

# San Luis Obispo County District Attorney's Office

## Policy Manual

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### **CHIEF'S PREFACE**

The District Attorney is charged with the duty to investigate and prosecute criminal cases. District Attorney Investigators are an invaluable asset to the District Attorney's Office. The San Luis Obispo County's District Attorney's Office Bureau of Investigations has continually been recognized as a professional unit with a high level of experience.

The Bureau of Investigations personnel is expected to foster and maintain the highest standard of conduct, appearance, and professionalism while displaying honesty, trust, and integrity when interacting with the public and other criminal justice agencies.

The Mission of the San Luis Obispo County District Attorney's Office is to bring justice and safety to our community by aggressively and fairly prosecuting crime and protecting the rights of crime victims.

The Code of Professional Conduct and Responsibilities for Peace Officers developed by the California Peace Officers' Association and the Law Enforcement Code of Ethics are included for reference as part of this manual. Every investigator is expected to be familiar with and adhere to the principles of both. In any case, where a conflict exists between the Code of Professional Conduct and this manual, the manual will take precedent.

This manual was established to provide all sworn and non-sworn employees of this Bureau with a readily applicable, clear concept of the Bureau of Investigation Policies and Procedures. All employees shall read this manual, in its entirety, and remain familiar with the content. This will contribute to the overall success of our organization. This manual is not intended to specifically cover all of the many situations which constantly confront employees in the general discharge of their duties. Each employee is expected to use discretion, initiative, resourcefulness, and sound judgment while performing their duties.

This manual has been provided to you via an online resource and must be maintained with current, up to date information. All deletions and additions shall be updated as changes are made. Employees are responsible to review any revisions, as they are notified of any such changes.

As Chief of the Bureau of Investigation, I want to express how proud I am to be a part of this unit. I truly am amazed at the work our investigators are able to accomplish.

Terry O'Farrell, Chief

Bureau of Investigations

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### **LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

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

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

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### **MISSION STATEMENT**

Our mission is to bring justice and safety to our community by aggressively and fairly prosecuting crime and protecting the right of crime victims.

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## **Chapter 1 - Law Enforcement Role and Authority**

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the San Luis Obispo County District Attorney's Office, Bureau of Investigations to perform their functions based on established legal authority.

### 100.2 POLICY

It is the policy of the San Luis Obispo County District Attorney's Office, Bureau of Investigations to limit its members to only exercise the authority granted to them by law.

While this bureau recognizes the power of peace officers to make arrests and take other enforcement action, investigators are encouraged to use sound discretion in the enforcement of the law. This bureau does not tolerate the abuse of law enforcement authority.

### 100.3 PEACE OFFICER POWERS

Sworn members of the Bureau of Investigations are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

#### 100.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF SAN LUIS OBISPO COUNTY

The arrest authority within the jurisdiction of the San Luis Obispo County includes (Penal Code § 830.1; Penal Code § 836):

- (a) When the investigator has probable cause to believe the person has committed a felony, whether or not committed in the presence of the investigator.
- (b) When the investigator has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the investigator.
- (c) When the investigator has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the investigator and the investigator reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the investigator has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the investigator such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

#### 100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF SAN LUIS OBISPO COUNTY

The arrest authority outside the jurisdiction of San Luis Obispo County includes (Penal Code § 830.1; Penal Code § 836):

- (a) When the investigator has probable cause to believe the person committed a felony.

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- (b) When the investigator has probable cause to believe the person has committed a misdemeanor in the presence of the investigator and the investigator reasonably believes there is immediate danger to person or property or of escape.
- (c) When the investigator has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the investigator such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of San Luis Obispo County except in cases of hot or fresh pursuit, while following up on crimes committed within the County or while assisting another agency.

On-duty investigators who discover criminal activity outside the jurisdiction of San Luis Obispo County should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

#### 100.3.3 DELIVERY TO NEAREST MAGISTRATE

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

#### 100.3.4 TIME OF MISDEMEANOR ARRESTS

Investigators shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
  - (a) A misdemeanor committed in the presence of the investigator.
  - (b) Misdemeanor domestic violence offenses.
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

#### 100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an investigator enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

#### **100.5 CONSTITUTIONAL REQUIREMENTS**

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



## Chief Executive Officer

### **101.1 PURPOSE AND SCOPE**

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and employed within the State of California shall receive certification by POST within prescribed time periods. All District Attorney Investigators employed with the State of California shall complete a POST-certified District Attorney Investigator transition course within 12 months of appointment.

## Oath of Office

### **102.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that oaths, when appropriate, are administered to bureau members.

### **102.2 POLICY**

It is the policy of the San Luis Obispo County District Attorney's Office, Bureau of Investigations that, when appropriate, bureau members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Bureau of Investigations and the dedication of its members to their duties.

### **102.3 OATH OF OFFICE**

All bureau members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

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

### **102.4 MAINTENANCE OF RECORDS**

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

# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the San Luis Obispo County District Attorney's Office, Bureau of Investigations is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules, and guidelines of this bureau. All members are to conform to the provisions of this manual.

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

## 103.2 POLICY

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

### 103.2.1 DISCLAIMER

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

## 103.3 AUTHORITY

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

## 103.4 DEFINITIONS

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

**Adult** - Any person 18 years of age or older.

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

**CHP**- The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**County** - The County of San Luis Obispo County.

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

**Bureau/SLO DA Inv.** - The San Luis Obispo County District Attorney's Office, Bureau of Investigations.

**DMV** - The Department of Motor Vehicles.

**Employee** - Any person employed by the Bureau.

**Juvenile**- Any person under the age of 18 years.

**Manual** - The San Luis Obispo County District Attorney's Office, Bureau of Investigations Policy Manual.

**May** - Indicates a permissive, discretionary, or conditional action.

**Member** - Any person employed or appointed by the San Luis Obispo County District Attorney's Office, including:

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

**Investigator** - Those employees, regardless of rank, who are sworn peace officers of the San Luis Obispo County District Attorney's Office.

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

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

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

**Rank** - The title of the classification held by an investigator.

**Shall or will** - Indicates a mandatory action.

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

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other bureau members,

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directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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

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

**USC** - United States Code.

### **103.5 ISSUING THE POLICY MANUAL**

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

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

### **103.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Chief, Bureau of Investigations will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **103.7 REVISIONS TO POLICIES**

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

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

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

All bureau members suggesting a revision of the contents of the Policy Manual shall forward their written suggestions to their Assistant Chief Investigators, who will consider the recommendations and forward them to the chief as appropriate.

## Law Enforcement Code of Ethics

### 104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their bureau at all times.

### 104.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

### 104.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; 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 bureau. 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.

#### 104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the investigator.

## **Chapter 2 - Organization and Administration**

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of this bureau is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

## 200.2 DIVISIONS

The Chief, Bureau of Investigations is responsible for administering and managing the San Luis Obispo County District Attorney's Office Bureau of Investigations. There are four divisions in the Bureau Bureau as follows:

- Administration Division
- General Investigation Division
- C.A.I.T. Program
- Cyber Forensic/Criminal Analysis Division

### 200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by an Assistant Chief, whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of administrative services, training coordination, background investigations, major fraud, public integrity, special operations and/or any additional duties assigned by the Chief.

### 200.2.2 GENERAL INVESTIGATION DIVISION

The Investigation Division is commanded by an Assistant Chief, whose primary responsibility is to provide general management direction and control for the Investigation Division. The Investigation Division consists of major crimes, family violence, vehicular manslaughter and/or any additional duties assigned by the Chief.

### 200.2.3 CHILD ADVOCATE INTERVIEW TEAM (C.A.I.T) PROGRAM

The Child Advocate Interview Team is commanded by a Division Manager, whose primary responsibility is to provide general management direction and control of the C.A.I.T. Program.

### 200.2.4 CYBER FORENSICS/CRIMINAL ANALYSIS DIVISION

The Cyber Forensics/Criminal Analysis Division is commanded by a Division Manager, whose primary responsibility is to provide general management direction and control for the Central Coast Cyber Forensics Laboratory and the criminal analyst unit.

## 200.3 COMMAND PROTOCOL



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### *Organizational Structure and Responsibility*

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#### 200.3.1 SUCCESSION OF COMMAND

The Chief, Bureau of Investigations exercises command over all personnel in the Bureau. During planned absences the Chief, Bureau of Investigations will designate an Assistant Chief Investigator to serve as the acting Chief, Bureau of Investigations.

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

- (a) Investigation Assistant Chief Investigator
- (b) Administration Assistant Chief Investigator

#### 200.3.2 UNITY OF COMMAND

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

#### 200.3.3 ORDERS

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

# Administrative Memorandums

## 201.1 PURPOSE AND SCOPE

Administrative Memorandums establish an interdepartmental communication that may be used by the Chief, Bureau of Investigations to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Administrative Memorandums will immediately modify or change and supersede sections of this manual to which they pertain.

### 201.1.1 ADMINISTRATIVE MEMORANDUM PROTOCOL

Administrative Memorandums addressing bureau policy will be incorporated into the manual as required upon approval of the Chief. Administrative Memorandums will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual. Administrative Memorandums addressing procedures will not be addressed in the manual but will remain electronically available on the bureau's server.

All existing Administrative Memorandums addressing bureau policy have now been incorporated in the updated Policy Manual as of the below revision date.

Any Administrative Memorandums issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 12-01 signifies the first Administrative Memorandum for the year 2012.

## 201.2 ACCEPTANCE OF ADMINISTRATIVE MEMORANDUMS

All employees are required to read and obtain any necessary clarification of all Administrative Memorandums. All employees are required to acknowledge in writing the receipt and review of any new Administrative Memorandum. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Administrative Assistant Chief Investigator.

## Administrative Communications

### 203.1 PURPOSE AND SCOPE

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

### 203.2 MEMORANDUMS

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

### 203.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Bureau are not misused, all external correspondence shall be on Bureau letterhead. All Bureau letterhead shall bear the signature element of the Chief, Bureau of Investigations. Personnel should use Bureau letterhead only for official business and with approval of their supervisor.

# Emergency Management Plan

## **205.1 PURPOSE AND SCOPE**

The County has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

## **205.2 ACTIVATING THE EMERGENCY PLAN**

The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

### **205.2.1 RECALL OF PERSONNEL**

In the event that the Emergency Management Plan is activated, all employees of the San Luis Obispo County District Attorney's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief, Bureau of Investigations or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

## **205.3 LOCATION OF THE PLAN**

The Emergency Management Plan is available on the San Luis Obispo County Government website. All supervisors should familiarize themselves with the Emergency Management Plan. <https://www.slocounty.ca.gov/Departments/Administrative-Office/Emergency-Management/Forms-Documents/General-Emergency-Plans.aspx>

## Electronic Mail

### 206.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Bureau's electronic mail (email) system by employees of this bureau. Email is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the email system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Bureau. All members of the bureau shall comply with the San Luis Obispo Countywide Information Security Policies. [Countywide Information Security Policies](#)

### 206.2 EMAIL RIGHT OF PRIVACY

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

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

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

### 206.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire bureau are only to be used for official business-related items that are of particular interest to all users. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name, and/or password by others.

### 206.4 EMAIL RECORD MANAGEMENT

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

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this bureau is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**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 (Penal Code § 835a).

**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 investigator or another person (Government Code § 7286(a)).

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Serious bodily injury** - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

**Totality of the circumstances** - All facts known to the investigator at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

### 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Investigators are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Investigators must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Bureau recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting investigators with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

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### *Use of Force*

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#### 300.2.1 DUTY TO INTERCEDE

Any investigator present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable investigator under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each investigator should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

#### 300.2.2 FAIR AND UNBIASED USE OF FORCE

Investigators are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

#### 300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any investigator who observes a law enforcement officer or an employee use force that potentially exceeds what the investigator reasonably believes to be necessary shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).

### **300.3 USE OF FORCE**

Investigators shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the investigator at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable investigator on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that investigators are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an investigator might encounter, investigators are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Investigators may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which investigators reasonably believe that it would be impractical or ineffective to use any of the approved tools, weapons, or methods provided by the Bureau. Investigators may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.



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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an investigator to retreat or be exposed to possible physical injury before applying reasonable force.

#### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an investigator be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an investigator has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to investigators or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the investigator at the time (Penal Code § 835a).
- (c) Investigator/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of investigators available vs. subjects).
- (d) The conduct of the involved investigator leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with investigator commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the investigator.
- (m) Potential for injury to investigators, suspects, bystanders, and others.

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- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the investigator.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the investigator or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Investigators may only apply those pain compliance techniques for which they have successfully completed bureau-approved training. Investigators utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the investigator.
- (c) Whether the person has been given sufficient opportunity to comply.

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

#### 300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Investigators of this bureau are not authorized to use a carotid restraint hold. 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 (Government Code § 7286.5).

#### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, investigators may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, investigators are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, investigators should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

#### 300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, investigators should consider actions that may increase investigator safety and may decrease the need for using force:

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- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding investigators and other law enforcement agencies before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase investigator jeopardy.

In addition, when reasonable, investigators should 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)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

#### **300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD**

Investigators of this bureau are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

#### **300.4 DEADLY FORCE APPLICATIONS**

Where feasible, the investigator shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the investigator has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

If an objectively reasonable investigator would consider it safe and feasible to do so under the totality of the circumstances, investigators shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, investigators should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the investigator reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An investigator may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the investigator or another person.
- (b) An investigator may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the investigator reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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Investigators shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable investigator would believe the person does not pose an imminent threat of death or serious bodily injury to the investigator or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable investigator 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 investigator or another person. An investigator’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, investigators should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An investigator should only discharge a firearm at a moving vehicle or its occupants when the investigator reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the investigator or others (Government Code § 7286(b)).

Investigators should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### **300.4.2 DISPLAYING OF FIREARMS**

Given that individuals might perceive the display of a firearm as a potential application of force, investigators should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the investigator does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the investigator reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the investigator no longer perceives such threat.

Once it is reasonably safe to do so, investigators should carefully secure all firearms.

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this bureau shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The investigator should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Bureau may require the completion of additional report forms, as

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specified in bureau policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable investigator to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, waist belt, disposable cuffs or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

#### **300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

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

#### **300.6 MEDICAL CONSIDERATION**

Once it is reasonably safe to do so, properly trained investigators should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

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

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

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

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

#### **300.7 SUPERVISOR RESPONSIBILITY**

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) Obtain the basic facts from the involved investigators. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

#### **300.7.1 CHIEF RESPONSIBILITY**

The Chief shall review each use of force by any personnel within his/her command to ensure compliance with this policy.

#### **300.8 TRAINING**

Investigators, senior investigators and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Administrative Assistant Chief Investigator should ensure that investigators receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

#### **300.9 USE OF FORCE COMPLAINTS**

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

#### **300.10 POLICY REVIEW**

The Chief, Bureau of Investigations or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

#### **300.11 POLICY AVAILABILITY**

The Chief, Bureau of Investigations or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

#### **300.12 PUBLIC RECORDS REQUESTS**

Requests for public records involving an investigator's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

## Control Devices and Techniques

### 302.1 PURPOSE AND SCOPE

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

### 302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the San Luis Obispo County District Attorney's Office authorizes investigators to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### 302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this bureau only if the device has been issued by the Bureau or approved by the Chief, Bureau of Investigations or the authorized designee.

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

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

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

### 302.4 RESPONSIBILITIES

#### 302.4.1 CHIEFS RESPONSIBILITIES

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

#### 302.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

#### 302.4.3 USER RESPONSIBILITIES

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



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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition.

#### **302.5 BATON GUIDELINES**

The Bureau of Investigations does not currently provide or distribute batons. If in the future, batons are issued, the following guidelines shall be followed. Investigators are permitted to carry batons issued by his/her former law enforcement agency.

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the investigator reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the investigator or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

#### **302.6 OLEORESIN CAPSICUM (OC) GUIDELINES**

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

##### **302.6.1 TREATMENT FOR OC SPRAY EXPOSURE**

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

#### **302.7 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, investigators should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

#### **302.8 KINETIC ENERGY PROJECTILE GUIDELINES**

This bureau is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

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#### 302.8.1 DEPLOYMENT AND USE

Only bureau-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

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

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or investigators.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

#### 302.8.2 DEPLOYMENT CONSIDERATIONS

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

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

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of investigators or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other investigators and individuals that the device is being deployed.

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

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

#### **302.9 TRAINING FOR CONTROL DEVICES**

The Administrative Assistant Chief Investigator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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

#### **302.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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

## Firearms

### **303.1 PURPOSE AND SCOPE**

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

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

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

### **303.2 POLICY**

The San Luis Obispo County District Attorney's Office allows its investigators to purchase their own firearms to address the risks posed to the public and bureau members by violent and sometimes well-armed persons. The Bureau will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow. All on-duty and off-duty firearms carried by investigators must be approved and recorded by the department Rangemaster.

### **303.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS**

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

#### **303.3.1 PATROL RIFLES**

The authorized bureau-issued patrol rifle is the AR-15.

Investigators may deploy the patrol rifle in any circumstance where the investigator 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 investigator reasonably anticipates an armed encounter.
- (b) When an investigator is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where an investigator reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an investigator reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When an investigator reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with bureau training in a locking weapons rack or box in the investigator's assigned vehicle.

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#### 303.3.2 PERSONALLY OWNED DUTY FIREARMS

Investigators desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief, Bureau of Investigations or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and approved by the bureau Rangemaster.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, Investigators shall qualify under range supervision and thereafter shall qualify in accordance with the bureau qualification schedule. Investigators must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Investigators shall provide written notice of the make, model, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

#### 303.3.3 AUTHORIZED SECONDARY HANDGUN

Investigators desiring to carry bureau or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and approved by the Rangemaster.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Bureau.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as bureau issue. If the caliber of the handgun is other than bureau issue, the Chief, Bureau of Investigations or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, Investigators shall qualify under range supervision and thereafter shall qualify in accordance with the bureau qualification schedule. Investigators must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Investigators shall provide written notice of the make, model, serial number, and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

#### 303.3.4 AUTHORIZED OFF-DUTY FIREARMS

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

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- (a) The investigator may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. An investigator carrying his/her duty firearm will be deemed to have complied with (c), (d), and (e) of this section.
  - (a) The purchase of the personally owned firearm shall be the responsibility of the investigator.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge, or loss of physical control.
- (c) It will be the responsibility of the investigator to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the investigator shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The investigator will successfully qualify with the firearm prior to it being carried.
- (f) Investigators shall provide written notice of the make, model, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If an investigator desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Investigators shall only carry bureau-authorized ammunition.
- (i) When armed, investigators shall carry their badges and San Luis Obispo County District Attorney's Office identification cards under circumstances requiring possession of such identification.

#### 303.3.5 AMMUNITION

Investigators shall carry only bureau-authorized ammunition. Replacements for unserviceable or depleted ammunition issued by the Bureau shall be dispensed by the Rangemaster when needed, in accordance with established policy.

#### 303.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

##### 303.4.1 REPAIRS OR MODIFICATIONS

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

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

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

#### 303.4.2 HOLSTERS

Investigators shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

#### 303.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the investigator shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

#### 303.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the investigator shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, an investigator may only sight in on a target when the investigator would otherwise be justified in pointing a firearm at the target.

### **303.5 SAFE HANDLING, INSPECTION AND STORAGE**

Investigators shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Investigators shall not unnecessarily display or handle any firearm.
- (b) Investigators shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Investigators shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Investigators shall not clean, repair, load or unload a firearm anywhere in the Bureau, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in a safe area and direction.
- (e) Investigators shall not place or store any firearm or other weapon on bureau premises except where the place of storage is locked. All investigators shall follow the firearm security policies of jails and prisons when visiting or processing prisoners.
- (f) Investigators shall not use any automatic firearm, heavy-caliber rifle, gas or another type of chemical weapon or firearm from the armory, except with the approval of a supervisor.
- (g) Any firearm authorized by the Bureau to be carried on- or off-duty that is determined by an investigator to be malfunctioning or in need of service or repair shall not be

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carried. It shall be promptly presented to the Bureau or a Rangemaster approved by the Bureau for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service.

#### **303.5.1 STORAGE AT HOME**

Investigators 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. Investigators shall not permit bureau-issued firearms to be handled by anyone not authorized by the Bureau to do so. Investigators should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

#### **303.5.2 STORAGE IN VEHICLES**

When leaving a handgun in an unattended vehicle, investigators 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 another similar locking device (Penal Code § 25140).

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

#### **303.5.3 ALCOHOL AND DRUGS**

Firearms shall not be carried by any investigator, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the investigator's senses or judgment.

### **303.6 FIREARMS TRAINING AND QUALIFICATIONS**

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

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

#### **303.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

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



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

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

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

#### **303.7 FIREARM DISCHARGE**

Except during training or recreational use, any investigator who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved investigator shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the investigator shall file a written report with his/her Assistant Chief Investigator or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the investigator shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

#### **303.7.1 DESTRUCTION OF ANIMALS**

investigators are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, bureau investigators should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

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#### **303.7.2 INJURED ANIMALS**

With the approval of a supervisor, an investigator may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

#### **303.7.3 WARNING AND OTHER SHOTS**

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

### **303.8 RANGEMASTER DUTIES**

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

The range shall remain operational and accessible to bureau members during hours established by the Bureau.

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

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

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

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#### **303.9 FLYING WHILE ARMED**

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

- (a) Investigators wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Bureau based on the law and published TSA rules.
- (b) Investigators must carry their San Luis Obispo County District Attorney's Office identification card, bearing the investigator's name, a full-face photograph, identification number, the investigator's signature and the signature of the Chief, Bureau of Investigations or the official seal of the Bureau and must present this identification to airline officials when requested. The investigator should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The San Luis Obispo County District Attorney's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the investigator's travel. If approved, TSA will send the San Luis Obispo County District Attorney's Office an NLETS message containing a unique alphanumeric identifier. The investigator must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief, Bureau of Investigations authorizing armed travel may also accompany the investigator. The letter should outline the investigator's need to fly armed, detail his/her itinerary, and include that the investigator has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Investigators must have completed the mandated TSA security training covering investigators flying while armed. The training shall be given by the bureau-appointed instructor.
- (f) It is the investigator's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any investigator flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The investigator must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Investigators should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Investigators shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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#### **303.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time investigators of this bureau are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The investigator shall carry his/her San Luis Obispo County District Attorney's Office identification card whenever carrying such firearm.
- (b) The investigator is not the subject of any current disciplinary action.
- (c) The investigator may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The investigator will remain subject to this and all other bureau policies (including qualifying and training).

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

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

## Vehicle Pursuits

### 305.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved investigators, the public, and fleeing suspects.

#### 305.1.1 DEFINITIONS

**Blocking** - A low-speed tactic where one or more authorized investigations bureau emergency vehicles intentionally restrict 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, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

**Pursuit Intervention Technique (PIT)** - A low-speed tactic intentionally applied to cause the suspect vehicle to spin out and terminate the pursuit.

**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.

**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

**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 an investigator's signal to stop.

### 305.2 INVESTIGATOR RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized investigations bureau emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by

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Vehicle Code § 21055. Investigators are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

#### 305.2.1 WHEN TO INITIATE A PURSUIT

Investigators are highly encouraged to take all available steps to avoid initiating or participating in vehicle pursuits while operating unmarked emergency vehicles. Investigators are authorized to initiate a pursuit when the investigator reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered in deciding whether to initiate a pursuit include:

- (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 investigators, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing investigators' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and a supervisor, and the driving capabilities of the pursuing investigators 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 investigations bureau 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 investigator 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.

#### 305.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the investigator or supervisor during the pursuit indicates that

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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 on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Investigators 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.

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 investigators, 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.
- (h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

#### **305.2.3 SPEED LIMITS**

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the investigator 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, investigators 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 investigator.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

#### **305.3 PURSUIT UNITS**

When involved in a pursuit, unmarked investigations bureau emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

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Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

An investigator or supervisor shall request marked units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of investigators involved may be insufficient to safely arrest the suspects. All other investigators should stay out of the pursuit, but should remain alert to its progress and location. Any investigator who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road. Investigators operating unmarked vehicles shall turn over primary and secondary pursuit responsibilities to marked units.

#### 305.3.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Investigators operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

#### 305.3.2 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 investigator is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the investigator initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the dispatch center within the jurisdiction of the pursuit 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. Threat of force, violence, injuries, hostages, or other unusual hazards.
- (e) The suspected number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the investigator in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing investigator 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 investigator to concentrate foremost on safe pursuit tactics.



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#### 305.3.3 SECONDARY UNIT RESPONSIBILITIES

The second investigator 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.
- (d) Identifying the need for additional resources or equipment as appropriate.
- (e) Serving as backup to the primary pursuing investigator/officer once the suspect has been stopped.

#### 305.3.4 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the investigator considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

- (a) Investigators, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.
- (c) As a general rule, investigators 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) Investigators 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.

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#### **305.3.5 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, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident. Investigators trailing the pursuit shall follow all traffic laws.

#### **305.3.6 AIR SUPPORT ASSISTANCE**

When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

### **305.4 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory and management control will be exercised over all vehicle pursuits involving investigators from this bureau. Investigators involved in pursuits, shall follow the directions of involved or on-scene supervisors from outside agencies when a bureau supervisor is unavailable.

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

### **305.5 INTER-JURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary investigator or supervisor shall request that agency take over the pursuit. The primary investigator or on-scene supervisor should ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter.

#### **305.5.1 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this bureau 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 bureau to join the pursuit until sufficient marked units from any agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this bureau to assist in a pursuit, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing investigators.
- (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.

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#### **305.6 WHEN PURSUIT INTERVENTION IS AUTHORIZED**

Whenever practicable, an investigator shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, investigators/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the investigators, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

##### **305.6.1 USE OF FIREARMS**

An investigator should only discharge a firearm at a moving vehicle or its occupants when the investigator reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the investigator or others.

Investigators should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

##### **305.6.2 INTERVENTION STANDARDS**

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the investigators, 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. Investigators 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 should only be used by investigators 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, investigators, or other members of the public.
  - 3. It reasonably appears the technique will contain or prevent the pursuit.
- (b) The PIT should only be used after giving consideration to the following:
  - 1. The technique should only be used by investigators who have received training in the technique, including speed restrictions.
  - 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, investigators, or other members of the public.
  - 4. It reasonably appears the technique will terminate or prevent the pursuit.
- (c) Ramming a fleeing vehicle should only be done after giving consideration to the following:
  - 1. Supervisory approval should be obtained before using the technique.

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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, investigators, 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.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
1. The technique should only be used by investigators 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, investigators, or other members of the public.
  4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation devices should only be used after considering the following:
1. Tire deflation devices should only be used by investigators 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, investigators, 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, except in extraordinary circumstances.
  6. Due to the increased risk to investigators deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:
1. Roadblocks should only be used by investigators 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, investigators, or other members of the public.

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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.

#### **305.6.3 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. Investigators 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 investigator should coordinate efforts to apprehend the suspects following the pursuit. Investigators should consider safety of the public and the involved investigators when formulating plans for setting up perimeters or for containing and capturing the suspects.

#### **305.7 REPORTING REQUIREMENTS**

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

- (a) The primary investigator should complete appropriate crime/arrest reports.
- (b) The Administrative Assistant Chief Investigator 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 investigator should complete as much of the required information on the form as is known and forward the report to the Administrative Assistant Chief Investigator for review and distribution.

#### **305.7.1 REGULAR AND PERIODIC PURSUIT TRAINING**

The Administrative Assistant Chief Investigator shall make available to all investigators 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 investigators and others (Vehicle Code § 17004.7(d)).

#### **305.7.2 POLICY REVIEW**

Investigators of this bureau 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 member's training file.

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#### **305.8 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.

#### **305.9 POLICY**

It is the policy of this bureau to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

# Investigator Response to Calls

## **306.1 PURPOSE AND SCOPE**

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

## **306.2 RESPONSE TO CALLS**

Investigators dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Investigators responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the investigator of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Investigators should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Investigators not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

## **306.3 REQUESTING EMERGENCY ASSISTANCE**

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of investigators, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting investigator shall immediately notify sheriff's dispatch.

If circumstances permit, the requesting investigator should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

### **306.3.1 NUMBER OF UNITS ASSIGNED**

Normally, only one unit should respond to an emergency call Code-3 unless a bureau supervisor or partnering agency supervisor authorizes an additional unit(s).

## **306.4 INITIATING CODE 3 RESPONSE**

If an investigator believes a Code-3 response to any call is appropriate, the investigator shall immediately notify dispatch within the appropriate jurisdiction. Generally, only one unit should respond Code-3 to any situation. Should another investigator believe a Code-3 response is appropriate, dispatch shall be notified and a supervisor will make a determination as to whether one or more investigators driving Code-3 is appropriate.

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#### **306.5 RESPONSIBILITIES OF RESPONDING INVESTIGATORS**

Investigators shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Investigators shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the investigator. If, in the investigator's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the investigator may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the investigator should immediately notify sheriff's dispatch. An investigator shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an investigator shall immediately give the location from which he/she is responding.

#### **306.6 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-3 response has been initiated, an available supervisor shall verify the following:

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

The supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units



## Domestic Violence

### 307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this bureau to take enforcement action when appropriate, to provide assistance to victims and to guide investigators in the investigation of domestic violence.

#### 307.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

### 307.2 POLICY

The San Luis Obispo County District Attorney's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this bureau to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### 307.3 OFFICER SAFETY

The investigation of domestic violence cases often places investigators in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all investigators to exercise due caution and reasonable care in providing for the safety of any investigators and parties involved.

### 307.4 INVESTIGATIONS

The following guidelines should be followed by investigators when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities.
- (b) When practicable, investigators should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Investigators should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex.
- (f) Investigators should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (h) When completing an incident or arrest report for violation of a court order, investigators should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting investigator should attach a copy of the order to the incident or arrest report.
- (i) Investigators should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.
  - 6. Denial that the abuse occurred where evidence indicates otherwise.
  - 7. A request by the victim not to arrest the suspect.
  - 8. Location of the incident (public/private).
  - 9. Speculation that the complainant may not follow through with the prosecution.
  - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  - 11. The social status, community status, or professional position of the victim or suspect.

#### 307.4.1 IF NO ARREST IS MADE

If no arrest is made, the investigator should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

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- (b) Document the resolution in a report.

#### **307.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Investigators should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the bureau's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the investigator determines that a need exists.
- (e) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (f) Seek or assist the victim in obtaining an emergency order if appropriate.

An investigator shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

#### **307.6 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by investigators as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

#### **307.7 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

##### **307.7.1 STANDARDS FOR ARRESTS**

Investigators investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
  - 1. Investigators are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the investigator makes the arrest as soon as probable cause arises (Penal Code § 836).

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- (b) An investigator responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Investigators shall not dissuade victims from making a lawful private person's arrest. Investigators should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Investigators shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
  - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
  - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
  - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
  - 4. Penal Code § 646.9 (stalking)
  - 5. Other serious or violent felonies specified in Penal Code § 1270.1
- (d) In responding to domestic violence incidents, including mutual protective order violations, investigators should generally be reluctant to make dual arrests. Investigators shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an investigator shall consider:
  - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
  - 2. The threats creating fear of physical injury.
  - 3. The history of domestic violence between the persons involved.
  - 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the investigator's presence. After arrest, the investigator shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

#### 307.7.2 COURT ORDERS

- (a) An investigator who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The investigator shall file a copy with the court as soon as practicable and shall have the

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order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

- (b) At the request of the petitioner, an investigator at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any investigator serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the investigator shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The investigator shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

#### 307.7.3 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

#### 307.7.4 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting investigators should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Investigators who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

#### 307.7.5 DECLARATION IN SUPPORT OF BAIL INCREASE

Any investigator who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause

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to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the investigator shall prepare a declaration in support of increased bail (Penal Code § 1269c).

## Search and Seizure

### 308.1 PURPOSE AND SCOPE

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

### 308.2 POLICY

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

The Bureau will provide relevant and current training to investigators as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 308.3 SEARCHES

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

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

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

Whenever practicable, investigators are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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#### **308.4 SEARCH PROTOCOL**

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

- (a) Members of this bureau will strive to conduct searches with dignity and courtesy.
- (b) Investigators should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching investigator, a reasonable effort should be made to summon an investigator of the same sex as the subject to conduct the search. When it is not practicable to summon an investigator of the same sex as the subject, the following guidelines should be followed:
  1. Another investigator or a supervisor should witness the search.
  2. The investigator should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **308.5 DOCUMENTATION**

Investigators are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an investigator of the same sex as the person being searched and the identification of any witness investigator



## Temporary Custody of Juveniles

### 309.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by investigators of the San Luis Obispo County District Attorney's Office (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy. Temporary custody of juveniles within the District Attorney's Office would be very rare. Investigators should make every effort to use facilities at other local law enforcement agencies when temporary custody of a juvenile is required.

#### 309.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

**Juvenile offender** - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of an investigator or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

**Safety checks** - Direct, visual observation personally by a member of this bureau performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

### **309.2 POLICY**

The San Luis Obispo County District Attorney's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

### **309.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the San Luis Obispo County District Attorney's Office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the Chief. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Investigators taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

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These juveniles should not be held at the San Luis Obispo County District Attorney's Office unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the investigator taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

#### **309.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY**

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Chief shall be notified of the need for medical attention for the juvenile. Investigators should administer first aid as applicable (15 CCR 1142).

#### **309.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

Investigators should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

#### **309.4 CUSTODY OF JUVENILES**

Investigators should take custody of a juvenile and temporarily hold the juvenile at the San Luis Obispo County District Attorney's Office when there is no other lawful and practicable alternative to temporary custody. All reasonable steps should be taken to temporarily hold the juvenile at a partner law enforcement agency's facility. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the San Luis Obispo County District Attorney's Office without authorization of the arresting investigator's supervisor or the Chief. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the San Luis Obispo County District Attorney's Office (34 USC § 11133; Welfare and Institutions Code § 207.1).

#### **309.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the San Luis Obispo County District Attorney's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions

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Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

#### 309.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, investigators may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

#### 309.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the San Luis Obispo County District Attorney's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigator or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the investigator should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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#### **309.5 ADVISEMENTS**

Investigators shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

#### **309.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Bureau, the custody shall be promptly and properly documented in a juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the San Luis Obispo County District Attorney's Office (15 CCR 1150).
- (c) Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed (15 CCR 1142).
- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or local juvenile court authority.

A supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

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#### **309.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Bureau (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the San Luis Obispo County District Attorney's Office (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

#### **309.8 TEMPORARY CUSTODY REQUIREMENTS**

Investigators and supervisors assigned to monitor or process any juvenile at the San Luis Obispo County District Attorney's Office shall ensure the following:

- (a) The Chief should be notified if it is anticipated that a juvenile may need to remain at the San Luis Obispo County District Attorney's Office more than four hours. This will enable the Chief to ensure no juvenile is held at the San Luis Obispo County District Attorney's Office more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

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- (k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

#### **309.9 RELIGIOUS ACCOMMODATION**

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

#### **309.10 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the San Luis Obispo County District Attorney's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Chief. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

#### **309.11 PERSONAL PROPERTY**

The investigator taking custody of a juvenile offender or status offender at the San Luis Obispo County District Attorney's Office shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the San Luis Obispo County District Attorney's Office.

#### **309.12 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Chief approval is required before placing a juvenile offender in secure custody.

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Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Investigators of this bureau shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

#### 309.12.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to investigators (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
  - 1. All safety checks shall be logged.



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2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room (15 CCR 1147).
  - (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
  - (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

#### **309.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE**

The Chief will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the San Luis Obispo County District Attorney's Office (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief, Bureau of Investigations, and Investigation.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the District Attorney.
- (d) Notification of the County attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- (i) Evidence preservation.

#### **309.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an investigator shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

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#### 309.14.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a bureau facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an investigator, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

## **Chapter 7 - Equipment**

## Military Equipment Use

### 702.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use, training, approval, and procurement of existing military equipment acquisitions in accordance with California Assembly Bill 481 (AB-481), codified in California Government Code sections 7070-7075. Additionally, this policy outlines existing military equipment within the Bureau's inventory.

### 702.2 POLICY

It is the policy of the San Luis Obispo County District Attorney's Office that members of this agency comply with the provisions of Government Code 7071 with respect to military equipment.

### 702.3 PHILOSOPHY

It is the policy of the Bureau to conduct law enforcement duties in a transparent manner, including the purchase and use of military equipment. 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 the use, procurement and funding of military equipment should take into consideration the public's welfare, safety, civil rights and allow for public input.

Before seeking authorization for purchasing military equipment, the Bureau shall make the following considerations:

- ◦     The equipment is necessary because there is no reasonable alternative that could provide the same objective of investigator and civilian safety.
- The equipment is reasonably cost effective compared to alternatives that can achieve the same objectives of investigator and civilian safety.

The procurement or use of any new type of military equipment, not already in the Bureau's possession, or approved under this policy, will require the approval of the San Luis Obispo County Board of Supervisors as outlined in Section 7071(a)(1)(A)- 7071(a)(1)(G).

### 702.4 DEFINITIONS

**Governing Body:** The San Luis Obispo County Board of Supervisors.

**Military Equipment:** includes but is not limited to the following:

- (a)   (a)   Specialized firearms and ammunition of less than .50 caliber commonly referred to as semi-automatic rifles that are issued to and used by investigators in performance of their duties.
- (b)   The following projectile launch platforms and their associated munitions: 40mm projectile launchers.
- (c)   Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.

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### *Military Equipment Use*

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Any other equipment as determined by a governing body or a state agency to require additional oversight

#### **702.5 GUIDELINES FOR USE**

The Bureau retains and employs a small amount of "military equipment" as defined above to assist in safely achieving the Bureau's mission to effectively support the District Attorney in executing the duties and obligations of the office. This mission is accomplished by providing a full range of professional law enforcement and investigative support services and presenting accurate and timely information to support prosecutorial decisions, which ensure continuing public trust in the judicial process.

It is the Bureau's primary goal to execute our duties without using force or by using the minimal amount of force possible. Violations of the Military Equipment Use Policy by members of the Bureau may result in sanctions including an internal investigation, suspension, or termination. The actions of peace officers may also be subject to review for violations of California law by the San Luis Obispo County District Attorney's office and/or the California State Attorney General's Office. Additionally, the U.S. Attorney has the authority to investigate and prosecute violations of federal civil rights laws under color of authority.

The Bureau recognizes enforcement events and mutual-aid incidents can be unpredictable and dynamic in nature. A variety of equipment options can greatly assist supervisors and investigators with resolving these incidents in a safe manner. The described military equipment is for use only in certain instances and in some cases only by certain individuals. While this procedure is wide-ranging, it is not all inclusive. There may be instances wherein unpredictable critical incidents demand the need for incident commanders to authorize equipment, including military equipment, to be used in a manner not outlined within this procedure. When scrutinizing those instances, the judgment of the incident commander shall be influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time.

It is incumbent upon incident commanders, supervisors, individual investigators, and specific units to recognize the circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.

#### **702.6 MILITARY EQUIPMENT USE POLICY**

Pursuant to California Government Code §7070, the San Luis Obispo District Attorney Office will submit a Military Equipment Use Policy for approval to the governing body annually.

#### **702.7 APPROVAL**

The Chief of Investigations or the authorized designee shall obtain approval from the San Luis Obispo County Board of Supervisors by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Investigations or the authorized designee shall ensure the proposed military equipment policy is submitted to the San Luis Obispo County Board of Supervisors and is available on the District Attorney's Office website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The

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### *Military Equipment Use*

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military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) 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.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this office.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) 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.
- (g) Acquiring military equipment through any means not provided above.

#### **702.8 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this agency shall be approved for use and in accordance with this policy. Military equipment used by other agencies that are providing mutual aid to this agency shall comply with their respective military equipment use policies in rendering mutual aid.

#### **702.9 USE IN EXIGENT CIRCUMSTANCES**

In exigent circumstances and with the approval of the Chief of Investigations or his/her designee, the San Luis Obispo District Attorney's Office may acquire, borrow and/or use Military Equipment that is not included in the Military Equipment Use Policy. If the San Luis Obispo District Attorney's Office acquires, borrows, and/or uses Military Equipment in exigent circumstances, in accordance with this section, it must take all of the following actions:

- (a) Provide written notice of that acquisition or use to the governing body within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
- (b) If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the governing body within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the governing body.
- (c) Include the Military Equipment in the San Luis Obispo District Attorney's Office's next annual Military Equipment Report.

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### *Military Equipment Use*

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#### **702.10 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Investigations or the authorized designee should 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).

The Chief of Investigations or the authorized designee should also make each annual military equipment report publicly available on the San Luis Obispo District Attorney's Office website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in San Luis Obispo District Attorney's Office inventory.

## **Chapter 10 - Personnel**



## Lactation Break Policy

### **1004.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code § 1034).

### **1004.2 POLICY**

It is the policy of this bureau to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

### **1004.3 LACTATION BREAK TIME**

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Once a lactation break has been approved, the break should not be interrupted.

### **1004.4 PRIVATE LOCATION**

The Bureau will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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## **Attachments**

## **Supplemental Hate Crime Report.pdf**

☐ Hate incident (No Crime Committed)

☐ Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

### VICTIM

#### VICTIM TYPE

☐ Individual

Legal name (Last, First): \_\_\_\_\_

Date of Birth

Age

Sex

Race

Date and time of incident: \_\_\_\_\_

Location of incident: \_\_\_\_\_

Date and time of report: \_\_\_\_\_

Location of report: \_\_\_\_\_

Agency Case #: \_\_\_\_\_

☐ School, business or organization

Name: \_\_\_\_\_

Type: \_\_\_\_\_  
(e.g., non-profit, private, public school)

☐ Faith-based organization

Name: \_\_\_\_\_

Faith: \_\_\_\_\_

☐ Other

Name: \_\_\_\_\_

Type: \_\_\_\_\_

Address: \_\_\_\_\_

#### NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other \_\_\_\_\_

### BIAS

#### TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability

☐ Gender

☐ Gender identity/expression

☐ Sexual orientation

☐ Race

☐ Ethnicity

☐ Nationality

☐ Religion

☐ Significant day of offense

(e.g., 9/11, holy days)

☐ Association with a person or group with  
one or more of these characteristics  
(actual or perceived)

☐ Other: \_\_\_\_\_

#### ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated  
characteristic(s)].

#### REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?

☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an  
individual or a group?

☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group  
(i.e., literature/tattoos)?

☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?

☐ Yes ☐ No

#### BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech

☐ Acts/gestures

☐ Property damage

☐ Symbol used

☐ Written/electronic communication

☐ Graffiti/spray paint

☐ Other: \_\_\_\_\_

**SUPPLEMENTAL HATE CRIME REPORT**

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**HISTORY****SUSPECT INFORMATION**Legal name (Last, First):  
\_\_\_\_\_Other Names used (AKA):  
\_\_\_\_\_

| Date of Birth | Age | Sex | Race |
|---------------|-----|-----|------|
|               |     |     |      |

Relationship to Victim:  
\_\_\_\_\_**RELATIONSHIP BETWEEN SUSPECT & VICTIM**Suspect known to victim: ☐ Yes ☐ NoNature of relationship:  
\_\_\_\_\_

Length of relationship: \_\_\_\_\_

☐ Prior reported incidents with suspect: *Total #* \_\_\_\_\_

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown**WEAPONS/FORCE**Weapon(s) used during incident? ☐ Yes ☐ No Type: \_\_\_\_\_Force used during incident? ☐ Yes ☐ No Type: \_\_\_\_\_**EVIDENCE**Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ NoEvidence collected? ☐ Yes ☐ No Recordings: ☐ Video ☐ Audio ☐ BookedPhotos taken? ☐ Yes ☐ No Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known**RESOURCES**Resources offered at scene: ☐ Yes ☐ No☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: \_\_\_\_\_**MEDICAL****Victim****Suspect**☐☐

Declined medical treatment

☐☐

Will seek own medical treatment

☐☐

Received medical treatment

☐☐

Injuries observed

**Completed by****Date**

Name/Title/ID number

## **Statutes and Legal Requirements.pdf**

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## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

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## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.



## **Hate Crime Checklist.pdf**

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

|                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>VICTIM</b>  | <p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b><br/>Legal name (Last, First): _____<br/>Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b><br/>Name: _____<br/>Type: _____<br/><small>(e.g., non-profit, private, public school)</small><br/>Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b><br/>Name: _____<br/>Faith: _____<br/>Address: _____</p>                                                                                                                                                                                                          | <p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>BIAS</b>    | <p style="text-align: center;"><b><u>Type of Bias</u></b><br/><b><u>(Check all characteristics that apply):</u></b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense<br/><small>(e.g., 9/11, holy days)</small></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):<br/>_____<br/>_____</p> | <p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].<br/><i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b><br/><input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> |
|                | <p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>HISTORY</b> | <p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>                                                                                                                                                                                                                                                                                                                                                                          | <p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>WEAPONS</b> | <p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

# HATE CRIME CHECKLIST

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|                 |                                                                                                                                                                                                                                 |  |                                                                                                                                                                                                                                                  |  |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>EVIDENCE</b> | Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                     |  | Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                       |  |
|                 | Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Total # of photos: _____ D#: _____<br>Taken by: _____ Serial #: _____ |  | Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked<br>Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo<br><input type="checkbox"/> Known to victim |  |

  

|                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>OBSERVATIONS</b>                                                                                            | <u><b>VICTIM</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u><b>SUSPECT</b></u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                                                | <input type="checkbox"/> Tattoos<br><input type="checkbox"/> Shaking<br><input type="checkbox"/> Unresponsive<br><input type="checkbox"/> Crying<br><input type="checkbox"/> Scared<br><input type="checkbox"/> Angry<br><input type="checkbox"/> Fearful<br><input type="checkbox"/> Calm<br><input type="checkbox"/> Agitated<br><input type="checkbox"/> Nervous<br><input type="checkbox"/> Threatening<br><input type="checkbox"/> Apologetic<br><input type="checkbox"/> Other observations: _____        | <input type="checkbox"/> Tattoos<br><input type="checkbox"/> Shaking<br><input type="checkbox"/> Unresponsive<br><input type="checkbox"/> Crying<br><input type="checkbox"/> Scared<br><input type="checkbox"/> Angry<br><input type="checkbox"/> Fearful<br><input type="checkbox"/> Calm<br><input type="checkbox"/> Agitated<br><input type="checkbox"/> Nervous<br><input type="checkbox"/> Threatening<br><input type="checkbox"/> Apologetic<br><input type="checkbox"/> Other observations: _____ |
|                                                                                                                | <u><b>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</b></u>                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                                | Has suspect ever threatened you? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Has suspect ever harmed you? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Does suspect possess or have access to a firearm? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Are you afraid for your safety? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Do you have any other information that may be helpful? <input type="checkbox"/> Yes <input type="checkbox"/> No |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <u><b>Resources offered at scene:</b></u> <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____ |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

  

| <b>MEDICAL</b>           | <table style="width: 100%;"> <tr> <th style="width: 15%;"><u>Victim</u></th> <th style="width: 15%;"><u>Suspect</u></th> <th></th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Declined medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Will seek own medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Received medical treatment</td> </tr> </table> Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No | <u>Victim</u>                   | <u>Suspect</u> |  | <input type="checkbox"/> | <input type="checkbox"/> | Declined medical treatment | <input type="checkbox"/> | <input type="checkbox"/> | Will seek own medical treatment | <input type="checkbox"/> | <input type="checkbox"/> | Received medical treatment | <u><b>Paramedics at scene?</b></u> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____<br>Name(s)/ID #: _____<br>Hospital: _____<br>Jail Dispensary: _____<br>Physician/Doctor: _____<br>Patient #: _____ |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------|--|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|---------------------------------|--------------------------|--------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          | <u>Victim</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <u>Suspect</u>                  |                |  |                          |                          |                            |                          |                          |                                 |                          |                          |                            |                                                                                                                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Declined medical treatment      |                |  |                          |                          |                            |                          |                          |                                 |                          |                          |                            |                                                                                                                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Will seek own medical treatment |                |  |                          |                          |                            |                          |                          |                                 |                          |                          |                            |                                                                                                                                                                                                                             |
| <input type="checkbox"/> | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Received medical treatment      |                |  |                          |                          |                            |                          |                          |                                 |                          |                          |                            |                                                                                                                                                                                                                             |

  

|                                  |      |
|----------------------------------|------|
| Officer (Name/Rank)              | Date |
|                                  |      |
| Officer (Name/Rank)              | Date |
|                                  |      |
| Supervisor Approving (Name/Rank) | Date |
|                                  |      |

## **Memo 19-001 Training Requests.pdf**



# OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

BUREAU OF INVESTIGATION

DAN DOW  
District Attorney

TERRY O'FARRELL  
Chief Investigator



## MEMORANDUM 19-001

To: **Investigations Bureau**  
From: **Chief Terry O'Farrell**  
Date: **March 8, 2019**  
Subj.: **Training Request Submittal**

All personnel are encouraged to seek out and attend any training opportunity that benefits the office and increases their expertise. In order to maintain a consistent process and assist our financial officers, please follow the following guidelines when submitting training requests.

1. Complete the "Bureau of Investigation, TRAINING REQUEST" form with all available information. Estimating costs if unknown is fine.
2. If a registration fee is required, fill out the "REGISTRATION FEE REQUEST" form. An attached training flyer or any information to assist financial officers with paying the registration is recommended.
3. All forms should be submitted to your immediate supervisor who will approve the training by initialing the Supervisor's Comments box. Supervisors should post the training information to the investigator calendar.
4. The training request should then be submitted to the chief investigator for approval. Once the request is approved, the chief will return all forms to the requesting investigator.
5. It is recommended that the requesting investigator photocopy all forms and submit the originals to the financial officers.
6. Investigators are responsible for making their own travel arrangements and registration for the training and adhering to the San Luis Obispo County travel policy.

San Luis Obispo County District  
Attorney Bureau of Investigations

Policy Manual

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