon Schools

Each team member will be assigned a department issued primary special weapon based on experience, proficiency and team need. Each of these weapons are very different and require specific knowledge and skill to be a proficient operator. Once a primary weapon is assigned, the member will attend a basic school for that weapon. Additionally, each member will attend a basic handgun school for their secondary weapon, a department

issued Glock 9mm. Once the team member completes the basic weapon schools, the S.E.R.T. weapon qualification course shall be administered and passed, prior to the member carrying that weapon on a mission. Members shall qualify and maintain an expert rating on their primary and secondary weapons.

3. Additional Advanced Tactical Schools

Team members shall be provided additional training according to team need. They should be trained in various skills and fields associated with the S.E.R.T. mission. Members should be sent to advanced tactical and instructor schools to further build that individual's and the team's proficiency as well as provide "in-house" training for other team members. It should be remembered that tactics and equipment are constantly changing and constant team member attendance in such schools will keep the team informed of current trends, legal updates, best practices, and industry standards. Attending various schools will expose the member, and the team, to newer, better, or alternative methods of dealing with tactical problems.

Types of Additional Schools:

- Gas delivery systems and tactics
- Dignitary protection
- Rappelling
- Counter-sniper
- Large caliber precision rifle
- Less lethal systems
- Close quarters combat instruction
- Bus and train assaults
- Armored Rescue Vehicle (ARV) operations
- Vehicle interdiction
- S.W.A.T. Tactical Commander and Team Leader courses
- Armorer schools
- Public venue response
- Aerial platform operations
- Participation in tactical competitions should be considered as advanced training

4. Recurrent Team Training

S.E.R.T. core competencies are perishable. All S.E.R.T. team members shall participate in documented training to maintain individual and team core competencies as determined by the type and extent of S.E.R.T. missions and operations performed. These recurrent trainings shall be documented in an After Training Report (ATR) that should include a

roster of participants, topics covered, and lessons learned. S.E.R.T. members should maintain proficiency in the following core competencies:

Weapons, Munitions, and Equipment

- a. Armored rescue vehicle (ARV) operations
- b. Equipment familiarization and maintenance
- c. Firearm skills (live fire)
 - i. Handgun
 - ii. Low light/night training
 - iii. Shoulder-fired weapons
- d. Individual uniform maintenance and wear
- e. Ladder, rappelling, fast roping, and other high angle access
- f. Lighting systems (personal, weapons, other)
- g. Breaching
 - i. Ballistic
 - ii. Hydraulic
 - iii. Manual
 - iv. Mechanical
 - v. Thermal
 - vi. Explosive
- h. Munitions
 - i. Chemical agents: options and delivery systems
 - ii. Diversionary devices and delivery systems
 - iii. Less-lethal impact munitions and delivery systems
 - iv. Other less-lethal options
- i. Night Vision Equipment
- j. Use of ballistic shields
- k. Weapons maintenance

Individual and Team Movement/Tactics

- a. Active shooter response
 - i. Contact team
 - ii. Corridor team

- iii. Rescue task force
- b. Aircraft intervention
- c. Arrest and control
- d. Barricaded subject operations
- e. Booby traps
- f. Camouflage techniques
- g. Conducting evacuations
- h. Containment techniques
- i. Cover and movement
- j. Downed officer/civilian rescues
- k. Dynamic entry/clearing
- l. Emergency deployment techniques
- m. Entries
- n. High-risk warrant service
 - i. Surround & call-outs
 - ii. Distractions techniques
 - iii. Dynamic
 - iv. Remote takedowns
 - v. Ruses, etc.
- o. Homicide bombers
- p. Hostage rescue
- q. Immediate action drills
- r. Linear assaults (planes, trains, buses)
- s. Night movement
- t. Precision rifle-initiated assaults
- u. Rappelling and ascending (rural and urban)
 - i. Airborne fast-roping, STABO operations
 - ii. Static
- v. Rescue operations – basic
- w. Rural operations
- x. Scouting

- y. Searching techniques
- z. Slow and deliberate (stealth) entry/clearing
- aa. Small unit tactics
- bb. Tactical casualty care
- cc. Unique demand locations (schools, hospitals, multi-story structures, hazmat manufacturing sites, etc.)
- dd. Vehicle rescues

Planning and Decision-Making

- a. Barricaded subject/suspect
- b. Command Post
- c. High risk warrant (dynamic, surround & call-out, etc.)
- d. Hostage situations
 - i. Confirmation incident is a hostage situation
 - ii. Criminal vs. Terrorist
 - iii. Hostage rescue
 - iv. Other
- e. Mission and tactical contingency planning
- f. Tactical Operation Center
- g. Training simulations (scenario-based training)

As part of recurrent training, S.E.R.T. and supporting resources (CNT, Bomb, K9, etc.) shall participate in scenario-based training as part of the agency training requirements. Scenario-based training that simulates the tactical environment is a vital method of improving performance during actual deployment as well as improving decision making skills. The training scenarios should include the use of de-escalation and disengagement tactics.

5. Command Staff Training

S.E.R.T. command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent, as well as other tactical team trainings to include topics such as SWAT command decision making, risk management, liability mitigation, legal updates, team development, leadership and SWAT conferences. Command personnel are strongly encouraged to participate in their agency's scheduled S.E.R.T. training.

Command and executive personnel who may function in an incident command role should attend a SWAT or critical incident commander course, or its equivalent. This training provides a needed understanding of the purposes and capabilities of the team.

CRITERIA AND PROCEDURES FOR ACTIVATION AND DEPLOYMENT

S.E.R.T. has a high-risk assessment process to research and evaluate risks associated with pre-planned or spontaneous events. The purpose of the high-risk assessment is to identify potential hazards, reduce risk, and utilize the proper personnel for the event. This process ensures the decision to deploy S.E.R.T. is made using objective, defensible, and clearly articulated criteria. S.E.R.T. high-risk assessments should be documented and maintained. The S.E.R.T. commander, Team Sergeants and/or Team Leaders should be consulted about a S.E.R.T. activation if circumstances such as the following exist:

- Planned event or critical incident with the probability of a violent confrontation
- A non-compliant violent felon in a structure or vehicle
- A fortified location or clandestine lab (internal fortifications and/or steel doors)
- Firearms are believed to be on a premises and the suspect(s) has threatened violence
- Automatic weapons, explosives, or military ordnance on the premises
- Suspect has a history of felonious assaults on a peace officer involving weapons
- Booby-traps are believed to be on the premises
- Specific articulable facts that there is likelihood of a violent and/or armed confrontation

Once S.E.R.T. Command Staff has been consulted on a pre-planned operation or critical incident and they have made a recommendation for or against deployment, the chain of command shall be notified and the Assistant Sheriff for the Enforcement Bureau will ultimately have approval authority.

S.E.R.T. EQUIPMENT USE CONSIDERATIONS

The specialized equipment assigned to S.E.R.T. as listed in Sheriff's Office General Order #10.08 [Military Equipment Funding, Acquisition and Use] shall be used by a team member only after applicable training, including any course required by the Commission on Peace Officer Standards and Training (POST) has been completed, unless exigent circumstances arise. The use of various weapons, tools, and equipment assigned to S.E.R.T. is governed by Sheriff's Office General Order #12.00 [Use of Force], #12.02 [Use of Firearms], #12.04 [Use of Less Lethal Munitions], #13.05 [Sheriff's Command Vehicle], #13.07 [Armored Rescue Vehicle] and #17.03 [Demonstrations and Civil Disorders]. These policies, as well as associated trainings, outline common situations in which special equipment may be deployed to de-escalate and bring incidents under control. However, in recognition of the reality that emergency situations may present unique facts and circumstances and may be rapidly evolving, these policies do not offer a comprehensive list of each and every scenario where this specialized equipment may be deployed. Nevertheless, in every instance, deployment of this specialized equipment must comply with the legal policy parameters described in these policies, including, but not limited to the use of reasonable and proportional force, the use of de-escalation and alternatives to force where feasible, the limits on less-lethal weapons use in crowd control settings, and other requirements described in this policy.

COMMAND AND CONTROL ISSUES

When assistance is provided by another jurisdiction in conjunction with a S.E.R.T. operation, S.E.R.T. shall maintain full operational command and control over responding agency personnel and resources. The following guidelines will safeguard against military or other equipment being used during a S.E.R.T. operation in Sheriff's Office jurisdiction that is outside the scope of approved use.

1. Assisting law enforcement agencies and any associated military equipment would be used under the guidelines of their respective agency policies, however the deployment of these assets will be coordinated, directed, and managed through the S.E.R.T. Tactical Commander.
2. The S.E.R.T. Tactical Commander will make every attempt to ensure military equipment is deployed in a manner consistent with Sheriff's Office policy and in a manner approved by the governing body through communication with assisting law enforcement liaison officers.

OUT OF JURISDICTION RESPONSE

When S.E.R.T. provides mutual aid to another law enforcement agency, S.E.R.T. personnel and resources will be coordinated, directed, and managed through the Incident Commander for the agency of jurisdiction in conjunction with the S.E.R.T. Tactical Commander or a designated S.E.R.T. liaison. The following guidelines will safeguard against requests that explicitly violate Sheriff's Office policy or prohibited uses of Sheriff's Office military equipment when providing mutual aid:

1. S.E.R.T. personnel shall adhere to Sheriff's Office policies regarding the use of force at all times regardless of any outside request.
2. S.E.R.T. personnel, military and other equipment shall not be used if the mutual aid request is in violation of Sheriff's Office policies.
3. The S.E.R.T. Tactical Commander or designated S.E.R.T. liaison will be assigned and remain with the allied agency's Incident Commander for the duration of the involvement by S.E.R.T.
4. The S.E.R.T. Tactical Commander or designated S.E.R.T. liaison will assist with the coordination of assets and maintain a level of oversight with respect to Sheriff's Office policies.

INTEGRATION OF SPECIALIZED UNITS AND SUPPORTING RESOURCES

It is the policy of the Sheriff's Office that other specialized units should be integrated into S.E.R.T. operations when feasible as supporting resources and de-escalation tools. Other specialized units have additional areas of expertise which may assist with the overall mission to affect a peaceful resolution.

1. Crisis Negotiations Team

The Sheriff's Office Crisis Negotiations Team (CNT) is a designated group of personnel specifically selected, trained, and equipped to assist in the resolution of critical incidents

by utilizing communication, intelligence gathering, and negotiation with criminal suspects and other persons. A minimum of two (2) crisis negotiators shall be integrated into all S.E.R.T. operations and critical incident responses. A Negotiations Operations Center (NOC) shall be established in coordination with S.E.R.T. Tactical Command. The four primary operations functions of CNT are as follows:

- Communications/Negotiations
- Intelligence
- Tactical Liaison
- Logistic

2. Bomb Squad

The Sheriff's Office Bomb Squad is a designated group of personnel specifically selected, trained, and equipped to mitigate explosive, destructive and hazardous materials. The Bomb Squad shall provide support to S.E.R.T. operations where the threat of explosive and other hazardous materials may be present. The Bomb Squad may additionally support S.E.R.T. operations by providing specialized resources such as remotely controlled robotic platforms in situations designated and authorized by Sheriff's Office General Order #10.08 [Military Equipment Funding, Acquisition and Use].

3. Canine Unit

The Canine Unit handlers and their partners are specially trained in disciplines such as apprehension and explosive detection. The Canine Unit provides another valuable resource in support of a S.E.R.T. operation to bring a violent encounter under control. The use of a canine will remain as outlined by the Sheriff's Office canine policy. Canine/SWAT integration training should take place prior to the use of a handler and his/her partner in a S.E.R.T. operation.

SHOOTING POLICY

1. This policy does not replace and is in addition to the Sheriff's Office General Order #12.00 [Use of Force], #12.02 [Use of Firearms] and #12.04 [Less Lethal Munitions].
2. S.E.R.T. members may discharge their assigned weapons at the Sheriff's Office Range, approved schools, on duty in compliance to General Orders, or during events designated by the S.E.R.T. Commander.
3. Members may discharge their assigned weapons to defend the lives of others, their lives, or at the direct order of the S.E.R.T. Commander, which is in accordance with these policies.

PRECISION RIFLE/OBSERVER POSITIONS

It is the policy of the Sheriff's Office and S.E.R.T. to maintain the position of Precision Rifle/Observer. The mission of the Precision Rifle/Observer Team is to respond immediately to all critical events as directed by the S.E.R.T. Commander. The Precision Rifle /Observer should be the first to arrive on the scene and assess the situation for team positions. The Precision Rifle

/Observer has the primary responsibility of gathering and reporting information to the S.E.R.T. Tactical Commander. Their secondary responsibility is to neutralize the situation if needed, through expert marksmanship. The team members will record all practice sessions and each individual shot in a Shooting Log. Members shall maintain themselves, their equipment, and logbooks to the highest professional standard.



**LAURIE SMITH
SHERIFF**



**VOLUNTARY RIDE-ALONG OBSERVERS PROGRAM /
RIDE-ALONG WITH OTHER AGENCIES
GENERAL ORDER #20.01**

Adopted: 07/07/2010
Replaces: G.O. #20.01 adopted 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Civilians and peace officers will be allowed to ride-a-long in Sheriff's Office patrol vehicles. Deputies shall not allow members of the media or third parties who participate in the ride-along program to enter a home, or any potentially dangerous situation. Additionally, members of the media or third parties who participate in the ride-along program are not authorized to enter private property without the consent of the person in control of the property.

PROCEDURE

A. ELIGIBILITY TO PARTICIPATE IN THE RIDE-ALONG PROGRAM

- 1.** Any person eighteen years of age or older is eligible to participate in the Sheriff's Office ride-along program provided he or she:
 - a.** is able to provide photo identification at orientation and at the assigned station prior to the ride-along;
 - b.** is not on probation, parole, an ex-felon, or a registered sex offender;
 - c.** has attended the Sheriff's Office orientation (unless waived);
 - d.** has not ridden with a Sheriff's Office patrol unit within the last six months (unless waived);
 - e.** does not ride with a deputy that is an immediate family member as defined in the DSA MOU.

2. An active member of a Sheriff's youth program under the age of 18 also may participate in the ride-along program provided he or she is approved by the program leader and meets the conditions for participation in the ride-along program.
3. A person may be disqualified from participating in the ride-along program for the following reasons:
 - a. At the discretion of the patrol sergeant or assigned deputy.
 - b. Inappropriate or imprudent clothing.
 - c. Indications of alcoholic beverage consumption.
 - d. Indications of illegal drug use, or medication use that might impair judgment.
 - e. Any behavior or activity that might be considered inappropriate prior to or during the ride-along.
 - f. Failure to provide photo identification prior to the ride-along.
 - g. Failure to complete a waiver form.
 - h. Where circumstances could be detrimental to the participant or to the Sheriff's Office, such as a major emergency, dangerous circumstances, or a high-risk assignment.

B. RIDE-ALONG PROGRAM ORIENTATION

1. Before participating in the ride-along program, the participant will receive an orientation.
2. Each participant should receive an introduction letter and a waiver form prior to the orientation.
3. The participant will be advised that warrant checks and criminal history checks will be done on them.
4. The participant must provide a telephone number on the waiver form in case it is necessary to cancel the ride-along on short notice.

5. The participant will be advised that to prepare for the ride-along, he or she should:
 - a. Expect to ride the entire patrol shift, unless there is a need to shorten the time.
 - b. Eat lightly prior to the ride-along and bring money for his or her own meal during the ride-along.
 - c. Smoking is not permitted during the ride-along.
 - d. Know the call sign of the patrol unit to which he or she is assigned. In case of an emergency, the participant should be prepared to speak clearly into the radio microphone and advise County Communications of the emergency, including the specific location of the emergency.
 - e. Not carry any firearms and weapons.
 - f. Not exit the patrol vehicle on car stops, fill unit assists, or calls for service unless cleared with the deputy.
 - g. If riding at night, bring a flashlight and advise the deputy that it is in his or her possession.
 - h. Wear clean, neat, comfortable, and practical clothing. Any revealing, unkempt, or dirty clothing and/or poor hygiene may be reasons for canceling the ride-along.
 - i. For their own safety, participants should refrain from wearing dresses, skirts, and high-heeled shoes.

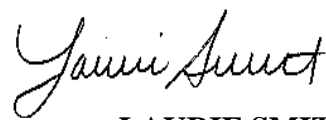
C. LAW ENFORCEMENT PERSONNEL

1. Law enforcement personnel from allied agencies are not required to attend the ride-along program orientation.
2. Sworn personnel from the Sheriff's Office are not permitted to participate in the Sheriff's Office ride-along program.
3. Law enforcement personnel may participate in the patrol ride-along program under the following conditions:
 - a. They have completed the waiver form prior to the patrol ride-along.
 - b. They do not ride in uniform.

- c. If they are qualified to carry a weapon, they must conceal it on their person.
 - d. The ride-along has been approved by the supervisor of the deputy providing the ride-along.
 - e. They ride with a deputy that is not an immediate family member
4. If there is any concern regarding the history of the non-sworn law enforcement employee, the supervisor may conduct a warrant check and a criminal history check prior to approval of the ride-along. If there are any questions about a particular participant's eligibility, the patrol deputy should submit an Employee's Report (ER) via the chain of command. The ER should note the deputy's concerns.
 5. A civilian employee participating as a ride-along shall merely observe and shall not perform any law enforcement duties, unless a situation arises that compels necessary action and/or the ride-along is directed to take such action by the assigned patrol deputy.
 6. Sheriff's Office civilian employees may only participate as a ride-along on a regular day off which does not conflict with any other divisional assignment. Civilian employees participating in the program shall have at least an eight-hour break from their last scheduled tour of duty at their normal duty assignment as well as an eight-hour break till their next scheduled tour of duty.

D. SHERIFF'S OFFICE PERSONNEL RIDING WITH ALLIED AGENCIES

1. Sheriff's Office personnel are eligible to participate in an allied agency's ride-along program provided he or she:
 - a. not ride-along with an agency in Santa Clara County or in the county in which they reside
 - b. not ride in uniform
 - c. if sworn, must have successfully completed the Field Training Program
 - d. is not on probation
 - e. notifies their division captain of their intent to ride with another agency, and receives approval to do so.



LAURIE SMITH



**USE OF CONFIDENTIAL INFORMANTS
GENERAL ORDER #21.00**

Adopted: 07/07/2010
Replaces: G.O. # 2100 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Information from a confidential source may provide valuable assistance to law enforcement. In some cases, confidential sources may be motivated by considerations other than good citizenship. These sources, known as confidential informants, are a judicially recognized source of information. An informant's motivation should be carefully evaluated in determining the extent upon which the information will be relied.

PROCEDURE

- A. Confidential informants are individuals who are willing to provide information to law enforcement based on considerations other than good citizenship. In many cases, the motivation of a confidential informant is a desire either to receive assistance in resolving a pending criminal matter or to receive a monetary payment.
- B. In determining whether or not to utilize information from a confidential informant, a deputy should consider:
 - 1. The potential reliability of the information. The deputy should consider the previous criminal history of the potential informant, whether the potential informant is in a position to know the information, and the ability of the deputy to corroborate the information to be provided.
 - 2. The Sheriff's Office's overall responsibility to the community. As a general rule, persons charged with, convicted for, or suspected of violent felonies or crimes requiring registration as a sexual offender should not be considered as potential informants.

- C.** Deputies are encouraged to gather and use information from informants. Deputies are not, however, authorized to supervise an informant during an investigation or to provide or promise rewards to an informant without prior authorization from their division captain of division or unit lieutenant. Informants willing to engage in covert activity, such as narcotics buys, should be directed to an investigative unit, such as the Investigative Services Division. All use of informants shall conform to policies and procedures established by the District Attorney's Office.
- D.** When an informant has agreed to supply only information and not act in a covert capacity assistance, the deputy receiving the information will ensure that it is delivered verbally or in writing to the appropriate investigator in a timely manner. When practical, a second deputy should be present when interviewing an informant. All meetings where informants are of the opposite sex of the deputy should be witnessed by a second deputy.
- E.** Deputies seeking the release of a confidential informant who has been arrested shall obtain permission from their division commander or assistant division commander prior to taking action to obtain the informant's release.
- F.** Confidential informants will sometimes offer to exchange information for immunity or for their release. Such immunity may properly be granted by a judge in a judicial proceeding; however, neither the Sheriff's Office nor any of its members may grant any person immunity from prosecution nor promise a reduction of charges or sentence. Deputies shall not provide any monetary reward to a confidential informant without prior approval of their division commander or assistant division commander. The District Attorney's Office has procedures regarding cases involving evidence resulting from the use of confidential informants who are provided rewards involving pending criminal matters or monetary payment.
- G.** Deputies shall keep their supervisor informed of their relations and activities involving informants. The supervisor shall notify in writing the division captain and/or lieutenant regarding the use of a confidential informant.
- H.** Deputies shall not utilize juveniles who are confidential informants in covert activity without prior approval of their division commander or assistant division commander. Deputies also shall obtain written consent of the parent or guardian of the juvenile prior to authorization of any participation in covert activity. Deputies shall comply with all provisions of California law pertaining to the use of juveniles as confidential informants.



LAURIE SMITH
SHERIFF



**VICTIM WITNESS ASSISTANCE CENTER
GENERAL ORDER #21.01**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. # 21.01 dated 1/10/02

Reviewed: 02/22/2010

POLICY:

The Santa Clara County Sheriff's Office will cooperate with the Santa Clara County Victim Witness Assistance Center to provide assistance to victims of violent crimes, including acts of domestic violence.

PROCEDURE

- A.** The State of California provides funding to local victim centers to provide assistance to victims of violent crimes. In Santa Clara County, the designated local victim center is the Victim Witness Assistance Center, located at 777 North First Street, San Jose. Their phone number is (408) 295-2656 and web site of www.victim.org.
- B.** State law requires the Sheriff's Office to provide to the Victim Witness Assistance Center, upon request, a copy of incident reports giving rise to claims for compensation from the state by victims of violent crime. The Sheriff's Office may, in its discretion, withhold the names of witnesses and informants if the release of such names would be detrimental to the parties or to an investigation currently in progress.
- C.** The Victim Witness Assistance Center provides the services of a victim advocate to the Sheriff's Office. The victim advocate must complete a background investigation by the Sheriff's Office and has received training regarding the criminal justice system.
- D.** The Sheriff's Office provides to the victim advocate access to the names and addresses of violent crime victims in order to mail them information on how to make a claim with the state for compensation. To obtain the names and addresses, the victim advocate has access to a Sheriff's Office network computer located at the Sheriff's Office Domestic Violence Unit. The Domestic Violence Unit is responsible for providing training and assisting the victim advocate in gaining access to crime reports on the Sheriff's Office network computer.

A handwritten signature in cursive script that reads "Laurie Smith".



**Limited English Proficiency
GENERAL ORDER # 21.03**

Adopted: 3/3/2010

Replaces: NEW ORDER

POLICY

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or "LEP," and are entitled to language assistance when they come in contact with law enforcement deputies.

PROCEDURE

- A.** When deputies respond to a call or make contact with a subject (victim, suspect or witnesses) and determine they speak a language other than English, the deputy should call for another deputy certified in that language or arrange for another neutral and/or certified professional translation services. **Avoid using third party individuals (children, family or neighbors) to translate statements except in exigent circumstances.** Document the names and personal information of all witnesses and translators. If on-scene language translation assistance was provided by a family member, neighbor, or other uncertified person, please note it in your report.
- B.** In the event a translator is needed, deputies shall follow these steps:
1. The deputy may determine the LEP individual's primary language using the language identification card. [REDACTED]
 2. The deputy shall call for a qualified interpreter in the following order:
 - a) a qualified bilingual deputy or allied agency officer
 - b) a telephone interpreter
 - c) qualified civilian interpreter

3. Any interviews will be conducted in the individual's primary language by a qualified interpreter.
4. The Miranda Admonition will be read to suspects in their primary language by a qualified interpreter.
5. Deputies will not use children, family members, neighbors, friends or bystanders for interpretation, except in exigent circumstances. Once the exigent circumstance has passed, the deputy will utilize a qualified interpreter.

C. The Sheriff's Office has contracted with Language Line Service (same as County Communications) for our office.



1. Sheriff's Office personnel using this service shall document the following in the Incident Report:

Personnel who called the service
Date and Time
Length of Call
Language(s) Requested
Event Number

If an Incident Report is not generated, Sheriff's Office personnel shall document the above information in a memorandum to their division commander.

A handwritten signature in cursive script that reads "Laurie Smith".

LAURIE SMITH
SHERIFF



**COUNTY LAW ENFORCEMENT PROTOCOLS
GENERAL ORDER #22.00**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #22.00 dated 4/15/08

Updated: 02/22/2010

POLICY

Employees of the Sheriff's Office shall comply with the terms of the law enforcement protocols to which the Sheriff's Office is a participant.

PROCEDURE

The Sheriff's Office has agreed to the Santa Clara County law enforcement protocols. These protocols are agreements made between all of the law enforcement agencies in the County and will be adhered to by all members of the Santa Clara County Sheriff's Office.

A handwritten signature in cursive script that reads "Laurie Smith".

**LAURIE SMITH
SHERIFF**



**CHILD ABDUCTION
GENERAL ORDER #22.01**

Adopted: 07/07/2010
Replaces: G.O. #22.01 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Santa Clara County Sheriff's Office will comply with the provisions of the Santa Clara County Child Abduction Protocol.

PROCEDURE

A. IMMEDIATE INTERAGENCY ASSISTANCE FOR CHILD KIDNAPPINGS

1. Each Santa Clara County law enforcement agency will provide officers for immediate use at the scene of the kidnapping upon request of the originating agency. This immediate assistance can last up to 72 hours.

B. LONG-TERM ASSISTANCE TO FOLLOW UP INVESTIGATIVE LEADS FOR CHILD KIDNAPPINGS


1. Each Santa Clara County law enforcement agency will provide officers for long-term investigation at the originating agency's request. This long-term commitment could last as long as two or three months.
2. Officers selected for the long-term investigative process in reference to these child kidnapping incidents should be officers who have proven investigative skills.

C. REQUEST FOR INTERAGENCY ASSISTANCE.

1. This policy may be implemented under the following circumstances.

- a. Child kidnappings where the facts indicate that the child has been abducted and is in great bodily danger. (This generally would not include parent custody disputes involving kidnapping.)
 - b. Child kidnappings that fit murder/abduction profiles.
 - c. Extraordinary criminal violations that create extreme hazard to the community or police personnel and require large numbers of officers for initial or follow-up investigations (i.e. police officer shootings, serial killers).
2. Special conditions for interagency child abduction protection protocol.
- a. The requesting agency is in charge of all personnel at the scene of the investigation, including those responding from other agencies.
 - b. Requests for assistance will be made by the watch commanders after approval of the Chief of Police/Sheriff of the requesting agency. All requests for assistance will be made by teletype and confirmed by telephone. Personnel should respond as soon as possible after the request for assistance has been made. All communications should indicate the anticipated time of arrival of personnel.
 - c. While each request for assistance dictates its own special procedures, it can be anticipated that persons responding under this procedure will work a maximum of 12 hour shifts, and will be relieved by the agency providing the personnel. The agency providing the personnel will be responsible for ensuring that their personnel are properly relieved.
 - d. Agencies providing personnel as first-in responders at the beginning of the investigation should provide supervision, if at all possible.
 - e. The requesting agency will provide appropriate information on where responding personnel will report and to whom they will report.
 - f. This policy agreement is intended to provide interagency assistance for child abduction cases, and is not considered mutual aid. Agencies supplying personnel for these incidents incur full costs for their personnel.
 - g. It is understood that each agencies first responsibility is to insure service within its own jurisdiction. Therefore, should an agency experience manpower shortages within its own jurisdiction, their personnel commitments to this protocol may remain unfilled or modified until agency staffing is adequate.

- h.** Agencies providing personnel will be responsible for providing vehicles for their personnel.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

**LAURIE SMITH
SHERIFF**



**MISSING PERSONS
GENERAL ORDER #22.02**

Adopted: 07/07/2010
Replaces: G.O. #22.02 dated 1/10/02

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

The Santa Clara County Sheriff's Office will take all necessary steps to assist in locating missing individuals.

A. MISSING PERSONS.

- 1.** The law recognizes "at risk" missing persons. "At risk" includes missing persons who may be:
 - a.** The victim of a crime or foul play.
 - b.** In need of medical attention.
 - c.** Someone with no pattern of running away or disappearing.
 - d.** The victim of parental abduction/kidnapping.
 - e.** Mentally impaired.
- 2.** A missing person report shall be made without delay upon receipt of information from any person, who reasonably believes that another person, including a juvenile, is missing or is a runaway, regardless of the jurisdiction.
- 3.** If the subject of a missing persons report resides outside of the Sheriff's Office's area of responsibility, the Sheriff's records section shall, without delay, forward a copy of the report to the law enforcement agency that has responsibility for the area of the missing person's residence. In cases involving children under twelve

years of age or persons at risk, this cross-reporting must be accomplished within 24 hours of the report.

B. JUVENILES

1. In all cases where a missing person report is taken on a juvenile under the age of twelve years, the reporting deputy shall contact Sheriff's records and enter the missing juvenile into N.C.I.C. In addition, Sheriff's records clerks shall teletype the information to D.O.J. missing persons. The reporting deputy shall make the N.C.I.C. entry and the records clerk will teletype D.O.J. within four hours of the time the report was accepted, per Penal Code section 14205.
2. When a juvenile under the age of twelve years is located, the reporting deputy shall contact Sheriff's records and remove the juvenile from N.C.I.C. D.O.J. missing persons shall be notified via teletype within 24 hours.
3. If a juvenile is under the age of eighteen years and is at risk, the investigating officer (detective) should forward a report along with dental records to the Department of Justice within 24 hours after receiving the report.
4. The investigating officer shall be responsible to provide dental records and a report to the Department of Justice on all persons missing for more than forty-five days.
5. If the missing child is under twelve years of age and missing at least fourteen days the dental/skeletal release form must immediately be executed. Also, immediately check with the coroner and submit the report, photograph, and dental/skeletal x-rays to D.O.J. within 24 hours.
6. In all cases where a missing person report is taken, the reporting party shall be provided with a Department of Justice dental release form by the reporting officer (per Penal Code section 14206). If the report is taken by phone, the dental release form shall be mailed to the reporting party. The respective patrol division accepting the report shall have responsibility for mailing the dental release form.
7. In all cases, the field supervisor should be immediately made aware of all pertinent facts. The field supervisor shall notify the Watch Commander and will use judgment in initiating a search and utilizing the resources of allied agencies.



**LAURIE SMITH
SHERIFF**



JUVENILE PROCEDURES GENERAL ORDER #22.03

Adopted: 5/10/2021
Replaces: G.O. 22.03 adopted 7/7/2010

Updated: 5/10/2021
Reviewed: 5/10/2021

POLICY:

It shall be the policy of the Sheriff's Office to protect the rights of the juvenile offender. Deputies shall not detain juveniles in any Sheriff's Office facility in secure detention or confinement, within the meaning of the California Code of Regulations, Title 15, for temporary custody. Whenever appropriate, community resources will be utilized as an alternative to the justice system. In determining disposition, the alternative that is least restrictive to the juvenile is preferred, provided such alternative is compatible with the best interests of the juvenile and community.

PROCEDURE

For the purpose of these procedures, a juvenile is a person under the age of eighteen years. A juvenile must come under the Welfare and Institutions Code sections 300, 601 and 602 before he or she can be taken into custody. Authority to take a juvenile into custody is set forth in Welfare & Institutions Code sections 625 and 625.1.

A. DEPUTY RESPONSIBILITIES

Whenever a juvenile is taken into custody as set forth in Welfare & Institutions sections 305 or 625, it shall be the arresting deputy's responsibility to ensure all of the following:

1. Notify the Field Supervisor, or in his or her immediate absence, the Watch Commander, of any juvenile arrest which requires the transporting of the minor to the Sheriff's Office or to Juvenile Hall for processing or further investigation. Special care should be made to ensure minors are not brought into contact with adult suspects or prisoners.

2. Advise the juvenile of his or her Miranda rights as set forth in Welfare & Institutions Code section 625 when the minor is arrested for either a 601 or 602 Welfare & Institutions Code violation. Miranda is required for all juvenile arrests, even if there is no interrogation.
3. Facilitate the minor's consultation with legal counsel in person, by telephone or video conference prior to their custodial interrogation, as set forth in Welfare & Institutions Code section 625.6 (SB 203; Amended; Effective 01/01/2021). For purposes of this section, a minor is now defined as being 17 years of age or younger. The consultation cannot be waived. Exceptions to the statute are limited to obtaining information in a situation in which a deputy reasonably believes the information sought by questioning a minor is necessary to protect life or property from an imminent threat, and the questions are limited to those reasonably necessary to obtain that information. This new amendment removes the sunset provision in the current law, and also directs courts to consider the willful violation of this requirement in determining the credibility of the law enforcement officer.
4. Take immediate steps to notify parents or guardian per Welfare & Institutions Code section 308(a) and Welfare & Institutions Code section 627(a).
5. Allow the juvenile to make the necessary phone calls within one hour, as set forth in Welfare & Institutions Code section 308(b) and Welfare & Institutions Code section 627(b).
6. Deputies shall notify the school administration, preferably the principal, vice-principal or school counselor, prior to contacting a juvenile on a school campus. The deputy shall advise the school administrator of the purpose of the contact, since the school is responsible for the child during school hours. Upon completing an interview or arrest, the deputy shall let the school administrator know the disposition of the contact before leaving the school. A school resource officer or a juvenile investigations deputy may provide assistance to arrange contact between the investigating deputy and administrative staff.
7. The deputy should use his or her discretion when interviewing a child on a school campus. If an interview is conducted on a school campus, the deputy shall contact the parents or guardian immediately after the interview.

B. DETENTION PROCEDURES

1. Deputies shall not detain juveniles in any Sheriff's Office facility in secure detention or confinement, within the meaning of the California Code of Regulations, Title 15, for temporary custody. Secure detention is when a juvenile being held in temporary custody is locked in a room, or enclosure, and/or is

handcuffed to a stationary object. Mere handcuffing alone does not constitute a secure detention. Confinement is when a juvenile is held in detention behind a locked door, or restriction of movement by means other than handcuffs.

2. When a deputy contacts a juvenile who is related to a crime or is the subject of a criminal investigation, the deputy will contact the parent and/or guardian in person or by telephone as soon as practical, to assure that they understand the reason for detention and resulting disposition. In order not to jeopardize the investigation process or compromise the safety of the public or deputies, notification can and may be made at the conclusion of an investigation, detention or arrest.
3. The intent of temporary custody of juveniles is to allow deputies time to complete juvenile investigations, complete necessary forms, and to arrange release of juveniles to appropriate persons or agencies. At no time during temporary custody shall a juvenile be subject to any discipline, punishment, or corrective action as a consequence to the detention.
4. Juveniles exhibiting suicidal behavior in either words or actions will be treated as outlined in Welfare & Institutions Code sections 5150 and 5585.50. Juveniles taken into custody under Welfare & Institutions sections 5150 and 5585.50 shall be transported to Uplift Family Services, Emergency Psychiatric Services at Valley Medical Center or to Stanford Hospital.
5. The investigating deputy of any incident or case shall ensure that the Juvenile Detention Log has been completed whenever a juvenile has been brought into the Sheriff's Office for further processing or investigation pursuant to an arrest or detention. The Juvenile Detention Log is kept and maintained at Headquarters Patrol Operations Desk.

C. JUVENILE CONTACT REPORT

Deputies shall complete a Juvenile Contact Report in the following instances:

1. When the offender is incarcerated into Juvenile Hall per Welfare & Institutions Code section 625.
2. When the offender is issued a citation for a non-traffic offense per Welfare & Institutions Code section 625.
3. When the juvenile is taken into protective custody.

D. FINGERPRINTING AND PHOTOGRAPHING JUVENILES

Fingerprints and photographs may be taken in the following instances based on need, except where taking of fingerprints would be inadvisable, such as in the case of very young minors:

1. When the offender is lawfully detained or arrested for a law violation.
2. When prints or photographs are needed to establish or verify identity.
3. When the arrested juvenile is a suspect in an additional case, and prints are needed for a comparison or photos are needed for a photo line-up.
4. When the supervisor or watch commander deems it necessary.
5. The photographing of juveniles shall not be arbitrary or indiscriminate but shall meet the minimum standard or criteria of reasonable suspicion required for a lawful detention based on articulable facts or shall be based on a voluntary consent during a consensual encounter.

E. DISPOSITION OF JUVENILE OFFENDERS

The philosophy of handling juveniles shall be to utilize community resources whenever possible. When a juvenile officer is available, he or she will be responsible for determining the proper disposition of a juvenile offender. This should not be construed as relieving the investigating deputy of the responsibility for completing the investigation. When a juvenile officer is not available, the responsibility for determining the disposition rests with the watch commander and/or field supervisor.

F. JUVENILE PROBATION REFERRALS

There are two methods by which a juvenile offender may be referred to the Juvenile Probation Department:

1. Incarceration into Juvenile Hall.
2. Referring the case to the Juvenile Probation Department and requesting a petition be filed.

G. JUVENILE HALL ADMISSION

1. The reason for incarceration is based on the determination that the youth may be a danger to the community or to him or herself. Incarceration into Juvenile Hall shall occur for those juveniles who present an immediate danger to themselves or to the community. The following are permissive situations for incarceration:

- a. When the juvenile is on probation and his or her probation officer formally requests that he/she be incarcerated.
 - b. When a parent or guardian refuses or is unable to take custody of the juvenile after a law violation.
 - c. When a juvenile refuses to sign a citation.
 - d. When a warrant is outstanding for the juvenile.
2. Whenever juveniles are to be booked into Juvenile Hall and they are under the influence of alcohol and/or drugs or are sick or injured, a medical clearance must be obtained prior to the incarceration at Juvenile Hall.
 3. All juvenile contact reports prepared for Juvenile Hall booking must have a statement of probable cause for either a felony or misdemeanor. The statement of probable cause should be written in the narrative portion of the JCR.

H. RELEASING MINORS TO DESIGNATED PERSONS

When deputies arrest a parent for an offense which requires booking, and the parent has his or her child with them, the following considerations should be made for releasing or securing the minor.

1. Deputies confronted with this situation shall notify the Field Supervisor, or in the absence of a supervisor, shall notify the Watch Commander, and shall obtain prior approval as to establishing a suitable disposition for the minor.
2. If there are any circumstances which allege child abuse, neglect, or raise reasonable suspicions regarding the suitability of the minor's home, or of the person who is to take custody of the minor, then the child should be placed in the Children's Shelter.
3. In the absence of any known or alleged disqualifying condition, a minor may, at the request of the arrested parent and with the approval of a supervisor, be released to a designated family member or other responsible adult known to the family whom the parent and child trust. In such cases where a minor is released to an individual so designated by the parent, the investigating deputy will document the request and disposition of the minor in the arrest report. Investigating deputies should contact DFCS at (408) 975-5250 to inquire whether the proposed caregiver selected by the arrestee-parent has any record of prior abuse. Deputies contacting DFCS for this purpose should clarify to the call-taker that they are calling to obtain information only. The identity of the person taking custody of the minor

shall, whenever possible, be established with positive photo identification or by other appropriate means such as can be verified or confirmed by the parent.

Additions to this subsection are per Santa Clara County Child Abuse Protocol: Section 3: I (B) (4).

4. If the parent is reluctant or tenuous about identifying or agreeing on who should take custody of the child, the minor should be taken to the Children's Shelter. An exception to this might be a case in which the juvenile is sufficiently old enough to care for himself or herself, such as a teenager who may simply need to get a ride home or to have a friend to come and pick him or her up.

I. RELEASE ON OWN RECOGNIZANCE

In a simple shoplifting case or other minor offense, the juvenile may be released on his/her own recognizance at the scene of the occurrence when the following conditions are met:

1. After telephone contact is made with the parent or guardian and he or she agrees with this procedure.
2. The juvenile being released is not under the influence of alcohol and/or drugs.
3. In no event shall a juvenile ever be released on his or her own if the case falls under Welfare & Institutions Code section 300. These cases require supervised adult care.

J. MEDICAL CARE FOR JUVENILES IN THE ABSENCE OF PARENTAL CONSENT

Deputies shall obtain medical care in the absence of consent of the parents or guardian of a juvenile by adherence to the following procedure that has been approved by Santa Clara County Superior Court judges. In the event of an emergency, this procedure may be initiated at any hour of any day:

1. Once the deputy has determined that a minor is in need of medical treatment, he or she should take the minor into custody under Welfare & Institutions Code section 625(c). Custody may be established at a doctor's office, hospital, clinic, juvenile's home, or other location.
2. The deputy shall then notify the on-duty juvenile probation officer, who will commence Juvenile Court proceedings and arrange for a hearing at the hospital or other designated place. The deputy may be provided with further instructions.

3. If the parent or guardian refuses to allow the deputy to enter his or her home for the purpose of taking the minor into custody or if the parent or guardian refuses to provide the deputy with information regarding the condition of the child and the deputy has reasonable cause to believe that a medical emergency exists, he or she should notify the on-duty juvenile probation officer, who will arrange for an immediate Juvenile Court Hearing.
4. Nothing in these procedures should be construed to supersede the authority available to medical personnel by hospital administrative codes in treating emergencies in the absence of parent or guardian consent.

A handwritten signature in cursive script, appearing to read "Laurie Smith".

LAURIE SMITH
SHERIFF



MEDIA RELATIONS GENERAL ORDER #24.00

Adopted: 07/07/2010
Replaces: G.O. #24.00 updated 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

Sheriff's Office personnel will cooperate fully with all members of the news media to the extent that such cooperation is consistent with proper law enforcement procedures, this General Order and is not detrimental to the public's interest or welfare.

PUBLIC INFORMATION OFFICER

1. The Sheriff's Office Public Information Officer will assist members of the news media and will handle all requests of a special nature relating to news coverage.
2. All press releases will be the responsibility of the Public Information Officer. He or she will assist other members of the Sheriff's Office in preparing press releases if needed. Description or content of all media contact made by other members of the Sheriff's Office shall be forwarded to the Public Information Officer.
3. The Public Information Officer shall ensure that all requests for, and releases of, information are in compliance with the California Public Records Act.
4. The Public Information Officer is responsible for notifying members of the news media of press conferences.
5. The Public Information Officer is responsible for the issuance of Sheriff's Office media credentials.

PROCEDURES

A. RELEASE OF INFORMATION

Information shall be provided to news media representatives with certain recognized exceptions:

1. Where prohibited due to laws governing confidentiality.
2. When the information to be revealed may be critical to the resolution of a criminal investigation.
3. When the information would disclose police strategy essential to criminal apprehension or crisis resolution.
4. When the information would reveal sources of information where anonymity has been requested or is desired.
5. Information regarding Sheriff's Office Personnel will not be released without approval of the Sheriff and shall be consistent with the California Public Records Act and Peace Officer Confidentiality Statutes. However, approved policy changes or personnel changes within a division may be released by the affected division commander, the affected Bureau Commander, the Undersheriff, the Sheriff, or the Public Information Officer.
6. No information contained in a supplementary or follow-up report will be released, except with the express permission of the commander of the affected division, the Bureau Commander for the affected division, the Undersheriff, or the Sheriff.
7. Certain investigative information not proper for immediate publication, such as names and descriptions of suspects, suspect vehicles, deputies' opinions, conclusions, or suggestions will not be made available unless the Sheriff, the Undersheriff, the Bureau Commander, or the division commander determines that release of such information will not be detrimental to the parties involved or the investigation.

B. MEDIA ACCESS

Media representatives will be allowed access to places under Sheriff's Office control, except:

1. When protection of the crime scene is necessary. A briefing area will be established that will allow reasonable media access without risking the safety of the media or others.
2. When the presence of news media representatives jeopardizes the safety of others.

3. When on private property and the owner does not grant permission for news media access.
4. When the presence of news media representatives unreasonably interferes with or obstructs the responsibilities of public safety personnel.

C. GENERAL MEDIA RELATIONS

Sheriff's Office personnel shall use the following guidelines when interacting with media representatives:

1. All routine news releases shall be made by the on-duty watch commander, division commander, the Public Information Officer or his or her designee. A routine news release may be but is not limited to, an uneventful arrest that did not result in injury to the arrestee, uninvolved bystander, or deputy as a result of the actions of the Sheriff's Office, a traffic accident, or road closure.
2. All emergency or special news releases shall be made by the Sheriff, his or her designee, or the Public Information Officer. An emergency or special news release may be necessitated when a deputy is involved in an incident that resulted in an injury to another person, the public's safety is a concern, or the assistance of the public or media may be beneficial.
3. If two or more media agencies request media coverage of an unfolding event or critical incident in an otherwise inaccessible area, due to safety or other concerns of the Incident Commander, they may pool resources by selecting a reporter or photographer. If they are unable to agree, the Incident Commander may deny media coverage by that type of media agency.
4. The on scene Incident Commander may determine aerial media coverage of an unfolding event or critical incident may interfere with the safe resolution of the incident or compromise the safety of personnel in the air or on the ground. Pursuant to 14 CFR 91.137(a1) and (a3) the IC may request temporary air space restriction through the FAA.
5. Media representatives may conduct interviews of persons not in Sheriff's custody and may freely photograph areas and suspects under Sheriff's Office control when their actions do not directly obstruct or unreasonably interfere with the work of public safety personnel. Under no circumstance shall a suspect or defendant be posed for photographs while in Sheriff's custody. Suspect photographs shall be released only upon approval of the Bureau Commander or affected division commander.

6. Information involving day-to-day operations may be released to the news media by any deputy. However, the deputy should decide if he or she is qualified to respond and if the person making the request is a proper person to receive the information. The deputy's immediate supervisor shall be notified upon releasing information regarding Sheriff's Operations.
7. All members of the Sheriff's Office, when being interviewed by or in the presence of the news media, shall at all times conduct themselves in a professional manner. Members representing the Sheriff's Office shall not use such appearances for the purpose of personal gain.



LAURIE SMITH
SHERIFF



**BLOODBORNE PATHOGENS
GENERAL ORDER #25.00**

Adopted: 07/07/2010

Updated: 02/22/2010

Replaces: G.O. #25.00 dated 4/15/08

Updated: 02/22/2010

POLICY

Cases involving exposure, or possible exposure, to communicable diseases will be handled in accordance with state law and Sheriff's Office policy.

PROCEDURE

A. DEFINITION

Exposure Incident means a specific eye, mouth, other mucous membrane non-intact skin, or parenteral contact (such as a needle stick) with blood or other potentially infectious materials that occur during the performance of an employee's duties.

B. STATUTES

1. Workers' Compensation laws of California (Labor Code)
 - a. Every worker shall be entitled to Industrial Injury leave when they are unable to perform usual and customary duties because of any injury or illness; (as defined in the Workers' Compensation laws of California) .
2. Penal Code section 7510.
 - a. Per Penal Code section 7510 the employee shall complete form CDPH 8459 (report of request and decision for HIV testing).

C. EXPOSURE INCIDENT GUIDELINES

In the event of an employee involved exposure or possible exposure to a communicable disease where the source person cannot be determined, is not known, or where the source

person's actions do not result in new criminal charges generating an incident report- such as an accident victim, warrant arrest (no new charges), citizen aid, Sheriff s Office employees shall:

- 1.** Follow the same procedures listed in this General Order with the exception of the following:
 - a.** Omit form CDPH8459 (“Report of Request and Decision for HIV Testing”), and all steps related to these forms, as they are not applicable in this situation.
 - b.** In order to ensure the purpose of this order, the procedures below will be followed in the event of any employee involved exposure or possible exposure to a communicable disease where the “source person” of the exposure is known.
 - 1** All rules of confidentiality regarding the incident of exposure shall be strictly adhered to by all involved parties.
 - 2.** Any exposure or possible exposure to a communicable disease which occurs while an employee is on duty will be immediately reported to the employee's supervisor.
 - 3.** The supervisor will ensure that the exposed employee is given immediate first aid at the scene if necessary.
 - 4.** The supervisor will ensure that the exposed employee is expediently transported for medical attention. Medical attention should be provided within 1 hour of exposure.
 - a.** Employees may use their Pre-designated physician, Santa Clara Urgent Care or U.S. Healthworks. In the event of an emergency the employee should go to the nearest Urgent Care facility.
 - b.** Based on the Sheriff’s Office communicable disease protocol, employees are being directed to the County medical facilities listed above. Under section 4600 of the Labor Code, this would not preclude the employee from seeking treatment with a personal designated physician or treatment center, providing the employee has a “Pre-designation of Personal Physician” form filed with the Sheriff’s Office Support Services Division prior to the time of the injury or exposure.

5. The exposed employee shall report to the medical facility for treatment from the attending physician.
6. After the exposed employee receives treatment, the supervisor will supply the following forms to the employee and ensure that the appropriate sections are completed. Supervisors shall have these forms immediately available to them during their shift.
 - a. DWC-1 Workers' Compensation Claim Form
 - b. CDPH 8459 – “Report of Request and Decision for HIV Testing”
 - c. 6297 “Sheriff’s Office. Employees Report”
7. The exposed employee shall submit all completed forms by the end of the shift during which the incident occurred, (if not practical, as soon as possible, but no later than 24 hours after the incident).
8. All witness employees shall complete an Employees report, Form 6297 (pertaining to the exposed employee's injury/illness)
9. The supervisor shall advise the employee that exposure counseling is available through the following facilities:
 - a. U.S. Healthworks, Santa Clara Urgent Care or Pre-designated Physician
 - b. O’Connor Hospital
 - c. St. Louise Hospital
 - d. Stanford Hospital
 - e. Valley Medical Center
10. The supervisor shall collect the forms from the exposed employee and witness employees, and:
 - a. Complete the employer’s section of form DWC-1 “Workers Compensation Claim Form”.
 - b. Review and sign the Sheriff’s Office “Route of Exposure” form.

- c. Review and sign the Sheriff's Office Employee's Report(s).
- d. Complete the "Employer's Report of Occupational Injury or Illness" form 370. * (do not put "source person's" name or mention AIDS, HIV, ARC, Positive, etc., "Employer's Report of Occupational Injury or Illness. Use communicable disease exposure, or exposure to blood, etc.)
- e. Form 370 attachment "Accident Investigation Report"
- f. Shall complete the "Route of Exposure" report.

11. The supervisor shall distribute the forms in the following manner:

- a. The supervisor shall fax a copy of form ~~DHS~~ CDPH 8459 to the County Health Department. Fax (408) 885-4215. Attn. Chief Medical Officer
- b. The original of form CDPH 8459 and the Sheriff's Office "Route of Exposure" form are to be placed into a sealed envelope, marked confidential, and sent directly to the H.I.P. Coordinator.
- c. Forms DWC-1, 6297, 370 and the "Accident Investigation Report" attachment, shall be submitted to the division captain for review and signatures. The division captain **shall** forward these forms directly to the H.I.P. Coordinator for timely processing.
 - 1. If it is expected that the signature of the division captain will be delayed more than 24 hours, or if serious injury is involved- the supervisor shall fax a copy of these three forms to:
 - a. H.I.P. Coordinator, fax (408) 808-4620
 - b. Workers' Compensation Division, fax (408) 432-7572, or 432-7579.

12. The H. I. P. Coordinator shall complete form CDPH 8479 (Report of Potential HIV Exposure to Law Enforcement Employees) no longer than 48 hours after the incident pursuant to Penal Code section 7554.

Upon completion, form CDPH8479 shall be directed to the California Department of Health Services.

13. The H.I.P. Coordinator shall be responsible for establishing and maintaining a

confidential medical file for the exposed employee. In addition, the H.I.P. Coordinator shall ensure that the appropriate forms are submitted to the Santa Clara County Workers Compensation Division.



LAURIE SMITH
SHERIFF



**COLLISION REVIEW BOARD
GENERAL ORDER #26.01**

Adopted: 7/18/2013
Replaces: G.O. #26.01 adopted 07/07/2010

Updated: 04/16/2013
Reviewed: 5/5/2013

POLICY

It shall be the policy of the Sheriff’s Office that the Collision Review Board will conduct a thorough and proper review of all traffic collisions and legal interventions involving on-duty personnel as well as off-duty personnel while driving Sheriff’s Office vehicles or private vehicles used for official county business. The Collision Review Board will determine if the collision was “**Preventable**”, in which case disciplinary action or other corrective measures may be warranted, or “**Non-Preventable**”, “**Legal Intervention**”, or “**Other**”.

PURPOSE:

The purpose of the Collision Review Board is to review the investigation, identify causes, determine responsibility, and prepare documentation for a final review by the Sheriff or designee.

A. PROCEDURE

The chairperson of the Collision Review Board will call for a meeting as needed. It shall be the responsibility of every Divison / Facility Captain to ensure that copies of all collision reports and any related documents are provided to the Administration in a timely manner. A copy of the Board’s finding and or recommendations shall be provided to the involved employee’s Divison / Facility Commander.

B. COLLISION REVIEW BOARD COMPOSITION

1. The CRB will consist of a chairperson, who will be appointed by the Sheriff and will hold the rank of Assistant Sheriff. The Board’s membership will consist of the following:

- Assistant Sheriff (chairperson)

- Department Fleet Manager who also serves as Vice Chairperson
 - 1 Traffic Investigation Deputy
 - 1 Headquarters or West Valley Patrol Administrative Sergeant
 - 1 representative from the involved employee's union or association
 - 1 Department Risk Management Representative
 - 1 County Risk Management Representative
2. Board Members shall be recused from hearing a matter if the member is an involved party to the collision or has been involved in the investigation, as a witness, or as the direct supervisor of the involved employee.
 3. The Chairperson may request additional investigative data containing specific details prior to or during the hearing. Additionally, he or she may require other Sheriff's Office members to appear as witnesses.

C. COLLISION REVIEW BOARD MEETING

- 1) The Board will meet as needed.
- 2) When practical, the Board will conduct a preliminary screening to determine the necessity to call witnesses or interview the involved employee.
- 3) If it becomes necessary to take testimony, the Chairperson shall notify the involved employees and/or witnesses at least ten (10) days prior to the Board meeting as to the: date, time, and place of the Board meeting.
 - a) Any interview of badge staff shall be in compliance with the Peace Officer's Bill of Rights
 - b) Interviews of other employees shall comply with all applicable due process.
- 4) The Board Chair or Vice Chair will ensure that the written materials, diagrams, charts or other investigative material relating to the incident are copied before the meeting. The copies will be made available for review when the Board meets. Each copy will be stamped "Confidential" and numbered appropriately.
- 5) The Board Chairperson or their designee shall have the authority to compel witnesses or other involved parties to attend the Board Hearing. Written notices will be provided to involved parties prior to convening the Board. The Board Chairperson or his or her designee will be solely responsible for posing questions to witnesses. The Board will hear the circumstances surrounding the incident from all involved parties, and may interview any and all witnesses necessary to make a recommendation.
- 6) Non-board members can be excused so that the Board can deliberate.

- 7) The board will determine by majority whether or not the collision falls within all applicable policies and/or procedures. The Sheriff or other designee will serve as a tie breaker should one occur. If it is determined that the facts surrounding the collision fall within policies and/or procedures, the collision will be deemed “**Non-Preventable, Legal Intervention, or Other**” and no further action will be taken. If the cause of the collision is deemed to be out of compliance with any applicable law, procedure or policy, it will be deemed “**Preventable**”.
- 8) All investigative materials and notes will be returned to the Risk Management Representative. The Risk Management Representative will then notify the Sheriff or designee of the outcome and finding(s).
- 9) The Department Risk Manager will maintain a master file of all Collision Review Board findings.
- 10) The disposition of reviewed collisions will be as follows:
 - a) Collisions found to be “Non-Preventable, Other, or Legal Intervention” shall be maintained by the Department Risk Manager. A notice will be prepared by the Department Risk Manager regarding the above findings and sent to the deputy involved in the incident. This will provide feedback to the deputy regarding the vehicle collision.
 - b) Collisions found to be “Preventable” shall be processed in one of two ways. Those cases found to be “Preventable” and fall within the scope of corrective action shall be handled by the employee’s Divison / Facility Commander through a recommendation from the Chair of the Collision Review Board. Once the corrective action is handled, the Divison / Facility Commander will advise the Department Risk Manager of the disposition. Those cases that are found to be “Preventable” that rise to the level of formal discipline will be referred to Internal Affairs by the chair of the Collision Review Board. The complete packet from the review will be forwarded on to the Discipline Review Board. The Discipline Review Board shall determine the appropriate level of disciplinary action to be taken, in accordance with the procedures for the Discipline Review Board.



LAURIE SMITH
SHERIFF



**SHOOTING REVIEW BOARD
GENERAL ORDER #26.02**

Adopted:
Replaces: NEW ORDER

.....

CURRENTLY UNDER REVISION

(See General Order 12.03)



**DISCIPLINE REVIEW BOARD
GENERAL ORDER #26.03**

Adopted: 07/07/2010
Replaces: G.O. #26.03 adopted 4/15/08

Updated: 02/22/2010
Reviewed: 02/22/2010

POLICY

It shall be the policy of the Sheriff's Office that all Internal Affairs investigations that require disciplinary action be presented to the Disciplinary Review Board (DRB) and that the DRB will make a single ruling of discipline and present that ruling to the Undersheriff.

PURPOSE

The purpose of the Disciplinary Review Board is to determine the level of discipline, which is to be administered to an employee upon the completion of a sustained IA investigation, or upon specified findings by the Accident Review Board or the Shooting Review Board..

PROCEDURE

The Disciplinary Review Board shall meet and review all Internal Affairs investigations that are found to be sustained. Upon completing their review of the investigation, a consensus as to the level of discipline will be reached and forwarded to the Undersheriff.

I. DISCIPLINARY REVIEW BOARD COMPOSITION

A. The DRB will consist of a chairperson, who will be appointed by the Sheriff and will hold the rank of Commander. The Board's membership will consist of the following:

Voting members -

- Assistant Sheriff
- Two Captains - selected by the chairperson
- Lieutenant from involved employee's division
- Captain from Personnel

Non-voting members -

- Lieutenant from Internal Affairs - Case Briefing - NO DECISION ON DISCIPLINE

B. Board members shall meet the following guidelines:

1. Are not currently the subject of an Internal Affairs investigation;
2. Are not involved in a matter before the Board as the investigator, personally involved in the investigation, a witness, or direct supervisor of the involved employee;
3. Are not related to any person involved in the matter before the Board

C. The Chairperson may request additional investigative data containing specific details prior to or during the hearing, and in addition, may require other Sheriff's Office members to appear as witnesses.

D. The Chairperson may also request other individuals to appear, which the Chairperson feels may have information or expertise, which may be beneficial to the board. Any individual brought in to appear at the board meeting, other than those listed above, shall have no decision in the recommended discipline.

II. DISCIPLINARY REVIEW BOARD MEETING

A. The DRB shall meet on the third Wednesday of every month or as deemed necessary by the chairperson.

B. Should there be a necessity to reschedule the meeting, the chairperson shall notify all members of the board as to the new date and time.

C. The DRB will be provided with a copy of all investigations to be reviewed prior to the scheduled meeting.

D. The Internal Affairs Lieutenant shall ensure that the investigative reports, background information, and any other pertinent information relating to the case to be reviewed are present at the meeting.

E. The board shall hear a brief overview of the case from the IA Lieutenant and will be able to ask questions regarding the merit of the case.

F. The board shall openly discuss the investigation and the level of discipline each member recommends.

G. After a consensus recommendation is achieved, all investigative materials and notes will be returned to the Internal Affairs Office.

III. DISTRIBUTION OF FINDINGS

- A. The chairperson shall present the written recommendation of the disciplinary action sought against the employee to the other Assistant Sheriff for review.
- B. If the recommendation involves suspension of more than ten (10) days, demotion or termination, the Assistant Sheriff will forward the recommendation to the Sheriff for immediate review. Once the Sheriff's review is completed, the Sheriff will forward a final recommendation to Personnel requesting disciplinary action be taken.
- C. If the recommendation involves any action less than a ten (10) day suspension, the Asssitant Sheriff will review the recommendation and will forward a final recommendation to Personnel requesting disciplinary action be taken.



**LAURIE SMITH
SHERIFF**