SHERIFF'S PREFACE

NAPA COUNTY SHERIFF'S DEPARTMENT

FOREWORD

This is the new Napa Sheriff's Department Policy Manual. It has been completely revised. These policies are designed to ensure that our actions are consistent with the best practices of law enforcement agencies across the country. They form the basis for how we should be delivering service in an impartial and professional manner. The mission statement and core values of the employees of this department are presented in the first policy to illustrate their importance. The orders that follow are equally important, but they are not meant to displace the use of sound and reasonable judgment. The orders should not be blindly followed irrespective of the facts of a particular incident or circumstance.

Please read and review this manual. Refer to it when questions arise about a possible course of action.

Your supervisors will be reviewing the manual with you to familiarize you with any changes. If there is anything you don't understand in the manual please bring it to their attention. This manual, effective August 31 2007, and updated twice yearly thereafter, supersedes all previous General Orders.

It is your responsibility to review this manual from time to time. Few significant changes took place but some are of note:

New policy format with an easier numbering system.

Reduced number of chapters with the first digit in the policy number corresponding to the Chapter.

Procedures and policies that pertained to just one bureau, for the most part, were removed. They will be included in their respective bureau procedure manuals.

One Chapter is devoted to those policies that are performance related tasks in the "High risk" category.

Some policies were shortened for brevity, others were edited for clarification. Your supervisor should be able to point out the changes.

Your hard work and dedication to the citizens of Napa is appreciated. I am honored to work with such fine men and women and know you will continue to serve the public in a professional manner. Thank you.

John R. Robertson Sheriff-Coroner

Napa County

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

MISSION STATEMENT

MISSION STATEMENT

The Napa County Sheriff's Department is committed to providing the highest level of professional services to our community, while fostering partnerships based on trust and respect.

CORE VALUES

The members of the Napa County Sheriff's Department are dedicated to preserving and defending our core values. These values include: obedience to the Constitution of the United States; uncompromising personal and professional integrity; compassion; fairness; and respect for the dignity of those we protect.

John R. Robertson Sheriff-Coroner 2012

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Table of Contents

SHERIFF'S PREFACE 1

Law Enforcement Code of Ethics 2

MISSION STATEMENT 3

Chapter 1 - Law Enforcement Role and Authority 8
100 - Law Enforcement Authority 9
101 - Chief Executive Officer 12
102 - Oath of Office 13
103 - Policy Manual 14

Chapter 2 - Organization and Administration 17
200 - Organizational Structure and Responsibility 18
201 - Interim Directives 20
202 - Emergency Management Plan 21
203 - Training Policy 22
204 - Electronic Mail 24
205 - Administrative Communications 26
206 - Staffing Levels 27
207 - License to Carry a Firearm 28
208 - Retiree Concealed Firearms 36

Chapter 3 - General Operations 41
300 - Use of Force 42
301 - Handcuffing and Restraints 50
302 - Control Devices and Techniques 54
303 - Conducted Energy Device 59
304 - Officer-Involved Shootings and Deaths 66
305 - Firearms 74
306 - Administrative Loading and Unloading of Firearms 84
307 - Vehicle Pursuits 85
308 - Vehicle Operation and Parking Procedures 97
309 - Deputy Response to Calls 99
310 - Department Vehicle Accident Review 102
311 - Canines 104
312 - Dive Team Operations 113
313 - Domestic Violence 115
314 - Search and Seizure 122
315 - Temporary Custody of Juveniles 124
316 - Transportation of Prisoners 135
317 - Adult Abuse 138
318 - Discriminatory Harassment 148
319 - Child Abuse 154

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

320 - Missing Persons 162
321 - Public Alerts 168
322 - Victim and Witness Assistance 173
323 - Hate Crimes 176
324 - Standards of Conduct 180
325 - Information Technology Use 192
326 - Radio Discipline/Courtesy 196
327 - Report Preparation 198
328 - Subpoenas and Court Appearances 202
329 - Media Relations 206
330 - Outside Agency Assistance 209
331 - Major Incident Notification 211
332 - Registered Offender Information 213
333 - Death Investigation 216
334 - Identity Theft 222
335 - Private Persons Arrests 223
336 - Civil Disputes & Repossessions 225
337 - Anti-Reproductive Rights Crimes Reporting 226
338 - Limited English Proficiency Services 228
339 - Communications with Persons with Disabilities 236
340 - Biological Samples 244
341 - Mandatory Employer Notification 247
342 - Off-Road Enforcement Team 249
343 - Public Safety Defibrillation 251
344 - Child and Dependent Adult Safety 252
345 - Service Animals 256
346 - Off-Duty Law Enforcement Actions 259
347 - Volunteer Program 261
348 - Native American Graves Protection and Repatriation 267
349 - Agency Use of Social Media 269
350 - Gun Violence Restraining Orders 272
351 - PEER SUPPORT TEAM PROGRAM 275

Chapter 4 - Patrol Operations 278

400 - Patrol Function 279
401 - Bias-Based Policing 281
402 - Briefing Training 284
403 - Crime and Disaster Scene Integrity 285
404 - SWAT AND CRISIS NEGOTIATION TEAMS 287
405 - Ride-Along Policy 297
406 - Hazardous Material Response 300
407 - Hostage and Barricade Incidents 302
408 - Response to Bomb Calls 307
409 - Mental Illness Commitments 312
410 - Cite and Release Policy 317
411 - Foreign Diplomatic and Consular Representatives 321
412 - Rapid Deployment Team Policy 325

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

413 - Immigration Violations 328
414 - Aircraft Accidents 331
415 - Field Training Officer Program 335
416 - Obtaining Air Support 338
417 - Criminal Organizations 339
418 - Shift Supervisors 344
419 - Mobile Audio/Video 345
420 - Mobile Digital Computer Use 352
421 - Body Worn cameras (BWC) 355
422 - Medical Marijuana 361
423 - Crisis Intervention Incidents 366
424 - Public Recording of Law Enforcement Activity 371
425 - Automated License Plate Readers (ALPRs) 374
426 - Medical Aid and Response 377
427 - First Amendment Assemblies 383
428 - Civil Disputes 389
429 - Suspicious Activity Reporting 392
430 - Mobile Field Force (MFF) 394

Chapter 5 - Traffic Operations 399

500 - Traffic Function and Responsibility 400
501 - Traffic Collision Reporting 403
502 - Vehicle Towing and Release 405
503 - Vehicle Impound Hearings 411
504 - Impaired Driving 413
505 - Traffic Citations 419
506 - Disabled Vehicles 422
507 - 72-Hour Parking Violations 423

Chapter 6 - Investigation Operations 425

600 - Investigation and Prosecution 426
601 - Sexual Assault Investigations 431
602 - Asset Forfeiture 437
603 - Informants 443
604 - Eyewitness Identification 448
605 - Brady Material Disclosure 452
606 - Unmanned Aerial System (UAS) Operations 454
607 - Warrant Service 459
608 - Operations Planning and Deconfliction 463

Chapter 7 - Equipment 468

700 - Department Owned and Personal Property 469
701 - Personal Communication Devices 471
702 - Vehicle Maintenance 475
703 - Vehicle Use 477

Chapter 8 - Support Services 482

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

800 - Property and Evidence 483
801 - Records Bureau 493
802 - Records Maintenance and Release 497
803 - Protected Information 506
804 - Animal Control 509
805 - Animal Services Taser Policy 514
806 - Jeanne Clery Campus Security Act 518
807 - Alternate Work Schedule 524

Chapter 9 - Custody 528
900 - Custodial Searches 529
901 - Sallyport/Secure Interview Rooms 534

Chapter 10 - Personnel 536
1000 - Recruitment and Selection 537
1001 - Promotional and Transfer Policy 542
1002 - Grievance Procedure 545
1003 - Anti-Retaliation 547
1004 - Reporting of Employee Convictions 551
1005 - Drug- and Alcohol-Free Workplace 553
1006 - Sick Leave 556
1007 - Communicable Diseases 558
1008 - Smoking and Tobacco Use 563
1009 - Personnel Complaints 564
1010 - Seat Belts 574
1011 - Body Armor 576
1012 - Personnel Records 578
1013 - Commendations and Awards 586
1014 - Fitness for Duty 588
1015 - Lactation Break Policy 591
1016 - Time Card Procedures 593
1017 - Overtime Compensation Requests 594
1018 - Outside Employment 595
1019 - Occupational Disease and Work-Related Injury Reporting 600
1020 - Personal Appearance Standards 602
1021 - Uniform Regulations 605
1022 - Nepotism and Conflicting Relationships 618
1023 - Department Badges 621
1024 - Emergency Contact Information 623
1025 - Temporary Modified-Duty Assignments 624
1026 - Employee Speech, Expression and Social Networking 628
1030 - Honor Guard 632

Attachments 637
Load Bearing Vest.pdf 638
Honor Guard Team Agreement.pdf 639

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 1 - Law Enforcement Role and Authority

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Napa County Sheriff's Office to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Napa County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

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

100.3 PEACE OFFICER POWERS

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

100.3.1 DELIVERY TO NEAREST MAGISTRATE

When a deputy 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 deputy 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).

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE NAPA COUNTY SHERIFF'S OFFICE

The arrest authority outside the jurisdiction of the Napa County Sheriff's Office includes (Penal Code § 830.1; Penal Code § 836):

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

(b) When the deputy has probable cause to believe the person has committed a misdemeanor in the presence of the deputy and the deputy reasonably believes there is immediate danger to person or property or of escape.

(c) When the deputy 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 deputy 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

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

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

100.3.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE NAPA COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the Napa County Sheriff's Office includes (Penal Code § 830.1; Penal Code § 836):

(a) When the deputy has probable cause to believe the person has committed a felony, whether or not committed in the presence of the deputy.

(b) When the deputy has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the deputy.

(c) When the deputy has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the deputy and the deputy reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the deputy 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 deputy such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.3.4 TIME OF MISDEMEANOR ARRESTS

Deputies 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:

1. A misdemeanor committed in the presence of the deputy.
2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

(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.

100.3.5 OREGON AUTHORITY

Sworn members of this office who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

the California-Oregon border (ORS 133.405). Such authority shall only apply when deputies are acting:

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Napa County Sheriff's Office deputies have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, deputies should seek permission from a office supervisor before entering Oregon to provide law enforcement services. As soon as practicable, deputies exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

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 a deputy 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).

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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

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 dispatchers employed within the State of California shall receive certification by POST within prescribed time periods.

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment.

101.1.2 SHERIFF CANDIDATE REQUIREMENTS

Prior to filing for the office of Sheriff, any candidate shall at minimum meet the requirements of Government Code § 24004.3.

101.1.3 DUTY OF THE SHERIFF

The duties of the Sheriff-Coroner are clearly defined in various sections of the Government Code of California. These duties include:

(a) The arrest of law violators;

(b) The prevention and suppression of riots, insurrections, and breaches of the peace;

(c) Investigation of public offenses;

(d) Attendance at all sessions of the County Superior and Municipal Courts by representative Bailiffs;

(e) Service of all processes of the courts in compliance with the Government Code.

The Government Code authorizes the Sheriff-Coroner to appoint as many Deputies as necessary for the prompt and faithful discharge of the duties of the office. Those persons who are regularly employed and paid by the County as the Sheriff-Coroner, Undersheriff, Captains, Lieutenants, Sergeants and Deputy Sheriff's are defined by the California Penal Code as peace officers.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

It is the policy of the Napa County Sheriff's Office that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department 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).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Napa County Sheriff's Office 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 department. 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 department 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 Napa County Sheriff'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 department administrative action, training or discipline. The Napa County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Sheriff 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 Sheriff or the authorized designee is authorized to issue Interim Directives, which shall modify those provisions of the manual to which they pertain. Interim Directives 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.

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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Napa County.

Non-sworn - Employees and volunteers who are not sworn peace officers.

Department/NCSO - The Napa County Sheriff's Office.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The Napa County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Napa County Sheriff's Office, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary deputies
- Non-sworn employees
- Volunteers.

Deputy - Those employees, regardless of rank, who are sworn peace officers of the Napa County Sheriff'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 a deputy.

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 department members, 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) 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 department 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 department network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff 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 Interim Directives. 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 Sheriff 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 Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 2 - Organization and Administration

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department 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 Sheriff is responsible for administering and managing the Napa County Sheriff's Office. There are three divisions in the Sheriff's Department as follows:

- Administration Division
- Field Operations Division
- Services Division

200.2.1 ADMINISTRATION DIVISION

The Administration of the Napa County Sheriff's Department is headed by the Sheriff and Undersheriff whose primary responsibility is to provide general management, direction and control of the Department. The Administration Division will generally consist of the Sheriff, Undersheriff, Administrative Services Manager, Administrative Lieutenant and Administrative Secretary.

200.2.2 OPERATIONS DIVISION

The Field Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that division. The Operations Division's primary function is to provide 24-hour law enforcement services to the unincorporated are of the county as well as the municipal police services, by contract, to the Town of Yountville and the City of American Canyon. The City of American Canyon currently has a Captain assigned as their chief of police. The assigned captain reports directly to the Undersheriff. This Division consists of Uniformed Patrol Bureau, Investigations Bureau, and Animal Services Bureau.

200.2.3 SERVICES DIVISION

The Services Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Services Division's primary function consists of the process service of civil and criminal documents (including evictions); extraditions and other prisoner transportation services; determination of the cause, manner and mode of death in the areas of homicide, suicide, accidental and unexplained deaths; records maintenance; and to provide court security, by contract. The Division consists of Civil Section, Property and Evidence Section, Coroner Bureau, Technical Service Bureau (Records & Warrants), Transportation Unit, and Court Security Detail.

200.2.4 UNITY OF COMMAND

In order to promote efficiency and responsibility within the Department, employees shall be accountable to only one supervisor. This does not preclude corrective action being taken by

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

another supervisor who becomes aware of a problem. There may be times when a supervisor has to give a command to an employee outside their chain of command.

200.2.5 CHAIN OF COMMAND
All supervisors and managers must exercise direct command in a manner that assures the good order, proper discipline, and efficiency of employees. The exercise of command will extend to employees outside the usual sphere of supervision if the law enforcement objective or reputation of the department so requires or if no other provision is made for personnel temporarily unsupervised.

All supervisors and managers must enforce departmental and divisional policies and procedures and ensure compliance. They are responsible for inspection of activities, personnel, and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by an employee.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Sheriff exercises command over all personnel in the Department. During planned absences the Sheriff will designate the Undersheriff or other designee to serve as the acting Sheriff.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff and Undersheriff is as follows:

(a) The Senior Captain

(b) The Second senior Captain

(c) The Third senior Captain

(d) The Senior Lieutenant through lowest seniority Lieutenant

(e) The Shift Sergeant or Senior Sergeant if available

200.3.2 UNITY OF COMMAND
The principles of unity of command ensure efficient supervision and control within the Department. 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., K-9, SWAT), 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 officers and other proper authority.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Interim Directives

201.1 PURPOSE AND SCOPE

Interim Directives establish an interdepartmental communication that may be used by the Sheriff to make immediate changes topolicy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Interim Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 INTERIM DIRECTIVE PROTOCOL

Interim Directives will be incorporated into the manual as required upon approval of Staff. Interim Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Interim Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Interim Directives 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, 08-01 signifies the first Interim Directive for the year 2008.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Interim Directive.

201.2.2 SHERIFF

The Sheriff shall issue all Interim Directives.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Emergency Management Plan

202.1 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 by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

202.2 ACTIVATING THE EMERGENCY PLAN

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

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Napa County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

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

202.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Administrative Services and the Shift Supervisor's office. All supervisors should familiarize themselves with the Emergency Management Plan. The Administrative Services supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

202.4 UPDATING OF MANUALS

The Sheriff or designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

202.5 EMPLOYEE RESPONSIBILITY

All employees should familiarize themselves with the content of the County's Emergency Management Plan. In the event of a major disaster in our area, all off duty personnel, after seeing to the safety of their families, should contact the Department to determine if their assistance is needed.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Training Policy

203.1 PURPOSE AND SCOPE

The policy of the Napa County Sheriff's Department is to administer a training program that will provide for the professional growth and continued development of its personnel. In so doing, the Department will rely on its Training Manager, supervising staff, and individual employees to ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

203.1.1 PHILOSOPHY

The Napa County Sheriff's Department seeks to provide on-going training and encourages all personnel to participate in advanced training and formal education on a continual basis.

Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

203.1.2 OBJECTIVES

The objectives of the Napa County Sheriff's Department's training program are to:

(a) Enhance the level of law enforcement service to the public;

(b) Increase the technical expertise and overall effectiveness of our personnel;

(c) Provide for continued professional development of department personnel.

203.1.3 TRAINING PLAN

A training plan is maintained by the department's Training Manager. It is the responsibility of the Training Manager to maintain, review, and update the Training Plan on an annual basis. The plan will address the following areas:

(a) Legislative changes and case law;

(b) State mandated training;

(c) Critical issues training;

(d) POST certificate requirements.

203.1.4 TRAINING NEEDS ASSESSMENT

The Training Manager should conduct an annual training-needs assessment of the Department.

The needs assessment will be reviewed by the Sheriff's Department's Staff. Upon approval of the Staff, the needs assessment will form the basis for the Training Plan for the fiscal year.

203.1.5 SUPERVISORY RESPONSIBILITY

It is each supervisor's responsibility to identify training needs of those he/she supervises. These needs may be based on the employee's current assignment, need for remediation, or

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

career development. These issues should generally be reviewed during the employee's annual evaluation. It is up to the supervisor to adjust the days off of the employee to reduce overtime costs as much as possible. The supervisor will insure that employee will return all paperwork, receipts, and money owed are promptly turned into the Training Manager, upon return of the employee's first work day back.

203.1.6 EMPLOYEE RESPONSIBILITY

Each employee is expected to maintain a working knowledge of current legal and procedural updates within the law enforcement field to optimize job performance. This will be completed by participating in self-initiated training programs, and training formats offered by the department, as well as noting departmental orders, training bulletins, posted notices, and/or current publications.

Employees are responsible for informing the Sheriff's Administrative Manager and providing needed documentation when they are eligible to apply for a POST certificate or Educational pay such as Bachelors Certificate, Associates Degree and the like. Employees shall return all paperwork, receipts, and money owed, upon their first work day back from training.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. 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 Department.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department 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 department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. 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 Department'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 Department.

204.3 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 department are only to be used for official business related items that are of particular interest to all users and must be approved by the Sheriff or a Division Commander. 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.

204.4 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

204.4.1 DAILY REVIEW

Because communication is essential to accomplishing our mission, all employees are required to check their county e-mail a minimum of once per workday.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 DEPARTMENT E-MAIL

Department E-mail may be issued periodically by the Sheriff to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Sheriff.

Personnel should use Department letterhead only for official business and it shall conform to established business protocol. Department letterhead shall only be used with approval of a supervisor.

Any authorized person signing letterhead correspondence bears full responsibility for its content. Supervisors must have the approval of their Bureau or Division Commander on any outgoing correspondence.

Any letter written on department letterhead by employees other than the above shall be signed as follows: John R. Robertson Sheriff Coroner By: (Name of deputy signing letter, rank, bureau, or division).

All official letters shall be retained as required for business needs or as required by law.

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Sheriff or a Division Commander.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels for the Valley should result in the scheduling of at least one regular shift supervisor and four patrol deputies per shift, whenever possible.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a deputy may be used as field supervisors in place of a field sergeant. Policy Manual § 444 covers this in more detail.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

License to Carry a Firearm

207.1 PURPOSE AND SCOPE

The Sheriff is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

207.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

207.2 POLICY

The Napa County Sheriff's Office will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

207.2.1 TYPES OF PERMITS

(a) Employment: A permit may be issued by the Sheriff or his designee and is only valid in the county of issuance. These permits are valid for a maximum of 90 days. The Sheriff must inform the permitee in at least 16-point type that the permitee is required to give a copy of the permit to the chief of police or Sheriff in the city or county in which they reside. Any application to renew or re-issue this type of CCW may only be granted upon written concurrence of the chief or sheriff in the city or county where the person resides.

(b) Regular: A CCW may be issued to residents of Napa County and will be valid for a period of two years unless a lesser period of time is stated by the Sheriff or his designee.

(c) Judge: A CCW may be issued to a California judge, a full-time court commissioner, a federal judge or a magistrate of the federal courts. Such a CCW will be valid for any period of time not to exceed three years.

(d) Reserve Peace Officer: A CCW may be issued to a reserve peace officer appointed pursuant to Penal Code § 830.6. Such CCW's will be valid for any period of time not to exceed four years, except that any such permit shall be invalid upon the conclusion of the person's appointment as a reserve peace officer.

(e) Custodial Officer: A CCW may be issued to a Custodial Officer that is an employee of the County Sheriff, as provided in Penal Code § 831.5, and is a resident of Napa County. Such CCW's will be valid for any period of time not to exceed four years,

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

except that any such permit shall be invalid upon the conclusion of the person's employment pursuant to § 831.5 if the four-year period has not otherwise expired or any other condition imposed pursuant to this section does not limit the validity of the license to a shorter time period. Applicants for a Custodial Officer CCW must provide proof of current employment as a Custodial Officer at the time of application.

207.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

(a) Be a resident of the County of Napa County (Penal Code § 26150; Penal Code § 26155).

(b) Be at least 21 years of age (Penal Code § 29610).

(c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.

(d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.

(e) Be of good moral character (Penal Code § 26150; Penal Code § 26155). The applicant should provide at least three letters of character reference.

(f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).

(g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.

(h) Provide proof of ownership or registration of any firearm to be licensed.

(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

(j) Complete required training (Penal Code § 26165).

207.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

207.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.

2. If an incomplete application package is received, the Sheriff or authorized designee may do any of the following:

   (a) Require the applicant to complete the package before any further processing.

   (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.

   (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the County of Napa County for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).

   (a) Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.

   (b) Full payment of the remainder of the application fee will be required upon issuance of a license.

   (c) Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).

(c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.

(e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Once the Sheriff or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

207.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

(a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Sheriff or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

1. The determination of good cause should consider the totality of circumstances in each individual case.

2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.

3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).

(b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

(c) The applicant shall complete a course of training approved by the agency, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

(d) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Rangemaster, or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

207.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

(a) The applicant physically spends a substantial period of working hours in the applicant’s principal place of employment or business within the County of Napa County (Penal Code § 26150).

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).

(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

(d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

207.6 ISSUED FIREARMS PERMITS

In the event a license to carry a firearm is issued by the Sheriff, the following shall apply:

(a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.

1. Each license shall be numbered and clearly identify the licensee.

2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer.

(c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.

2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

(d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

(e) The licensee shall notify this department in writing within 10 days of any change of place of residency.

207.6.1 LICENSE RESTRICTIONS

(a) The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed.

2. Falsely representing him/herself as a peace officer.

3. Unjustified or unreasonable displaying of a firearm.

4. Committing any crime.

5. Being under the influence of any medication or drug while armed.

6. Interfering with any law enforcement officer's duties.

7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

8. Loading the permitted firearm with illegal ammunition.

(b) The Sheriff reserves the right to inspect any license or licensed firearm at any time.

(c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

207.6.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

(a) Add or delete authority to carry a firearm listed on the license.

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

207.6.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Sheriff for any of the following reasons:

(a) The licensee has violated any of the restrictions or conditions placed upon the license.

(b) The licensee becomes psychologically unsuitable to carry a firearm.

(c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.

(d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.

(e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

207.6.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

(a) Verifying all information submitted in the original application under penalty of perjury.

(b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).

(c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(d) Paying a non-refundable renewal application fee.

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

207.7 OFFICE REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Sheriff shall maintain a record of the following and immediately provide copies of each to the California DOJ:

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

(d) The amendment of a license

(e) The revocation of a license

The Sheriff shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

207.8 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, commissioner or judge contained in an application or license shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant’s medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Napa County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

208.2 POLICY

It is the policy of the Napa County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

208.3 LEOSA

The Sheriff may issue an identification card for LEOSA purposes to any qualified former deputy of this office who (18 USC § 926C(c)):

(a) Separated from service in good standing from this office as a deputy.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this office where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

If the Napa County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Office to meet the active duty standards for qualification to carry a firearm.

208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this office, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

208.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn deputy of this office who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any deputy who retires in lieu of termination.

(b) No CCW Approved endorsement shall be issued to any deputy retiring because of a psychological disability (Penal Code § 26305).

208.4.1 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Napa County Sheriff's Office shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this office now serves under the following conditions (Penal Code § 25905):

(a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This office is in possession of the retiree’s complete personnel record or can verify the retiree’s honorably retired status.

(c) The retiree is in compliance with all of the requirements of this office for the issuance of a CCW Approved endorsement.

208.4.2 QUALIFIED RETIRED RESERVES

Qualified retired reserve officers who meet the office requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

208.4.3 CALIFORNIA IDENTIFICATION CARD FORMAT
The identification card issued to any qualified and honorably retired deputy shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

(a) A photograph of the retiree.

(b) The retiree's name and date of birth.

(c) The date of retirement.

(d) The name and address of this office.

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

208.5 FORMER DEPUTY RESPONSIBILITIES
A former deputy with a card issued under this policy shall immediately notify the Shift Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

208.5.1 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT
In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired deputy shall (Penal Code § 26305):

(a) Qualify annually with the authorized firearm at a course approved by this office at the retired deputy's expense.

(b) Remain subject to all applicable office policies and federal, state and local laws.

(c) Not engage in conduct that compromises public safety.

(d) Only be authorized to carry a concealed firearm inspected and approved by the Office.

208.5.2 RESPONSIBILITIES UNDER LEOSA
In order to obtain or retain a LEOSA identification card, the former deputy shall:

(a) Sign a waiver of liability of the Office for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Office.

(b) Remain subject to all applicable office policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

208.6 DENIAL, SUSPENSION OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Office. In the event that an identification card is denied, suspended or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

208.7 FIREARM QUALIFICATIONS

The Rangemaster may provide former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

208.8 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement under Penal Code § 25470 for any deputy retired from this office may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Shift Supervisor when the conduct of a retired peace officer compromises public safety.

(a) In the event that a CCW endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Office shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree’s last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Office, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Office and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Office will then reissue a new identification card which shall be stamped “No CCW Privilege.”

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Shift Supervisor as soon as practicable. The Shift Supervisor should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

2. The Shift Supervisor should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.

3. The personal and written notification should be as follows:

   (a) The retiree's CCW endorsement is immediately and temporarily suspended.

   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.

   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Shift Supervisor should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Shift Supervisor may request that a law enforcement officer from that agency act as the agent of the Office to deliver the written notification.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 3 - General Operations

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

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 office is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

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).

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.

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. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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

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

300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the deputy 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 deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

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

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

300.3.1 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 a deputy 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 a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) The apparent immediacy and severity of the threat to deputies or others (Penal Code § 835a).

(b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.

(c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).

(d) The conduct of the involved deputy (Penal Code § 835a).

(e) The effects of 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 deputy commands (Penal Code § 835a).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(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.

(l) Training and experience of the deputy.

(m) Potential for injury to deputies, suspects, and others.

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.

(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 deputy 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. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the deputy.

(c) Whether the person has been given sufficient opportunity to comply.

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

300.3.4 CAROTID CONTROL HOLD

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

(a) The deputy shall have successfully completed office-approved training in the use and application of the carotid control hold.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) The carotid control hold may only be used when circumstances perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.
2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm deputies, him/herself or others.

(c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles
4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

(e) The deputy shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any deputy attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the deputy in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Napa County Sheriff's Office for this specific purpose.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

300.4 DEADLY FORCE APPLICATIONS

If an objectively reasonable deputy would consider it safe and feasible to do so under the totality of the circumstances, deputies should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

(a) A deputy 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 deputy or another person.

(b) A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

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

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the deputy or another person. A deputy’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. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

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

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The deputy 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 Office may require the completion of additional report forms, as specified in office policy, procedure or law.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a TASER device or control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

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

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

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy 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 deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies 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

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) 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.

(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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

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 SHIFT SUPERVISOR RESPONSIBILITY
The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Napa County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and office training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Napa County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

determination that such restraints are necessary for the safety of the arrestee, deputies, or others (Penal Code § 3407; Penal Code § 6030).

301.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy, or damage property.

301.3.4 NOTIFICATIONS
Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Deputies should provide assistance during the movement of a restrained person due to the potential for impairing or

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

distorting that person's vision. Deputies should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Office shall be used.

In determining whether to use the leg restraint, deputies should consider:

(a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting deputy while handcuffed, kicking at objects or deputies).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.

(e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 REQUIRED DOCUMENTATION

Deputies should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

301.9 TRAINING

Subject to available resources, the Administrative Lieutenant should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

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 Napa County Sheriff's Office authorizes deputies 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 department only if the device has been issued by the Department or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed department-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, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

302.4 RESPONSIBILITIES

302.4.1 SHIFT SERGEANT RESPONSIBILITIES

The Shift Supervisor 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 Administrative Deputy or Chemical Agents Instructor 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 Administrative Deputy 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Administrative Deputy or Chemical Agent Instructor for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

302.5 BATON GUIDELINES

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 deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy 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 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Supervisor, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

302.7 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.

302.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

302.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

302.7.3 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.

302.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies 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.

302.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department 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.

302.9.1 DEPLOYMENT AND USE

Only department-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.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies 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:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(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 deputies.

(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.

302.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy 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 deputies 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 deputies and individuals that the device is being deployed.

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

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 deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

302.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

302.10 TRAINING FOR CONTROL DEVICES

The Administrative Lieutenant 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 deputy's training file.

(c) Deputies 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 a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

302.11 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

303.2 POLICY

The TASER® device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

303.3 ISSUANCE AND CARRYING EMDTDEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Deputies shall only use the TASER device and cartridges that have been issued by the Department. Uniformed deputies who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform deputies shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Deputies shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(c) Deputies should not hold both a firearm and the TASER device at the same time.

303.4 VERBAL AND VISUAL WARNINGS

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other deputies and individuals with a warning that the TASER device may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

is not required to, display the electrical arc or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the TASER device in the related report.

303.5 USE OF THE EMDTDEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

303.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, him/herself or others.

Mere flight from a pursuing deputy, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

303.5.2 PROBE REMOVAL

The Taser darts may be removed from the subject after the subject is restrained, following procedures outlined in training. The deputy or trained designee may remove probes that penetrate the flesh in a nonsensitive area as prescribed by the manufacturer. Deputies should refrain from removing probes from sensitive areas such as the eyes, ears, groin, female breasts, or in any instance where it would be more prudent to require a qualified physician or EMT to perform the removal. Deputies should also consider the following factors prior to probe removal; Their personal safety, the subject's demeanor and intoxication level, proximity to a medical facility and any other factors that appear pertinent to probe removal.

Generally, trained deputies can safely perform this procedure without harm to the subject, and they may be more qualified than an EMT of physician who has not received special training in this process. However, the use of EMT's or emergency medical practitioners to remove darts is a reasonable and prudent option. The probes or darts should be placed in containers suitable for the safe storage of sharp objects, and in accordance with the departmental biohazard material policy. The integrity of the wire and the probes should be maintained for forensic analysis in the event of the device's failure.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

* Photographs of the affected body area(s) should be taken after the darts are removed.

303.5.3 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject or others, and the deputy reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

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

303.5.4 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the TASER device probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

303.5.5 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Deputies should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the TASER device, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Deputies should generally not intentionally apply more than one TASER device at a time against a single subject.

303.5.6 ACTIONS FOLLOWING DEPLOYMENTS
Deputies shall notify a supervisor of all TASER device discharges. The expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.7 DANGEROUS ANIMALS
The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

303.5.8 TASER® CAM™
The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the deputy intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the department records retention schedule.

303.5.9 OFF-DUTY CONSIDERATIONS
Deputies are not authorized to carry department TASER devices while off-duty.

Deputies shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

303.6 DOCUMENTATION
Deputies shall document all TASER device discharges in the related arrest/crime report and the TASER device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

303.6.1 TASER DEVICE FORM
Items that shall be included in the TASER device report form are:

(a) The type and brand of TASER device and cartridge and cartridge serial number.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Date, time and location of the incident.TASER device

(c) The type of mode used (probe or drive-stun).

(d) Location of any probe impact.

(e) Location of contact in drive-stun mode.

(f) Whether medical care was provided to the subject.

(g) Whether the subject sustained any injuries.

(h) Whether any deputies sustained any injuries.

The Taser Coordinator should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Taser Coordinator should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations.

303.6.2 REPORTS

The deputy should include the following in the arrest/crime report:

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

303.7 MEDICAL TREATMENT

With proper training, deputies may remove Taser device probes from a person's body. When or if Taser device probes are unable to be easily removed or located in a sensitive area, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A Supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a Taser Instructor or Taser Coordinator and saved with the Taser Use Report. Photographs of probe sites should be taken and witnesses interviewed.

303.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of a deputy's knowledge and/or practical skill may be required at any time if deemed appropriate by the Administrative Lieutenant. All training and proficiency for TASER devices will be documented in the deputy's training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Deputies who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The TASER Coordinator is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The TASER Coordinator should ensure that all training includes:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of a deputy.

In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

304.2 POLICY

The policy of the Napa County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect’s actions.
- A criminal investigation of the involved officer’s actions.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

304.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.4.1 NAPA COUNTY SHERIFF'S DEPARTMENT SHOOTING WITHIN THIS JURISDICTION

The Napa County Sheriff's Office is responsible for the criminal investigation of the suspect's actions, the civil investigation, and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the Napa County Sheriff's Department, in conjunction with the District Attorney's Office.

304.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Napa County Sheriff's Office is responsible for the criminal investigation of the incident. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

304.4.3 NAPA COUNTY SHERIFF DEPUTY IN ANOTHER JURISDICTION
The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Napa County Sheriff's Office will conduct timely civil and/or administrative investigations.

304.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

304.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR
Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should:

(a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Attempt to obtain a brief overview of the situation from any non-shooter deputy(s).

1. In the event that there are no non-shooter deputies, the supervisor should attempt to obtain a brief voluntary "public safety statement" overview from one shooter deputy.

(c) If necessary, the supervisor may administratively order any deputy from this department to immediately provide publicsafetyinformation necessary to secure the scene and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any deputy(s), the initial on scene supervisor should not attempt to order any deputy to provide other than public safety information.

(e) Provide all available information to the Shift Sergeant and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.

(f) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel. Identify and document all officers on scene (regardless of agency).

(g) As soon as practical, shooter deputies should respond or be transported (separately, if feasible) to the station for further direction.

1. Each involved deputy should be given an administrative order not to discuss the incident with other involved deputies pending further direction from a supervisor.

2. When a deputy's weapon is taken or left at the scene (e.g., evidence), the deputy will be provided with a comparable replacement weapon or transported to the station by other deputies.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

304.5.2 SHIFT SERGEANT DUTIES

Upon learning of an officer-involved shooting, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until relieved by the Sheriff or a Division Commander.

304.5.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Sheriff
- Investigation Division Commander
- District Attorney OIS rollout team
- Internal Affairs Team supervisor
- Civil Liability Response Team
- Psychological/Peer support personnel
- Coroner (if necessary)
- Deputy representative (if requested)

All outside inquiries about the incident shall be directed to the Shift Sergeant.

304.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

1. Involved NCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-NCSO officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).

(d) A licensed psychotherapist shall be provided by the Department to each involved NCSO deputy. A licensed psychotherapist may also be provided to any other affected NCSO members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved NCSO deputy shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

304.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

304.6.1 DETECTIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Investigation Bureau supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigators from Major Crimes Investigation Team, which will be activated per the Fatal Incident Protocol.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with deputies.

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigative Bureau supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigative Bureau supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of NCSO deputies to determine conformance with department policy. The investigation will be conducted under the supervision of the Internal Affairs Team and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

(a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any deputy has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved deputy.

1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved deputy has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview . However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview (Government Code § 3303(g)).
4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Internal Affairs Team shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Counsel’s Office, as appropriate.

304.9 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Investigation Division Commanderand Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved NCSO deputy to visits by the media (Government Code § 3303(e)). No involved NCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a Division Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

304.10 DEBRIEFING

Following an officer-involved shooting or death, the Napa County Sheriff's Office should conduct both a critical incident/stress debriefing and a tactical debriefing.

304.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administrative Services Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Team personnel.

304.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.11 REPORTING

If the death of an individual occurs in the Napa County Sheriff's Office jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

304.12 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Firearms

305.1 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.

305.2 POLICY

The Napa County Sheriff's Office will equip its members with firearms to address the risks posed to the public and office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office 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 office range.

All other weapons not provided by the Office, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the member’s Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

305.3.1 HANDGUNS

The authorized office-issued handgun is the Sig Sauer P229. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
Sig Sauer	P320	.40 or.45
Sig Sauer	P220	.45

Other handguns as inspected and approved by a department armorer or the range master.These firearms must be from a reputable manufacturer.

305.3.2 SHOTGUNS

The authorized office-issued shotgun is the Remington 870 12 gauge.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

When not deployed, the shotgun shall be properly secured consistent with office training in a locking weapons rack in the patrol vehicle.

305.3.3 PATROL RIFLES

The authorized office-issued patrol rifle is the Bushmaster XM15. The following additional patrol rifles are approved for on-duty use:

Other patrol rifles issued by the department armorer or a personally owned rifle that has been inspected by the department armorer or range master

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with office training in a locking weapons rack in the patrol vehicle.

305.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff 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.

(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, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

305.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry office or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order.

(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 Office.

(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 office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

305.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

(a) The member 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. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(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 member 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 member 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member 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) Members shall only carry office-authorized ammunition.

(i) When armed, deputies shall carry their badges and Napa County Sheriff's Office identification cards under circumstances requiring possession of such identification.

305.3.7 AMMUNITION

Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

305.4 EQUIPMENT AND RANGE ATTIRE

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.

Members shall wear approved clothing to the range. Open toe shoes or shorts are not permitted. Member should wear their training uniform or the uniform of the day.

305.4.1 REPAIRS OR MODIFICATIONS

Each member 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 Office or personally owned firearms that are approved for office use may be repaired or modified only by a person who is office-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.

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

305.4.2 HOLSTERS

Only office-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

305.4.3 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 member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

305.4.4 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 member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

305.5 SAFE HANDLING, INSPECTION AND STORAGE

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

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Rangemaster approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

305.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Firearms may be safely stored in lockers at the end of the shift. Firearms may be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored appropriately.

305.5.2 STORAGE AT HOME

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

305.5.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

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

305.5.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, 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 member's senses or judgment.

305.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training monthly with their duty firearms. In addition to monthly training, all members will qualify at least

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

annually with their duty firearms. Members will qualify with off-duty and secondary firearms annually. Training and qualifications must be on an approved range course.

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

305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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 member in demonstrating consistent firearm proficiency.

(b) Members 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

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

305.7 FIREARM DISCHARGE

Except during training or recreational use, any member 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 member 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 member shall file a written report with his/her Division Commander 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 member 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

305.7.1 DESTRUCTION OF ANIMALS

Members 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, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER® device, oleoresin capsicum (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.

305.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)).

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). 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.

305.7.3 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 member reasonably believes that they appear necessary, effective and reasonably safe.

305.8 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 Lieutenant 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 office members during hours established by the Office.

The Rangemaster has the responsibility of making periodic inspection of all duty firearms carried by members of this office to verify proper operation. The Rangemaster has the authority to deem any office-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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The Rangemaster shall complete and submit to the Administrative Lieutenant 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 Office, 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 Lieutenant.

305.9 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 deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Deputies 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 Office based on the law and published TSA rules.

(b) Deputies must carry their Napa County Sheriff's Office identification card, bearing the deputy’s name, a full-face photograph, identification number, the deputy’s signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Napa County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy’s travel. If approved, TSA will send the Napa County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy 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 Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy’s need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.

(f) It is the deputy’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 deputy 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 deputy 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(i) Deputies 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) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.10 CARRYING FIREARMS OUT OF STATE

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

(a) The deputy shall carry his/her Napa County Sheriff's Office identification card whenever carrying such firearm.

(b) The deputy is not the subject of any current disciplinary action.

(c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The deputy will remain subject to this and all other office policies (including qualifying and training).

Deputies 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 a deputy 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Administrative Loading and Unloading of Firearms

306.1 PURPOSE AND SCOPE

The purpose of the procedure is to prevent injury. Whenever an employee administratively loads or unloads a firearm, they will use the accidental discharge containment devices located at the range or near the entrances to the department's armory.

306.1.1 DEFINITIONS

Administrative Unloading: A routine loading or unloading of any firearm, not during an actual confrontation. For the purposes of this policy, the term will apply to that action occurring within the Sheriff's Department.

Accident discharge containment device: Those devices specifically intended to contain an accidental discharge of a weapon during the administrative loading or unloading of firearms.

306.2 PROCEDURE

When administratively loading or unloading a firearm in the Sheriff's Department or at the range, the firearm shall be pointed into the accidental discharge containment devices while the loading/unloading operation is conducted. The muzzle shall not be removed from the device until the weapon is rendered "safe".

Any accidental discharges that occur during this process will be reported immediately to the on-duty shift supervisor and in writing to the employee's supervisor within 24 hours. The report will specifically state what action was being conducted and what factors were involved at the time of the discharge.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies.

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

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

307.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to a deputy's signal to stop.

307.2 DEPUTY RESPONSIBILITIES

It shall be the policy of this department that a vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

307.2.1 WHEN TO INITIATE A PURSUIT

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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

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

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists and others.

(c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.

(f) Pursuing deputies familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing deputies under the conditions of the pursuit.

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) Availability of other resources such as helicopter assistance.

(l) The sheriff's unit is carrying passengers other than sheriff's deputies. Pursuits should not be undertaken with a prisoner in the police vehicle.

307.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect’s escape.

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing deputies 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) Pursued vehicle’s location is no longer definitely known.

(c) Deputy’s pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.

(e) There are hazards to uninvolved bystanders or motorists.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) Pursuit is terminated by a supervisor.

307.2.3 SPEED LIMITS

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

Should high vehicle speeds be reached during a pursuit, deputies and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the deputy.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

307.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspects. All other deputies should stay out of the pursuit, but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

307.3.1 MOTORCYCLE OFFICERS

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

307.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Deputies in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to deputies using vehicles without emergency equipment.

307.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

Notify the Dispatch Center that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of known occupants.

(f) The identity or description of the known occupants.

(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the deputy in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary deputy should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

307.3.4 SECONDARY UNITS RESPONSIBILITIES

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

(a) The deputy in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.

(c) The secondary deputy should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.3.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

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 caution when proceeding through controlled intersections.

(c) As a general rule, deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspects.

(d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

(e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

307.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

307.3.7 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

307.3.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

307.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

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

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

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(f) Ensuring that aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Controlling and managing NCSO units when a pursuit enters another jurisdiction.

(j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

307.4.1 SHIFT SUPERVISOR RESPONSIBILITY

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

The Shift Supervisor shall review all pertinent reports for content and forward to the Division Commander.

307.5 COMMUNICATIONS

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

307.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Napa County Sheriff's Office is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The role and responsibilities of deputies at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. Once CHP units assume control of the pursuit, deputies should disengage in the pursuit unless specifically requested to stay in the pursuit by CHP.

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Notification of a pursuit entering the Sheriff's Department's jurisdiction shall not be consider by deputies as an automatic request to join the pursuit.

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider the following factors:

(a) Ability to maintain the pursuit

(b) Circumstances serious enough to continue the pursuit

(c) Adequate staffing to continue the pursuit

(d) The public's safety within this jurisdiction

(e) Safety of the pursuing deputies

As soon as practical, a supervisor or the Shift Sergeant should review a request for assistance from another agency. The Shift Sergeant or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by deputies of this department will terminate at the County limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, deputies shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

307.7 PURSUIT INTERVENTION

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

307.7.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, deputies/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the deputy at the time of the decision.

It is imperative that deputies act within the bounds of legality, good judgment and accepted practices.

307.7.2 DEFINITIONS

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

Spikes or tack strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

307.7.3 USE OF FIREARMS

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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

307.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by deputies who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, deputies, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those deputies trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct deputies in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Deputies should carefully consider the limitations of such devices as well as the potential risks to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

307.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary deputy should coordinate efforts to apprehend the suspects following the pursuit. Deputies should consider safety of the public and the involved deputies when formulating plans to contain and capture the suspects.

307.8 REPORTING REQUIREMENTS

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

(a) The primary deputy should complete appropriate crime/arrest reports.

(b) The Shift Supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary deputy should complete as much of the required information on the form as is known and forward the report to the Shift Supervisor for review and distribution.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) After first obtaining the available information, a field supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit, and submit it to his/her manager. This log should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and deputies
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene
10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others (Vehicle Code § 17004.7(d)).

307.8.2 POLICY REVIEW

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

307.9 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Vehicle Operation and Parking Procedures

308.1 PURPOSE AND SCOPE

All department vehicles shall be driven and parked in accordance with state and municipal codes, to ensure the safety of both the employee and the public. Employees shall use or permit the use of department vehicles only for County business.

308.2 GENERAL OPERATIONS

(a) Obey all vehicle code laws.

(b) Drivers of department vehicles, under normal circumstances, shall observe all state and local laws governing the use of motor vehicles.

(c) All personnel driving or riding in County vehicles, shall wear safety lap/shoulder seat belts. Cars with broken seat belts will not be used. The driver shall ensure that a work order for repair of the seat belt is submitted.

1. Prisoners, upon request, may be restrained in the rear of the vehicle using lap belts provided.
2. Exception: Should the prisoner behave in such a manner as to create a potential injury to the deputy or prisoner, the belt need not be used until the prisoner can be restrained safely.
3. Exception: Passengers seated to the rear of driver of transportation vans shall be exempt from the wearing of safety lap and shoulder seat belts. Drivers of said vehicles shall comply with section D of this policy.
4. When arriving at an emergency call, the operator may remove the belt just prior to stopping for a quick exit and to prevent entanglement in the belt.
5. Operators may remove the belt just prior to stopping on a traffic or pedestrian stop.

**Note: It is the intent of the seat belt portion of this policy to be non-punitive. In essence no disciplinary action for violation of this portion of the policy will be proposed unless the employee actually refuses to wear the vehicle safety belts. It is recognized that it will be occasionally impractical to secure the occupant safety system, however these occurrences should be the exception rather than the rule.

308.3 VEHICLE PARKING

The intent of this information is to reduce the chance of a runaway vehicle and the corresponding injuries which occur as the result of negligence.

(a) Every parked and unattended vehicle shall be in a safe position and in compliance with California Vehicle Code regulations.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Vehicles with automatic transmissions shall have the shift selector in the "park" position. Vehicles with manual transmissions shall have the shift selector in "reverse."

(c) The front wheels shall be turned against the curb, when a curb exists.

(d) The vehicle's engine shall be stopped, the parking brake set and the ignition keys removed.

(e) Vehicles shall be secured by locking doors and closing windows. The driver is responsible for safeguarding the vehicle and property therein.

(f) All parked and unattended vehicles will be locked, including those parked in the County lots.

1. Emergency situations are exempt.

(g) Car Stops

1. When on a car stop or pedestrian contact on the street, the shift selector should be placed in the "park" position and the emergency brake set before exiting.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Deputy Response to Calls

309.1 PURPOSE AND SCOPE

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

309.2 RESPONSE TO CALLS

Deputies dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Deputies 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 deputy 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.

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

309.3 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 deputies, 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 deputy shall immediately notify the Dispatch Center.

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

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

309.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Shift Supervisor or the field supervisor authorizes an additional unit(s).

309.4 INITIATING CODE 3 RESPONSE

If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately notify the Dispatch Center. Generally, only one unit should respond Code-3 to any situation. Should another deputy believe a Code-3 response is appropriate, the Dispatch Center shall be

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

notified and the Shift Supervisor or field supervisor will make a determination as to whether one or more deputies driving Code-3 is appropriate.

309.5 RESPONSIBILITIES OF RESPONDING DEPUTIES

Deputies shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Deputies 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 deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy 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 deputy should immediately notify the Dispatch Center. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

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

309.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Shift Supervisor or the field 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 field 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 Shift Supervisor or the field 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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

309.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the Code-3 response and respond accordingly. In all cases, the deputy shall notify the Shift Supervisor, field supervisor, or the Dispatch Center of the equipment failure so that another unit may be assigned to the emergency response.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Department Vehicle Accident Review

310.1 PURPOSE AND SCOPE

All on-duty vehicle accidents shall be reviewed to determine if they were preventable in order to provide driver training and/or monitoring of employees involved in preventable accidents.

310.2 DEFINITION

Avoidable Accident: Any accident in which the County driver could have reasonably taken evasive action to avoid the accident.

Operational Damage: Damage which occurs as the result of non-negligent performance of the employee's duty.

310.3 ACCIDENT REVIEW

The accident review process will normally occur after the completion of the Vehicle Accident Reporting procedures covered in the Accident Reporting Policy of this manual.

Each accident will be initially reviewed by the involved employee's immediate supervisor to determine if the accident was; avoidable, unavoidable or operational damage. This will be done by reviewing all available and relevant documentation on the accident to include:

- The County Accident Report.
- Supervisor's report and conclusions.
- Photographs.
- Official Traffic Collision Report.
- Available witness statements.
- Any other investigation deemed necessary by the supervisor.

All accidents requiring a traffic collision investigation and all accidents where the supervisor's finding is in dispute by the employee or the employee's Bureau or Division Commander, will require review by an accident review board.

This four person board will be appointed by the employee's Division Commander and will consist of a member of management, a Sergeant and two employees of Deputy II rank or higher. The board should meet as soon as possible after the accident investigation is complete.

The board will determine whether the accident was avoidable, unavoidable or operational damage, and will forward their finding to the employee's Division Commander. The Division Commander will determine any further needed action such as training or discipline.

The employee is to be properly notified of the hearing review and may be called to appear. If not called, the employee may choose to appear to offer additional information to the board. The employee is entitled to union representation at the review if he/she chooses.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Findings of the Accident Review, whether those of the supervisor or the Board, will be placed in the employee's personnel file by the Bureau Commander with proper notifications being made per the Peace Officers Bill of Rights.

Should the supervisor or the board, determine that the accident was preventable, corrective action and/or training will be initiated for the driver. This process may include training, counseling or use of the Progressive Discipline Policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Canines

311.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

311.2 POLICY

It is the policy of the Napa County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

311.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Operations Bureau to function primarily in assist or cover assignments. However, they may be assigned by the Shift Supervisor to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Supervisor.

311.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations Bureau or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

311.5 REQUESTS FOR CANINE TEAMS

Operations Bureau members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Operations Bureau shall be reviewed by the Shift Supervisor.

311.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Supervisor and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

311.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

311.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Supervisor. Absent a change in circumstances that presents an imminent threat to deputies, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

311.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other deputies at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

It is the canine handler’s responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

311.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

311.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual’s injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

311.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine’s suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

311.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

311.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

311.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

311.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) A deputy who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) Living within 30 minutes travel time from the Napa County County limits.

(d) Agreeing to be assigned to the position for a minimum of three years.

311.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all office equipment under his/her control in a clean and serviceable condition.

(c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Napa County Sheriff's Office facility.

(d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(f) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(g) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.

(h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Supervisor.

(i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Supervisor.

(j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

311.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

311.10 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of office canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Supervisor.

311.10.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Napa County Sheriff's Office canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Office.

311.10.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

311.10.3 TRAINING RECORDS

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

311.10.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Napa County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

311.10.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Napa County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

311.10.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this office.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler’s assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

311.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler’s personnel file.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Dive Team Operations

312.1 PURPOSE AND SCOPE

The Sheriff's Underwater Search and Recovery Team (Dive Team) will exist to perform diving operations for public safety purposes, conducted in conjunction with any project under the jurisdiction and authority of the Sheriff. Members shall adhere to the requirements of this policy and the Dive Team procedure manual.

312.2 ORGANIZATIONAL STRUCTURE AND RESPONSIBILITIES

The Sheriff's Underwater Search and Recovery Team serves the citizens of Napa County and the surrounding areas, at the direction of the Sheriff.

The Napa County Sheriff's Underwater Search and Recovery Team will provide local law enforcement and/or other authorities, assistance with underwater environments that may contain items of evidence such as, but not limited to, weapons, vehicles, or human bodies.

Specifically, the Sheriff's Underwater Search and Recovery Team is responsible for performing the following tasks:

(a) Searching shoreline and water areas for evidence and recovering those items.

(b) Locating and investigating the underwater crime scenes. Assisting in the investigation of water related accidents to include, but not limited to, swimming, scuba diving, boating, and aircraft.

(c) Investigating and retrieving water borne vehicles in relation to criminal cases.

(d) When appropriate, conducting salvage operations intended to assess the possible evidentiary value of submerged objects and vehicles; and softening the environmental impact that results when gasoline and oil filled vehicles lie dormant within quarries, rivers, and lakes.

(e) Conducting emergency and/or rescue operations to handle incidents that involve team personnel during an in-progress dive operation.

(f) Any task pertaining to dive operations designated by the Sheriff, Undersheriff, Field Operations Commander, or designee.

312.3 MINIMUM QUALIFICATIONS & TRAINING

A candidate for the Napa County Sheriff's Underwater Search and Recovery Team must be a member or designee of the Napa County Sheriff's Department and must demonstrate the following qualifications and training:

(a) Diver candidates will demonstrate their diving and swimming skills in a pool environment to include: a 400 yard swim, fifteen minute float, 100 yard diver tow, equipment set-up, pre-dive safety check, giant stride entry, fin pivot (buoyancy

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

control), mask removal/replacement/clearing, removal and replacement of scuba gear on surface and underwater.

(b) Diver candidates shall submit proof of their advanced certification through an internationally recognized diving organization. They shall also submit a memorandum detailing their diving skills or any other related activities.

(c) The candidate shall agree to all terms and conditions as set forth by the Napa County Sheriff and Sheriff's Underwater Search and Recovery Team Director.

(d) Each diver, upon acceptance, will receive certification training as a "public safety diver" prior to conducting operational dives with the team.

(e) The candidate must meet physical requirements associated with duties.

(f) Minimally, training will consist of mandatory quarterly team training, consisting of skills upgrading and orientation dives at various locations throughout the county at the discretion of the Team Coordinator.

312.4 CALL-OUT PROCEDURE

Departmental personnel requesting Sheriff's Underwater Search and Recovery Team activation and assistance, shall contact the Duty Sergeant, who will then contact the Team Leader and Patrol Lieutenant.

Generally, an activation of the Sheriff's Underwater Search and Recovery Team will occur after a detailed assessment has been made by the Sheriff's Underwater Search and Recovery Team Leader or his/her designee.

The assessment will usually be performed on scene by the Dive Team Leader or their designee. Team activations, diving objectives, and specific activities will be approved by the Sheriff, Undersheriff, Field Operations Commander, or other management staff member prior to Team activation.

312.5 MUTUAL AID REQUESTS

Any out of county mutual aid request will comply with OES Mutual Aid Procedure and Department Policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Domestic Violence

313.1 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 office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

313.1.1 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.

313.2 POLICY

The Napa County Sheriff'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 office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

313.3 OFFICER SAFETY

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

313.4 INVESTIGATIONS

The following guidelines should be followed by deputies 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. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies 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) Deputies 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(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. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigative Bureau in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) 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).

(i) When completing an incident or arrest report for violation of a court order, deputies 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 deputy should attach a copy of the order to the incident or arrest report.

(j) Deputies 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. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

313.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, deputies should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

313.4.2 IF NO ARREST IS MADE
If no arrest is made, the deputy 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).

(b) Document the resolution in a report.

313.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the office'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) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) 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 deputy determines that a need exists.

(g) 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.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

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

313.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

313.7 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 deputies 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).

313.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

  1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the deputy shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.

  1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

313.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

313.9.1 STANDARDS FOR ARRESTS

Deputies 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. Deputies are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the deputy makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) A deputy 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. Deputies shall not dissuade victims from making a lawful private person's arrest. Deputies 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) Deputies 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, deputies should generally be reluctant to make dual arrests. Deputies 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, a deputy 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(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 deputy's presence. After arrest, the deputy shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

313.9.2 COURT ORDERS

(a) A deputy 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 deputy shall file a copy with the court as soon as practicable and shall have the 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, a deputy 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 deputy 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 deputy shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The deputy 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).

313.9.3 PUBLIC ACCESS TO POLICY

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

313.9.4 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 deputies 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Deputies 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)).

313.9.5 RECORD-KEEPING AND DATA COLLECTION

This office shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Office, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Supervisor to maintain and report this information as required.

313.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

Any deputy 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 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 deputy shall prepare a declaration in support of increased bail (Penal Code § 1269c).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Search and Seizure

314.1 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 Napa County Sheriff's Office personnel to consider when dealing with search and seizure issues.

314.2 POLICY

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

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

314.3 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 department 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, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

314.4 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 department will strive to conduct searches with dignity and courtesy.

(b) Deputies 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 deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex as the subject, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search.
2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

314.5 DOCUMENTATION

Deputies 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 a deputy of the same sex as the person being searched and the identification of any witness deputy

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Temporary Custody of Juveniles

315.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Napa County Sheriff's Office (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

315.1.1 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 a deputy 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(d); 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this office 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.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(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.

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).

315.2 POLICY

The Napa County Sheriff'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 at the Napa County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

315.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Napa County Sheriff'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 Shift Supervisor. 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

Deputies 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).

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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

If the deputy 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).

315.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

315.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Office members 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).

315.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Napa County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. 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 Napa County Sheriff's Office without authorization of the arresting deputy's supervisor or the Shift Supervisor. 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 Napa County Sheriff's Office (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

315.4.1 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 Napa County Sheriff'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 Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination.

315.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, deputies 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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

315.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Napa County Sheriff'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 suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under Welfare and Institutions Code § 602(b), 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 at the Office.

(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 investigating deputy 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 deputy 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).

315.5 ADVISEMENTS

Deputies 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 (Welfare and Institutions Code § 625).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

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(d)).

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).

315.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Napa County Sheriff's Office (15 CCR 1150).

(c) Shift 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(d); 15 CCR 1145).

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

315.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Office (34 USC § 11133; Welfare and Institutions Code § 207.1(d); 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 Napa County Sheriff's

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

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).

315.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Napa County Sheriff's Office shall ensure the following:

(a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Napa County Sheriff's Office more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Napa County Sheriff'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).

(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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(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).

315.9 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 Napa County Sheriff'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 Shift Supervisor. 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).

315.10 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Napa County Sheriff'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.

315.11 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).Deputies shall transfer all offenders who require secure custody to Juvenile Hall.No secure custody facilities are maintained by the Napa County Sheriff's Office.

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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Members of this department 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).

315.11.1 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 office members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).

(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.
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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

315.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Shift Supervisor will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Napa County Sheriff's Office (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Sheriff, and Investigation Bureau Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(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.

315.13 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, a deputy shall permit a juvenile 15 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.

315.13.1 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 office 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(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 a deputy, 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).

315.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting deputy's supervisor, or in his/her absence, the Shift Supervisor.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Shift Supervisor or Investigative Bureau supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

315.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this office shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Napa County Sheriff's Office Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Investigative Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

315.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Napa County Sheriff's Office and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

315.17 RELIGIOUS ACCOMMODATION

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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Transportation of Prisoners

316.1 PURPOSE AND SCOPE

Employees of the Department will take all necessary security and safety precautions when transporting prisoners. Transporting deputies will ensure the safety of themselves, the public and the prisoner is not jeopardized.

316.1.1 GENERAL INFORMATION

The transporting deputy will search the prisoner prior to placing them in the transport vehicle. Ideally, deputies searching members of the opposite sex should have a witness present and be aware of potential claims that can result. When possible searches should be done by deputies who are the same sex as the person to be transported.

All prisoners will be physically restrained with handcuffs or belly chained. Leg restraints may also be use under certain circumstances. Handcuffing behind the back is the preferred method for officer safety purposes. If the person is physically unable to be handcuffed, alternate means, such as double cuffing or the use of plastic "flex" cuffs should be used.

When a deputy transports a member of the opposite sex, they shall provide dispatch with their starting location and mileage. Upon completion of the transport, the deputy shall provide dispatch with their ending location and mileage.

316.2 RESISTIVE PERSONS

When transporting violent prisoners, deputies may use a combination of handcuffs and leg restraints to secure the hands, feet and legs of the prisoner to avoid having that person injure him/herself or others. See Policy Manual § 306 for more information regarding restraining resistive persons.

316.3 INJURED PRISONERS

The deputy will observe the prisoner to determine whether their physical or emotional behavior is acceptable for booking. Sick and injured arrestees will be transported to the Queen of the Valley Hospital and medical treatment obtained, prior to booking. In an extreme emergency, the nearest hospital will be used. An ambulance may be used depending on the prisoner's condition.

316.4 MEDICAL TRANSPORTS

It is the policy of this Department to assist with medical transports of jail inmates for the Napa County Department of Corrections. Some inmates, based on their identified security levels (classification) will require more than one deputy for security reasons. The Transportation Sergeant or Watch Commander, with information from jail staff, shall be responsible for determining the number of deputies to be assigned to the transport.

The degree of urgency placed on the transportation shall be determined by the nature of the problem. Some examples would include:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Lacerations in need of sutures should be handled within the hour.

(b) Possible fracture, depending on the severity could be several hours to the following day.

(c) Routine problems, non-urgent medical needs should be done during regular business hours and conducted by the Department's Transportation Unit.

316.5 INMATES ADMITTED TO THE HOSPITAL

When an inmate is to be admitted to a hospital for care, the transporting deputy shall notify the Transportation Unit supervisor, or after hours the Watch Commander. The supervisor will notify jail staff, if applicable, and the Transportation Unit supervisor as soon as practical, as well arrange for security services to standby with the prisoner while the inmate is in the hospital. The supervisor may call in off-duty personnel on an overtime basis or use a private security services. Additionally, it should be noted that any jail inmate who has a detainer placed on them from another jurisdiction it shall be the responsiblity of that jurisdiciton to provide security and supervision during their medical treatment.

Inmates from the County jail who are Napa State Hospital patients, shall be the responsibility of Napa State Hospital Police Department personnel during the duration of their stay.

316.5.1 PRIVATE SECURITY SERVICES

If private security services are to be used, the supervisor will notify them of the assignment, the location, the inmates name, charges, security risk status, and an estimated length of time need. The security company will provide a guard to relieve the transport deputy as soon as possible. The supervisor will complete a "Security Company Service Record" form and distribute it. The original goes to the Transportation Unit supervisor, and a copy to the Sheriff's Secretary, Patrol Bureau Lieutenant and the assigned security company guard.

Generally, during normal business hours (M - F) the Transportation Unit will be responsible for cordination of all private security services. After hours the responsiblity will be handled by the Patrol Bureau Watch Commander or their designee.

316.6 MATRON

The function of the matron is to accompany the male officer to prevent potential claims. The inmate is not to be left in the sole custody of the matron, except in situations were privacy is necessary (e.g. searches, use of the restroom, ect...). In these circumstances, the male deputy will remain outside the door and be ready to assist if necessary. The prisoner is at all time the responsibility of the sworn personnel.

Matrons should be used in the following situations:

(a) Transports of female prisoners or suspects.

(b) Guard inmates on court appearances outside of the Hall of Justice.

(c) Planned arrest situations if possible, at the discretion of the arresting officer.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) Sex crime investigations involving female victims or suspects, at the discretion of the investigating officer.

It is the supervisor's responsibility to ensure that the matrons are used in this capacity.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Adult Abuse

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Napa County Sheriff's Office members as required by law.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.07; Penal Code § 368.5).

317.2 POLICY

The Napa County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

317.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(k) Whether a death involved the End of Life Option Act:

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)
2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)
3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)
4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

317.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

317.5 MANDATORY NOTIFICATION

Members of the Napa County Sheriff's Office shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

observed, or have knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c)).

A dependent adult is an individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
4. When a report of abuse is received by the Office, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Office, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Office receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigative Bureau supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

317.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

317.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

317.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

317.7 INTERVIEWS

317.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

317.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

317.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

317.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

317.9.1 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigative Bureau supervisor so an interagency response can begin.

317.9.2 SUPERVISOR RESPONSIBILITIES

The Investigative Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Investigative Bureau supervisor that he/she has responded to a drug lab or other narcotics crime

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the adult.

317.10 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

(a) Providing a copy of the adult abuse report to the APS, ombudsman or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).

(b) Retaining the original adult abuse report with the initial case file.

317.11 JURISDICTION

The Napa County Sheriff's Office has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request in such cases. However, this office will retain responsibility for the criminal investigations (Penal Code § 368.5).

317.12 TRAINING

The Office should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

317.13 RELEVANT STATUTES

Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

(f) A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Welfare and Institutions Code § 15610.05

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

(a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:

(1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) For purposes of this section, “representative” means a person or entity that is either of the following:

(1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) “Isolation” means any of the following:

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe

Welfare and Institutions Code § 15610.57

(a) “Neglect” means either of the following:

(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. “Physical abuse” means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Discriminatory Harassment

318.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

318.2 POLICY

The Napa County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

318.3 DEFINITIONS

Definitions related to this policy include:

318.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual’s protected class. It has the effect of interfering with an individual’s work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

318.3.2 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

318.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.

(b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with County or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

318.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

318.4 RESPONSIBILITIES

This policy applies to all office personnel. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Director of Human Services or the County Executive.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

318.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include, but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensuring that his/her subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Sheriff or Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

318.4.2 SUPERVISOR’S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Office and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

318.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Director of Human Services, the County Executive, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

318.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

318.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

318.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Director of Human Services or the County Executive.

318.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

318.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

- Approved by the Sheriff, the County Executive or the Director of Human Services, depending on the ranks of the involved parties.
- Maintained in accordance with the office's established records retention schedule.

318.6.1 NOTIFICATION OF DISPOSITION
The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

318.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

318.7.1 STATE-REQUIRED TRAINING
The Administrative Lieutenant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Administrative Lieutenant should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

318.7.2 TRAINING RECORDS
The Administrative Lieutenant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

318.8 WORKING CONDITIONS

The Administrative Services Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

318.9 REQUIRED POSTERS

The Office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Child Abuse

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Napa County Sheriff's Office members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

319.2 POLICY

The Napa County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

319.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney’s office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1);

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

319.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Penal Code § 11166):

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

319.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

319.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

319.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

319.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to CPS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The deputy reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the deputy shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The deputy reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the deputy that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

319.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

319.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, deputies can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Deputies shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

319.7 INTERVIEWS

319.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

319.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

319.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

319.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child’s transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

medical examination, the notified supervisor should consider obtaining a court order for such an examination.

319.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

319.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Investigative Bureau supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

319.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigative Bureau supervisor so an interagency response can begin.

319.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

319.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

319.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

319.10.3 CACI HEARING OFFICER

The Investigative Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

319.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

319.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

319.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Missing Persons

320.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

320.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

320.2 POLICY

The Napa County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Napa County Sheriff's Office gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

320.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Office report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

320.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

320.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

320.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

320.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.
   1. The reports should be promptly sent to the Records Bureau.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

320.6.2 RECORDS BUREAU RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Investigative Bureau.

(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

320.7 INVESTIGATIVE BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Investigations.

(h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

320.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

(b) The missing person’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General’s Office.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

320.8.1 UNIDENTIFIED PERSONS

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person’s description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

320.9 CASE CLOSURE

The Investigative Bureau supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a resident of Napa County or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) If this office is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

320.10 TRAINING

Subject to available resources, the Administrative Lieutenant should ensure that members of this office whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of office members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Public Alerts

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

321.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

321.3 RESPONSIBILITIES

321.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Napa County Sheriff's Office should notify their supervisor, Shift Supervisor or Investigative Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

321.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

321.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

321.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

321.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

321.5 BLUE ALERTS

Blue Alerts may be issued when a deputy is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

321.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

321.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:

1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

321.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

321.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The office has utilized all available local resources.

(c) The investigating deputy or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating deputy or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

321.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

321.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff’s Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Shift Supervisor or Investigative Bureau Supervisor elects to use the services of the Sheriff’s Department, the following will apply:

(a) Notify the Sheriff’s Department Shift Supervisor of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff’s Department Shift Supervisor.

(c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff’s Department will be referred back to this office.

The Napa County Sheriff's Office shall assign a minimum of two detectives/deputies to respond to the Sheriff’s Department Emergency Communications Bureau to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the Emergency Communications Bureau.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Public Alerts

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Victim and Witness Assistance

322.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

322.2 POLICY

The Napa County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Napa County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

322.3 CRIME VICTIM LIAISON

The Sheriff shall appoint a member of the Office to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Napa County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

322.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

(a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.

(d) Annually providing CalVCB with his/her contact information (Government Code § 13962).

(e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

    1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Napa County Sheriff's Office jurisdiction (Penal Code § 680.2).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

322.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

322.4.1 VICTIMS OF HUMAN TRAFFICKING

Deputies investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

322.5 VICTIM INFORMATION

The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U Visa and T Visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the deputy's name, badge number and any applicable case or incident number.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

322.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Hate Crimes

323.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

323.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

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

(h) Examples of hate crimes include, but are not limited to:

1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
2. Defacing a person’s property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

323.2 POLICY

The Napa County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

323.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

(a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.

(b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

(c) Providing victim assistance and community follow-up as outlined below.

(d) Educating community and civic groups about hate crime laws.

(e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

323.4 INVESTIGATIONS

Whenever any member of this office receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned deputies should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned deputies should take all reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, deputies should take appropriate action to mitigate further injury or damage to potential victims or the community.

    1. Deputies should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the deputy once the offense is documented.

(e) The assigned deputies should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

    1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).

(f) Depending on the situation, the assigned deputies or supervisor may request additional assistance from detectives or other resources.

(g) The assigned deputies should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, should be completed and submitted by the assigned deputies before the end of the shift.

(h) The assigned deputies will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned deputies should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.

(i) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or County Counsel Penal Code § 136.2 or Civil Code § 52.1 as indicated).

323.4.1 INVESTIGATIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Investigative Bureau, the assigned detective will be responsible for:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victims and other involved individuals, as needed.

(c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Bureau Policy.

(d) Make reasonable efforts to identify additional witnesses.

(e) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).

(f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.

1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

323.4.2 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding deputies to identify reasonable and appropriate preliminary actions. The supervisor should:

(a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning a deputy at specific locations that could become targets or increase neighborhood surveillance.

(d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

323.5 TRAINING

All members of this office will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Standards of Conduct

324.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Napa County Sheriff's Office and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

324.2 POLICY

The continued employment or appointment of every member of the Napa County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

324.2.1 LEVELS OF DISCIPLINE

(a) **Level 1-Counseling by a superior officer:** No written record other than supervisory notes maintained by the person doing the counseling for the duration of the employee's evaluation period.

(b) **Level 2-Oral Reprimand:** This is accomplished by a confirming written memo, which will not be placed in the employee's personnel file unless a subsequent offense occurs of a related matter. The original is given to the employee and a copy is retained by the issuing supervisor with his/her supervisory notes.

(c) **Level 3-Written Reprimand:** A formal notice in memo format to the employee informing him/her that their performance and/or behavior must improve. This type of discipline is generally used when counseling or other non-disciplinary methods have not worked or is a more serious offense. The notice should define the area where improvement is needed and outline future disciplinary action to be taken if there is no improvement. The notice shall be placed into the employee's personnel file.

(d) **Level 4-Economic Sanction:** This action is generally reserved for more serious or repeated offenses. It includes suspension, demotion, and/or reduction in pay.

(e) **Level 5-Termination:** This action is the last step in the progressive discipline process.

324.2.2 AUTHORITY TO IMPOSE VARIOUS LEVELS OF DISCIPLINE

Levels 1, 2, and 3 can be implemented by any supervisory or management personnel. Supervisors should notify their manager prior to imposing level 2 or 3 to avoid double jeopardy situations. Levels d and e can be implemented only by management level personnel and above, unless an

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

emergency situation exists. Before implementation of levels 4 or 5, the County's Human Resource Director should be contacted.

The level of discipline used should be determined by the nature and seriousness of the offense or behavior, the repetitive nature of the behavior and the employees previous work history. The beginning of each disciplinary process should be initiated with an interview between the employee and the employee's supervisor. The interview is a very important element in the system as it allows the employee and opportunity to present an explanation of the incident or behavior. If discipline levels 3, 4, or 5 is the expected outcome of the interview, it shall be handled as an "Investigators Hearing" in accordance with applicable law.

324.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

324.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

324.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

324.3.3 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without expressed permission

(d) Unauthorized possession, use of, or attempting to bring illicit controlled substance or other illegal drug to any work site

324.3.4 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.

(p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.

(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

(r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(s) Offer or acceptance of a bribe or gratuity.

(t) Misappropriation or misuse of public funds.

(u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(v) Unlawful gambling or unlawful betting on department premises or at any work site. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Sheriff.

(y) Engaging in political activities during assigned working hours except as expressly authorized by the Sheriff.

(z) Violating any misdemeanor or felony statute.

(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.

(ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).

(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

324.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

324.4.1 SUSPENSION WITHOUT PAY DUE TO PENDING CHARGES

The Sheriff, upon giving notice as required, and consulting with the Human Resource Director, may suspend an employee with or without pay, against whom there is pending a criminal charge or policy violation which adversely affects the county service or conflicts with continued employment.

324.4.2 EMERGENCY PERSONNEL ACTIONS

On occasion, unusual or inappropriate behavior by a Department employee may require managers to take immediate personnel action to provide for the safety of individuals or security of Department facilities. The guiding principle of this section is to provide employees with a safe, secure working environment and to minimize disruption of service to the public. The emergency action should be taken by the highest available command level, depending on the time of occurrence. Ideally, the Division Commander should be involved; if unavailable, the Bureau Commander must be contacted.

When it becomes apparent that emergency personnel action may be necessary, the Division Commander or his/her designee must verify the emergency action should be taken. Depending on the information available and the seriousness of the employee's actions or behavior the following should be taken.

(a) If necessary, immediately order the employee to be seen by an on-call therapist from Occupational Health Services and have the employee observed or monitored until he/she can be seen by the psychologist.

(b) Place the employee on "Temporary Leave of Absence with Pay" preparing a memo to that effect and having the employee sign it. OR

(c) Have the employee report to a work location where supervision can be provided, pending the outcome of the investigation or medical review. This could involve an emergency change in shift schedule of the employee.

(d) Revoke the employee's police powers by collecting the duty weapon and other safety equipment, badge and identification. The Division Commander shall maintain

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

temporary possession of the equipment and monitor the employee's status on a day-to-day basis until a decision is made regarding any permanent action or return to duty.

324.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

324.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or County manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

324.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Napa County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

324.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

324.5.4 RELATIONSHIPS

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

324.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

324.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Napa County Sheriff's Office badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

324.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

324.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.

2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.

3. Gambling activity undertaken as part of a deputy official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Sheriff.

(i) Any act on- or off-duty that brings discredit to this department.

324.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the County.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

324.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

324.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

324.6 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, pursuant to County Rule 8, Section 2, the employee shall have no right to appeal and the following shall be considered:

(a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file

(b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) At all times during any investigation of allegations of misconduct involving a probationary deputy, such deputy shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies

(d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment

(e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence

(f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file

(g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Sheriff

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Information Technology Use

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software and systems.

325.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Napa County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Office or office funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

325.2 POLICY

It is the policy of the Napa County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

325.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any office computer system.

The Office reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Office, including the office email system, computer network, and/or any information placed into storage on any office system or device. This includes records of all keystrokes or Web-browsing history made at any office computer or over any office network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices, or networks.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The Office shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Office may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

325.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Supervisors.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

325.4.1 REPORT STORAGE

No criminal reports are to be stored on the hard disk unit of any laptop computer, whether owned by the department or by an employee. The risk of a confidential information breach is too great, and the lack of an audit trail violates the law.

Reports done on a laptop will be tranferred to the network via department issued portable storage device, which shall remain at the Sheriff's Office or in the possession of the assigned deputy while he/she is investigating the case, or directly transferred to the network. Once the report has been transferred to the network for permanent storage deputies shall delete all copies and versions of the report.

325.4.2 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any office computer. Members shall not install personal copies of any software onto any office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on office premises, computer systems or electronic devices. Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of office- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

325.4.3 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to office-related activities. Data stored on or available through office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

325.4.4 INTERNET USE

Internet access provided by or through the Office shall be strictly limited to office-related activities. Internet sites containing information that is not appropriate or applicable to office use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

Downloaded information shall be limited to messages, mail, and data files.

325.4.5 OFF-DUTY USE

Members shall only use technology resources provided by the Office while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

325.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

325.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Radio Discipline/Courtesy

326.1 PURPOSE AND SCOPE

The purpose of this Order is to establish guidelines for radio discipline and courtesy to ensure efficient and professional radio communications between dispatch and Sheriff's department employees.

326.2 AVAILABILITY

All field operations personnel (including patrol deputies, animal service officers, and police technicians) shall remain available by car radio or portable radio at all times while on duty.

If personnel must turn his/her radio off for some police purpose, he/she shall notify dispatch of the location and an available telephone number if possible.

326.3 RADIO DISCIPLINE

(a) Employees of the Napa County Sheriff's Department shall use the police radio for business purposes only. Radio transmissions of a personal nature are prohibited.

(b) Sound effects, music and other non-verbal communications are strictly prohibited as they may jeopardize officer safety.

(c) Sarcasm, criticism and/or argumentative radio transmissions are prohibited.

(d) Dispatch will have primary responsibility for all calls-for-service from the time of receipt, until the time the deputy has been assigned the call, at which time the responsibility shall shift to the assigned deputy.

(e) Calls assigned to an deputy by dispatch shall be handled by the deputy unless the call is pre-empted and reassigned by dispatch or the shift supervisor. Calls will not be reassigned arbitrarily. Calls of a higher priority shall be placed at the top of the list and some priority calls will be assigned over the radio. Calls may be reassigned by dispatch or a shift supervisor if they believe the reassignment will better serve the deployment of personnel.

(f) If a department personnel or dispatch disagree with a transmission and/or assignment he/she will bring it to the attention of their immediate supervisor as time permits.

(g) Radio transmissions should be short and to the point. Unnecessary or lengthy information should not be transmitted over the air.

326.4 RADIO PROTOCOL

326.4.1 ROUTINE TRAFFIC

Department personnel will first give the call designation of the person they are calling (i.e. Napa). Employees will then identify themselves by their department, shift, and beat designation (i.e. 5D2)

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

or call sign if no assignment has been made (e.g. 25L23). The originating person shall then provide the nature of the pending traffic to allow dispatch or whomever to pull up the proper screen or otherwise prepare to copy down the subsequent information or request (i.e. Napa, 5D1, 10-21 request). After providing this initial information the originating person should wait for a verbal acknowledgment prior to transmitting their message.

When possible, personnel should put themselves into service (10-8) and acknowledging all non-emergency calls via their unit's Mobile Data Computer (MDC). This includes showing themselves en route and on scene when they arrive on the call. Furthermore, personnel should obtain case numbers when possible via the MDC. No "Mic clicks" or other non-verbal acknowledgment will be accepted.

326.4.2 VEHICLE/PEDESTRIAN STOP

Department personnel initiating vehicle stops or pedestrian checks will notify dispatch of their activity via the MDC or verbally over the air. If personnel initiates this type of contact verbally over the air the person shall follow the procedure set for in § 341.4 (i.e. Napa, 5G4, 10-96).

Personnel on vehicle stops or pedestrian checks will advise dispatch they are "Code 4" as soon as practical.

326.4.3 EMERGENCY TRAFFIC

Emergency radio traffic intitiated by Department personnel should be preceded with the phrase, "Napa, employee designator (e.g. 5D3), emergency traffic, and location." (e.g. Napa, 5D3, emergency traffic, Madison and Washington) whenever possible.

(a) Employees with emergency radio traffic need not use radio codes when broadcasting information.

(b) The radio code "11-99" should only be used when personnel are in immediate danger of injury.

(c) The radio code "Code 33" shall be used when an emergency is in progress and a clear radio channel is requested. A "Code 33" may be called by any deputy, animal control officer or dispatcher, but may only be cancelled by the assigned deputy/officer or the shift supervisor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Report Preparation

327.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to:

(a) Help the District Attorney and Public Defender prepare for trial

(b) Help refresh the deputy's recollection

(c) Identify elements of the crime

(d) Identify witnesses

Report writing is the subject of substantial formalized training and on-the-job training. Crime reports shall be completed and routed in an expeditious manner to ensure the necessary information is received by the appropriate people.

327.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee’s opinions should not be included in reports unless specifically identified as such.

327.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate office approved form unless otherwise approved by a supervisor.

327.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

(a) All arrests

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) All felony crimes

(c) Non-Felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

327.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Anytime a deputy points a firearm at any person

(b) Any use of force against any person by a member of this office (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

327.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling deputy should notify and apprise a supervisor of the circumstances surrounding the incident to determine how

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides.

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

(e) Found dead bodies or body parts.

327.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

327.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this office shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

327.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

327.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all deputies and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

327.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for office consistency.

327.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

327.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating deputy to ensure that any report returned for correction is processed in a timely manner.

327.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

327.6 TELEPHONIC REPORTS

Generally, reports are not to be taken over the telephone unless specifically requested by the reporting party or if the reporting party is located outside of the County of Napa at the time of the report.

327.8 SERGEANT'S LOG

A summary of reportable activities shall be maintained on the Department's Intranet to inform staff of recent reportable activity and other information of interest. It is the reporting deputy's responsibility to enter the appropriate information on the Sergeant's Log at the end of each shift. The log can be the sole source of information for media releases and shall minimally contain the date, time, location, case number, and nature of the event, as well as the names and dates of birth and city of residence for those involved. The following is an example of the types of information that should be recorded: all felonies, all arrests, DVR's, coroner cases, officer safety issues, follow-up requests and any other item of information that may be of interest to other members of the department.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Subpoenas and Court Appearances

328.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Napa County Sheriff's Office to cover any related work absences and keep the Department informed about relevant legal matters.

328.1.1 DEFINITIONS

On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

328.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

328.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

328.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

328.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

328.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Shift Sergeant of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

328.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

328.2.6 OFF-DUTY RELATED SUBPOENAS
Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Napa County Sheriff's Department as a peace officer shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

Note: Employees who have laterally transfered from another agency that receive subpoenas for actions taken as a peace officer with there former employer will be compensated, in accordance with the conditions set forth by their current Memorandum of Understanding, by this department for their court time .

328.2.7 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

328.3 CIVIL SUBPOENAS
The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any deputy for reasonable and necessary travel expenses.

The Department will receive reimbursement for the deputy's compensation through the civil attorney of record who subpoenaed the deputy.

328.3.1 PROCEDURE
To ensure that the deputy is able to appear when required, that the deputy is compensated for such appearance, and to protect the Department's right to reimbursement, deputies shall follow the established procedures for the receipt of a civil subpoena.

328.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the deputy or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

328.3.3 PARTY MUST DEPOSIT FUNDS
The party in the civil action that seeks to subpoena a deputy must deposit the statutory fee of $275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the deputy make multiple appearances must make an additional deposit in advance.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

328.4 OVERTIME APPEARANCES

If the deputy appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

328.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

328.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed deputy shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

328.6 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

328.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

328.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Sheriff, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding;

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or

(c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Media Relations

329.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

329.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff, however, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Division Commanders, Shift Supervisors and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

329.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Sheriff.

329.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

329.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

329.3.2 MEDIA RIDE-A-LONGS

Media ride-a-longs can only occur with the approval of the Sheriff and/or his designee. Media ride-a-longs must sign a special media ride-a-long waiver acknowledging federal ride along restrictions and waive any liability to the sheriff's department. During media ride-a-longs, Sheriff's employees will not permit members of the media inside private homes during the execution of a serarch or any other police activity. If the property owner or resident allows or invites the media inside they may be admitted as long as they do not interere with the conducting of business.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

329.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Supervisor. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Shift Supervisor (Welfare and Institutions Code § 827.5).

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

329.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Outside Agency Assistance

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

330.2 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

330.3 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

330.4 POLICY

It is the policy of the Napa County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

330.5 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor’s office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

330.5.1 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Napa County Sheriff's Office shall notify his/her supervisor or the Shift Supervisor and the Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Major Incident Notification

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

331.2 POLICY

The Napa County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

331.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Napa County official
- Arrest of a department employee or prominent Napa County official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

331.4 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Supervisor shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

331.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Sheriff shall be notified along with the affected Division Commander and the Detective Lieutenant if that bureau is affected.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

331.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

331.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Registered Offender Information

332.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Napa County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

332.2 POLICY

It is the policy of the Napa County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

332.3 REGISTRATION

The Investigative Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

332.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

332.4 MONITORING OF REGISTERED OFFENDERS

The Investigative Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant’s parole or probation officer.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Any discrepancies should be reported to the California DOJ.

The Investigative Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Napa County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

332.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Napa County Sheriff's Office’s website. Information on sex registrants placed on the Napa County Sheriff's Office’s website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

332.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender’s full name

(b) The offender’s known aliases

(c) The offender’s sex

(d) The offender’s race

(e) The offender’s physical description

(f) The offender’s photograph

(g) The offender’s date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

332.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Death Investigation

333.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

333.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

333.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(l) Occupational diseases or occupational hazards.

(m) Known or suspected contagious disease and constituting a public hazard.

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

(o) In prison or while under sentence. Includes all in-custody and sheriff's involved deaths.

(p) All deaths of unidentified persons.

(q) All deaths of state hospital patients.

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

333.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that a deputy is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to a deputy that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating deputy shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the deputy pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

333.2.3 CORONER INVESTIGATION

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) All violent, sudden, unusual or unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.)

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown

(d) Known or suspected homicide

(e) Known or suspected suicide

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion

(h) Associated with a known or alleged rape or crime against nature

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration

(k) Accidental poisoning (food, chemical, drug, therapeutic agents)

(l) Occupational diseases or occupational hazards

(m) Known or suspected contagious disease and constituting a public hazard

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere

(o) In prison or while under sentence. Includes all in-custody and sheriff's involved deaths

(p) All deaths of unidentified persons

(q) All deaths of state hospital patients

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths

(s) All deaths where the patient is comatose throughout the period of the physician's attendance

1. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

When the decedent is a resident of the Veterans' Home in Yountville or Napa State Hospital and the death appears to be from natural causes, the deputy coroner may have the remains removed to the morgue at the respective facility.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

333.2.4 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that a deputy who is not acting in a coroner's capacity is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or Deputy Coroner shall be promptly notified. Should exigent circumstances indicate to a deputy that any search of a known dead body is warranted prior to the arrival of the Coroner or Deputy Coroner; the investigating deputy shall first obtain verbal consent from the Coroner or Deputy Coroner.

Whenever possible, a witness, preferably a relative to the deceased or a member of the household or facility, should be requested to remain at the scene with the deputy or deputy coroner during the investigation. The name and address of this person shall be included in the narrative of the report.

Whenever personal effects are removed from the body of the deceased by the Deputy Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

333.2.5 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

333.2.6 TAGGING THE REMAINS

It shall be the responsibility of the Deputy Coroner to personally complete the tag and secure the tag to the toe of the decedent. In the event the toe is unavailable, or inconvenient, the tag may be secured to (in order of preference) the ankle, wrist, or other portion of the body.

333.3 DEATH NOTIFICATION

When practical notification to the next-of-kin of the deceased person shall be made, in person, by the deputy coroner assigned to the incident. If the next-of-kin lives outside this county, the Coroner in that jurisdiction or the law enforcement agency where the descendant resides will be requested to make the notification. The Coroner needs to know if notification has been made. Assigned investigators may need to talk to the next-of-kin.

When the next-of-kin lives outside the state of California, the Coroner or deputy coroner shall send a teletype to the local law enforcement agency having jurisdiction where the next-of-kin resides. In the teletype, he/she shall request the deliverance of the death notification and confirmation upon its completion. When determining who constitutes the "next-of-kin" (see Probate Code § 8461) for the purpose of satisfying this requirement, the Coroner or deputy coroner shall follow guidelines in the stated priority:

(a) The legal spouse of the deceased. This does not include ex-spouses, boyfriends, girlfriends, or roommates, but does include a spouse who is legally separated, but not divorced.

(b) Parent of the decedent

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Any adult brother or sister of the deceased.

(d) Any other adult blood relative of the deceased. This includes uncles, aunts, cousins ect

(e) Any other responsible adult who is related to the deceased by marriage, ect

(f) Any adult close friend.

If the decedent is a resident of the Veterans' Home in Yountville, Napa State Hospital, or a State correctional facility notification of the next-of-kin is the responsibility of the respective facility's staff. The investigating deputy coroner's responsibility, however, will be to ensure that notification has been made.

Whenever the evidence indicates that the decedent has no next-of-kin of the type listed above, and there is no one to notify, the deputy coroner shall so indicate this in his report.

333.4 RETENTION OF PROPERTY/EVIDENCE

Sheriff's personnel will take the utmost care to assure that the property of a decedent is accurately recorded on an inventory list, properly safeguarded and promptly released to the next-of-kin or other authorized recipient. If the deceased has no will, property shall be released to the closest next-of-kin. The legal next-of-kin or lawful recipient of the decedent's personal property will be determined by the Deputy Coroner. For this purpose the closest next-of-kin should be considered in this order:

(a) Spouse

(b) Child

(c) Parent

(d) Brother or sister

(e) Niece or nephew

(f) Uncles, aunts or cousins

Ballistic, GSR and Firearm evidence shall be retained for a minimum of one (1) year in all deaths involving the use of a firearm. After the one-year period evidence shall only be destroyed after the case has been reviewed by the Chief Deputy Coroner and the Investigations Bureau Commander.

Clothing from apparent suicides, homicides, and accidents shall be maintained a minimum of one (1) year. After the one-year period, the Evidence Technician shall contact the Chief Deputy Coroner. The Chief Deputy Coroner shall review the case with the Investigations Bureau Commander before destruction of the items.

Coroner's Biological and Toxicological Specimens/tissues shall be maintained using the following schedule. This only pertains to death investigations involving apparent suicide, homicide, or accidents:

- Micro slides Hold Indefinitely

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

- Tissue blocks Hold Indefinitely
- DNA samples Hold Indefinitely
- Toxicology Specimens 3 year minimum
- Tissue 10 year minimum

333.5 X-RAYS

Full body x-rays shall be obtained routinely in the following deaths (unless fewer x-rays are authorized by the supervising deputy coroner):

(a) Homicide

(b) Any child under two years of age or younger

(c) Burn victims

(d) Aircraft accident victims

(e) Decomposed bodies

(f) In-custody or officer involved deaths

Partial x-rays may be obtained in the following cases:

- Accidental gunshot victims
- Suicide gunshot victims
- Or whenever requested by the pathologist

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Identity Theft

334.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

334.2 REPORTING

(a) In an effort to maintain uniformity in reporting, deputies presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:

1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting deputy should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Private Persons Arrests

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

335.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all deputies shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, deputies should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

335.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

335.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(1). The deputy must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

335.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Civil Disputes & Repossessions

336.1 PURPOSE AND SCOPE

The Sheriff's Department recognizes the difficulty of situations that are civil in nature and will maintain a neutral position when dealing with such situations. Members shall not provide any legal advice and should refer all such requests to the civil courts. When faced with a civil matter, Deputies should use common sense when deciding whether or not to make an arrest, even though probable cause may exist to do so. An exception to this would be a situation requiring that an arrest be made such as a Domestic Violence complaint.

336.2 GENERAL INFORMATION

Generally, members of the Sheriff's Department will not accompany members of the public to a location for the purpose of "preserving the peace". A request for this service may be considered and approved by the on-duty supervisor if exigent circumstances exist that require our presence.

Persons requesting a standby should be referred to the Civil courts for a court order or told to consider other options.

Domestic violence situations may require a Deputy to standby for a reasonable time while a party gathers personal belongings at the time of the incident report. In urgent circumstances, the supervisor may approve a "Preserve the peace" detail.

The Napa Sheriff's Department's position is that if a deputy sheriff is needed to accompany a repossession firm to preserve the peace, it necessarily follows that the repossession cannot take place without a breach of the peace and therefore the repossession is not permitted under § 9503 of the Commercial Code. Therefore, it is the policy of the Napa Sheriff's Department not to accompany the agent of a repossession firm when a repossession of personal property is attempted for the sole purpose of preserving the peace. Under § 507.12 of the Business & Professions Code, with regard to collateral subject of registration under the Vehicle Code, repossession occurs when the repossessor gains entry to the collateral or when the collateral becomes connected to a tow truck.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Anti-Reproductive Rights Crimes Reporting

337.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

337.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

337.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.

(c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Limited English Proficiency Services

338.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

338.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Napa County Sheriff's Office, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

338.2 POLICY

It is the policy of the Napa County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

338.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Coordinating and implementing all aspects of the Napa County Sheriff's Office's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Supervisor and Dispatch Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

338.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

338.5 TYPES OF LEP ASSISTANCE AVAILABLE

Napa County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

338.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

338.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

338.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

338.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

338.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

338.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

338.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

338.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Napa County Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

338.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Dispatch Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

338.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

338.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

338.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

338.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

338.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

338.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

338.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The Administrative Lieutenant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Administrative Lieutenant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

338.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Administrative Lieutenant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Communications with Persons with Disabilities

339.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

339.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

339.2 POLICY

It is the policy of the Napa County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

339.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the County ADA coordinator regarding the Napa County Sheriff's Office's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and Dispatch Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

339.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

339.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Napa County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

339.6 TYPES OF ASSISTANCE AVAILABLE

Napa County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

339.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

339.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

339.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

339.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

339.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

339.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

339.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

339.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

339.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

339.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee’s health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

339.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

339.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

339.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Administrative Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Administrative Lieutenant shall maintain records of all training provided, and will retain a copy in each member’s training file in accordance with established records retention schedules.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Biological Samples

340.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

340.2 POLICY

The Napa County Sheriff's Office will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

340.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

340.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

340.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

340.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

340.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

340.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

340.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

340.6.1 DOCUMENTATION RELATED TO FORCE

The Shift Supervisor shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

340.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

340.6.3 LITIGATION

The Sheriff or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Mandatory Employer Notification

341.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

341.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Sheriff or his/her designee is required to report the arrest as follows.

341.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

341.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

341.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Sheriff or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

341.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR
In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Sheriff or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

341.3 POLICY
The Napa County Sheriff's Office will meet the reporting requirements of California law to minimize the risks to children and others.

341.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES
In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Off-Road Enforcement Team

342.1 PURPOSE AND SCOPE

The Sheriff's Department has instituted an Off Highway Enforcement Team to better provide services in areas, which are unreachable by conventional patrol vehicles.

342.2 OFF-ROAD ENFORCEMENT TEAM RESPONSE

Deputies receiving calls or information regarding areas accessible only to off-highway vehicles (OHV) may request that their supervisor forward this information to the Sergeant in charge of the team. The information received by the unit Sergeant will be considered when assigning the team's riding schedules.

If a situation is deemed to be exigent as defined by the Sheriff, Undersheriff, Field Operations Commander, or Lieutenant, an immediate response by the team may be required.

All non-scheduled operations will be at the discretion of a Lieutenant or above.

342.3 ASSIGNMENT TO THE OFF-ROAD ENFORCEMENT TEAM

Because of the expense of individual riding equipment, it is the intent of the department to fill these positions with the best-qualified personnel to avoid purchasing equipment for those who may not be able to perform the required duties or who may ultimately decide not to perform the required duties of the team. Therefore the following conditions will apply:

(a) All applicants must possess a valid California Driver's License with motorcycle endorsement at the time of application.

(b) Must be able to articulate necessary qualifications for appointment to the team such as on and off road riding experience.

(c) Must be free of medical conditions that could be aggravated by off road riding including but not limited to problems with joints, back or internal organs.

(d) Must be able to get out from under the motorcycle while it is laying on them.

(e) Assignment to this unit will be made on the recommendation of supervisors, Administration Staff and the Off-Road Enforcement Team supervisor. The Sheriff will make the final decision.

1. An interview, physical medical exam and certain testing may be required.

342.4 GENERAL INFORMATION

The Department maintains and partially funds this specialized enforcement unit. The State of California's Off-Highway Vehicle (OHV) Grant provides the funding for the purchase of necessary equipment. Equipment and vehicles purchased by the grant shall only be used by team members. This unit will primarily patrol the Knoxville area of Napa County on a part time basis, but is also subject to use in all areas of the county where persistent off-road problems are occurring. The unit

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

may also be used to assist search and rescue operations that occur in an off-road setting. It is the desire of the Sheriff's Department to meet the goals of the Off-Highway Vehicle Commission to ensure continued support by the State of California.

The rules, regulations and desires of the State of California's Off Highway Vehicle Commission shall determine how and where the equipment purchased through grant applications will be used.

Currently, these vehicles shall not be used for on-road enforcement such as traffic enforcement, pursuits, and patrol division's calls for service. They may be used on-road while traveling to or from an off-road area.

The commission's primary areas of concern are:

(a) The education of OHV users regarding Federal, State and local laws and ordinances pertaining to OHV use.

(b) The issuance of citations to OHV users who are not in compliance with registration laws.

(c) The prosecution of OHV trespassers onto Federal, State and private property where OHV use is prohibited.

(d) The protection of the environment on public lands.

(e) The safety and necessary rescue of persons on public lands.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Public Safety Defibrillation

343.1 PURPOSE AND SCOPE

Specific individuals within the Sheriff-Coroner's Department will receive training and be allowed use of the AED (Automatic External Defibrillator) according to established EMS policies and procedures as well as applicable state codes.

343.2 PROGRAM AUTHORIZATION

The Sheriff-Coroner's Department will submit an application for authorization to implement an AED program with the Napa County EMSA.

To maintain an AED program, the Sheriff-Coroner's Department must comply with specific requirements as set forth in Coastal Valleys EMS/Napa County Policy No. C/06.

343.3 TRAINING REQUIREMENTS

The specific training requirements are identified in Coastal Valleys EMS/Napa County Policy No. C/06 and must be taught by an approved AED instructor. The initial course is four (4) hours in length. Proficiency with AED skills must be demonstrated and documented every three years. Re-certification will take place in conjunction with CPR training.

343.4 AED COORDINATION

The Sheriff-Coroner's Department will select a "Quality Improvement Coordinator" who will be responsible that all authorized AED personnel meet the training and continuing educational requirements of this policy. The QI Coordinator will be responsible for submitting all required documentation to the Coastal Valley EMS Authority.

The department will assign a member to act as "agency coordinator" who will oversee the program and contact with the Quality Improvement Coordinator. The department will also assign several "site coordinators" who will be responsible for equipment maintenance and assisting with training.

343.5 REPORTING REQUIREMENTS

Specific information is required on each patient that the AED is used on. When the AED is used, it is the responsibility of the authorized AED operator to submit the appropriate documentation to their shift supervisor. That supervisor will remove the memory card and obtain a replacement card for placement in the AED from one of the site coordinators or the agency coordinator. The used memory card and any reports will be routed via the agency coordinator to the QI Coordinator. It is the responsibility of the QI Coordinator to submit all required documentation to the Coastal Valleys EMS Authority within the time frames identified in Napa County policies.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Child and Dependent Adult Safety

344.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

344.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Napa County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

344.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

344.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

  1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

  1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Shift Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

344.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

344.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

344.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

344.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked patrol car or taken into formal protective custody.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

344.5 TRAINING

The Administrative Lieutenant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Service Animals

345.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

345.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

345.2 POLICY

It is the policy of the Napa County Sheriff's Office to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

345.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

345.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Napa County Sheriff's Office affords to all members of the public (28 CFR 35.136).

345.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal’s status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

345.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

345.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a deputy may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

345.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Off-Duty Law Enforcement Actions

346.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Napa County Sheriff's Office with respect to taking law enforcement action while off-duty.

346.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

346.3 FIREARMS

Deputies of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty deputies shall also carry their department-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the deputy’s senses or judgment.

346.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

346.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Napa County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

346.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

346.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

346.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

346.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Supervisor as soon as practicable. The Shift Supervisor shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Volunteer Program

347.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn deputies and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

347.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support, youth involved in a law enforcement Explorer Post and auxiliary members, among others.

347.1.2 AUXILIARIES

Current auxiliaries include: Search and Rescue, Mounted Posse, and the Aero Squadron.

347.2 VOLUNTEER MANAGEMENT

347.2.1 VOLUNTEER COORDINATORS

The Volunteer Coordinators shall be appointed by the Operations Bureau Commander. The function of the Volunteer Coordinators is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinators should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinators (aka liaison's), or their designees, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Outlining expectations, position descriptions, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer activities and work hours.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic training events.

(i) Administering discipline when warranted.

(j) Attendance at volunteer meetings and special events.

(k) Maintaining procedure manual for their specific auxiliary or volunteer group.

347.2.2 RECRUITMENT

Volunteers should be recruited on an as needed basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

347.2.3 SCREENING

All prospective volunteers should complete the "Sheriff's Volunteer Application". The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration to ensure that the position applied for is appropriate for their skills, abilities, and availablility.

All prospective volunteers should then complete:

(a) Release & Waiver, for non-sworn

(b) Credit Check Waiver

A documented background investigation shall be completed, by the Volunteer Coordinator, on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Local Law Enforcement Agency Check

(c) References

(d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

347.2.4 SELECTION AND PLACEMENT

Timing: Once an applicant has submitted the "Sheriff's Volunteer Application", the appropriate Volunteer Coordinator shall make contact with the applicant within two weeks, to schedule an interview.

Once the applicant passes the initial interview/application review, the background process should be completed within two months and the applicant advised of the outcome.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall sign a volunteer agreement and (when applicable) complete the Disaster Service Worker Registration.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

347.2.5 TRAINING

The Volunteer Coordinator(s) will ensure that volunteers are provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

347.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) Any contact with law enforcement where the volunteer is a suspect, victim, or witness.

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

347.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty, except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

347.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

347.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

347.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

347.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator(s) should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

347.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator(s) should ensure that radio and CLETS training is provided for volunteers, whenever assignemnt makes it necessary.

347.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

347.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

347.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator(s). Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Native American Graves Protection and Repatriation

348.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

348.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

348.2 POLICY

It is the policy of the Napa County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

348.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Investigations, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

348.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Agency Use of Social Media

349.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office (see the Investigation and Prosecution Policy).

349.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the office website or social networking services

349.2 POLICY

The Napa County Sheriff's Office may use social media as a method of effectively informing the public about office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

349.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only agency-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise byan administrator.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by an administrator prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

349.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the office mission and conforms to all office policies regarding the release of information may be posted.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the office mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

349.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

349.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Napa County Sheriff's Office or its members.

(e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this office’s social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

349.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The Office may provide a method for members of the public to contact department members directly.

349.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

349.7 RETENTION OF RECORDS

The Administrative Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

349.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on office sites.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Gun Violence Restraining Orders

350.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders.

350.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

350.2 POLICY

It is the policy of the Napa County Sheriff's Office to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Office pursuant to such orders.

350.3 GUN VIOLENCE RESTRAINING ORDERS

A deputy who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Deputies petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the deputy believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, a deputy may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

350.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

A deputy serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The deputy should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

350.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS
If a gun violence restraining order is obtained orally, the deputy shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Records Bureau for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

350.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the deputy should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The deputy serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the deputy shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

350.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by a deputy or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by a deputy, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Office are properly maintained (Penal Code § 18120).

350.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual's name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

350.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

PEER SUPPORT TEAM PROGRAM

351.1 PURPOSE AND SCOPE

The Napa Sheriff's Office recognizes the value and need to provide employees with in-house resources to support them in managing professional and personal crisis. The purpose of this instruction is to establish policy relating to an in-house peer support team.

Critical incidents often precipitate feelings of anxiety, guilt, anger, denial and disillusionment. Although these feelings are natural and should be expected as part of the psychological and physiological phenomena that occur during and after such events, they are seldom understood or acknowledged. If they are not immediately addressed, they may lead to inappropriate behavior and poor performance. This behavior may adversely affect the employee's personal and or professional wellbeing.

351.2 COMPOSITION

The Sheriff, or his designee, may appoint any qualified department employee to the Peer Support Team. The Peer Support Team shall consist of a minimum of one (1) Sergeant, and four (4) department employees of line staff rank. Peer Support Team personnel will serve at the discretion of the Sheriff.

The Peer Support Team will be administratively managed by a Lieutenant. The manager will appoint the Sergeant as the Team Leader. The Team Leader will report directly to the Lieutenant, who will report directly to the Undersheriff and Sheriff.

Clinical oversight of the team shall be overseen by a contracted, licensed, professional psychiatrist or psychologist.

351.3 CRITICAL INCIDENTS

Critical incidents that require a Peer Support Team assessment should include, but are not limited to:

(a) All officer involved shootings were a subject is killed or wounded;

(b) Where an employee witnesses another employee's death or serious injury;

(c) Where an employee is a witness or participant to an incident involving multiple deaths;

(d) Infant or child's death;

(e) Natural disaster involving multiple deaths;

(f) Any incident that is likely to affect the employee's ability to interact with the public and carry out their job functions (to include non-work related challenges such as; death of family member, divorce, etc.)

(g) Any other incident deemed appropriate by the employee's supervisor or manager;

(h) Any other incident deemed appropriate by the Sheriff or his designee.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Whenever a supervisor or manager is notified of a critical incident that may require assessment by the Peer Support Team, he/she shall contact the program's Sergeant, as soon as practical. The program's Sergeant will make the determination as to the scope of the response that is needed from the Peer Support Team.

351.4 PEER SUPPORT TEAM DUTIES

Peer Support Team members are intended to be a resource available to department personnel during and after professional or personal crisis. Peer Support Team members will be available to:

- Listen to anther employee's feelings after a critical incident or crisis situation;
- Provide information on other resources available (i.e. Employee Assistance Program, Alcoholic Anonymous, credit counseling, grief counseling, etc.)
- Assist with critical incident debriefings. These debriefings occur, typically, 24-72 hours after the end of the critical event, with Peer Support team members and a CISM (Critical Incident Stress Management) mental health professional to conduct the debriefing.
- Respond to an employee's request for peer support;
- Provide peer support information to new employees;

Personnel who may be involved in conducting administrative or criminal investigations shall avoid any conflict of interest which may arise by placing themselves in both a peer support and investigative role on the same incident.

351.5 CONFIDENTIALITY

All conversations between peer support personnel and employees are not privileged under the Evidence Code. The Department will respect the confidentiality of conversations between peer support personnel and employees, with the following exceptions:

(a) Information concerning the commission of a crime;

(b) The employee is a danger to themselves or danger to others.

Disclosures under these exceptions will be made directly to the Sheriff, where any department member is involved.

Peer Support Team members who breach confidentiality when any of the above exceptions do not apply, will be immediately removed from the team.

351.6 SELECTION PROCESS

Peer Support Team members are recruited from department personnel as a collateral duty. Attention will be placed on recruiting a diverse assortment of personnel, from various bureaus. The recruiting process shall consist of identifying those individuals who meet the following criteria:

(a) Are not on probation at the time of appointment;

(b) Agree to maintain confidentiality except in situations outlined in this policy;

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Be empathetic and possess interpersonal and communication skills;

(d) Be motivated;

(e) Successful review of the individuals department personnel file;

(f) Must be willing to attend and successfully complete training programs;

(g) Must attend quarterly meetings;

(h) Willingness to be called out on off days and after hours;

In addition, interested personnel must possess the following traits:

- Maturity
- Patience
- Communication skills
- Listening skills

When Peer Support Team positions become available, notifications will be communicated department wide and interested personnel will be screened and selected by the program's Lieutenant and Sergeant.

The selected personnel will be recommended to the Sheriff, or his designee, for appointment to the team.

351.7 TRAINING

All personnel assigned to the Peer Support Team will attend and successfully complete a California P.O.S.T. training course on peer support. Personnel will also attend quarterly trainings and meetings

351.8 PEER SUPPORT ATTIRE

At all Peer Support "call-outs", functions, trainings, or events, casual business attire will be worn

351.9 REPORTING

The Peer Support Team Leader (Sergeant) may be required to submit an annual report on all Peer Support activities or events. The report will not reflect any names or confidential issues. The purpose of the report is to assess the teams future needs, its effectiveness, and progress.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 4 - Patrol Operations

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.1.1 TERRORISM

It is the goal of the Napa County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigative Bureau Supervisor in a timely fashion.

400.2 POLICY

The Napa County Sheriff's Office provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and office members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed deputies in clearly marked law enforcement vehicles in assigned jurisdictional areas of Napa County. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.

(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(i) Directing and controlling traffic.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Office should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other bureaus or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with office policies and applicable laws. Members are encouraged to share information with other units and bureaus.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Napa County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

The Napa County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

401.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, a deputy conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple deputies conduct a stop, the deputy with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Napa County Sheriff's Office is the primary agency, the Napa County Sheriff's Office deputy shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the deputy’s shift or as soon as practicable (11 CCR 999.227).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between deputies and the public to ensure compliance with the policy.

    1. Supervisors should document these periodic reviews.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

Each year, the Operations Division Commander should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff.

The annual report should not contain any identifying information about any specific complaint, member of the public or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Administrative Lieutenant.

(a) All sworn members of this office will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this office are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this office who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Team Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against deputies is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however deputies may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying deputies of changes in schedules and assignments

(c) Notifying deputies of new Interim Directives or changes in Interim Directives

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his or her absence or for training purposes.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Napa County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

403.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

SWAT AND CRISIS NEGOTIATION TEAMS

404.1 PURPOSE AND SCOPE

The SWAT Team is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and special tactical deployment methods are required to reduce the risk of injury or loss of life to the citizens of Napa County.

404.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.1.3 CRISIS NEGOTIATION TEAM DEFINED

A Crisis Negotiation Team is a designated group of personnel specifically selected, trained, and equipped to work as a team in coordination with the SWAT tactical unit to assist in the resolution of critical incidents by means of communication and negotiation with criminal suspects and other persons.

404.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform two basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It shall be the policy of this department to maintain a Negotiation Team and to provide the equipment, manpower and the training necessary to maintain a Negotiation Team. The Negotiation Team should develop sufficient resources to perform four operational functions:

(a) Negotiations

(b) Intelligence

(c) Tactical Liaison

(d) Logistics

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. Because such procedures are specific to Swat Team members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

  1. All SWAT team members should have an understanding of operational planning.
  2. SWAT team training should consider planning for both spontaneous and planned events.
  3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

  1. When possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether or not a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post incident scene management including:

  1. Documentation of the incident.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.
    (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
    (b) Such debriefing should not be conducted until involved deputies have had the opportunity to individually complete necessary reports or provide formal statements.
    (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    (d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment deployed.

k. Reactive Authority.

1. In some extremely urgent circumstances, the SWAT Unit or individual SWAT personnel may be forced to act or react to life threatening situations which are beyond the scope of the mission assigned to the SWAT Unit, and at the time is not able to consult the Incident Commander.

l. Suppressive Fire

1. Under some extreme conditions, it may become necessary for SWAT personnel to employ "Suppressive Fire". Suppressive Fire would consist of weapons fire directed at armed suspect's location with the intent of incapacitating the suspect and/or preventing the suspect from firing on officers or innocent persons located in vulnerable positions. SWAT personnel are accountable for all rounds fired and shall not endanger innocent persons with unnecessary weapons fire.

404.4 TRAINING NEEDS ASSESSMENT

The SWAT Commander shall conduct an annual SWAT and CNT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1081).

404.4.1 SELECTION OF PERSONNEL

Interested sworn personnel must be off probation. Applicants will be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance;

(b) Demonstrated good judgment and understanding of critical role of SWAT or CNT member;

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Special skills, training, or appropriate education as it pertains to this assignment; and,

(d) Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team. A list of successful applicants shall be submitted to the Tactical Commander or CNT Supervisor for final recommendation.

404.4.2 UPDATED TRAINING

Appropriate team training for the specialized functions and other supporting resources should be completed prior to full deployment of the team.

SWAT and CNT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Team Leader. The Team Leader may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) Annually, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the Team Leader. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Each SWAT team member shall complete the annual SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the Team Leader. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.4.7 TRAINING DOCUMENTATION

Individual training shall be documented and records maintained by the Team Leader or his designee. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training. The training file shall be maintained by the Team Leader.

404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 UNIFORMS

SWAT and CNT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.5.2 EQUIPMENT

SWAT and CNT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

404.5.3 FIREARMS
Weapons and equipment used should be agency-issued or approved, including any modifications, additions, or attachments.

404.6 MANAGEMENT/SUPERVISION

The Commander of the SWAT Team and Supervisor of CNT shall be selected by the Sheriff upon recommendation of staff.

404.6.1 PRIMARY UNIT MANAGER
Under the direction of the Sheriff, through the Operations Division Commander, the SWAT Team shall be managed by a lieutenant.

404.6.2 TEAM SUPERVISORS
The Crisis Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant or qualified Team member.

The team supervisors shall be selected by the Sheriff upon specific recommendation by staff and the Tactical Commander.

The following represent the supervisor responsibilities for the SWAT Team and CNT.

(a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the Tactical Commander.

(b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the Tactical Commander.

404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

404.7.1 SELECTION OF PERSONNEL
Interested sworn personnel, who are off probation, shall submit a letter of interest to their appropriate Division Commander. A copy will be forwarded to the SWAT Team Leader and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Tactical Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

404.7.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the Crisis Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

404.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a letter of interest to the Team Leader, a copy of which will be forwarded to the Tactical Commander and Division Commander. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Team Leader. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SWAT Team Leader. Applicants will be evaluated by the following criteria:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. Recognized competence and ability as evidenced by performance;
2. Demonstrated good judgment and understanding of critical role of SWAT member;
3. Special skills, training, or appropriate education as it pertains to this assignment; and,
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT Team Leader. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun and patrol carbine.

(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to staff, by the SWAT Team Leader, for final selection.

404.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the Team Leader during their probationary period. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

404.9 OPERATION GUIDELINES FOR SWAT TEAM AND CRISIS NEGOTIATORS

The following procedures serve as guidelines for the operational deployment of the SWAT and Negotiation Team. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the Team Laeder and Tactical Commander.

404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SWAT Team is to respond to the scene. Upon final determination by the Shift Supervisor, he/she will notify the SWAT Team Leader and Tactical Commander.

404.9.2 APPROPRIATE SITUATIONS FOR USE OF THE SWAT TEAM

The following are examples of incidents which may result in the activation of the SWAT Team:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Arrests of dangerous persons.

(d) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.9.3 OUTSIDE AGENCY REQUESTS

Deployment of the Napa County Sheriff's Office SWAT or CNT Team in response to requests by other agencies must be authorized by a Division Commander.

404.9.4 MULTI-JURISDICTIONAL OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the Napa County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the Napa County Sheriff's Office when working in a multi-agency situation.

404.9.5 MOBILIZATION

The On-Scene supervisor shall make a request to the Shift Supervisor for the SWAT or CNT Team. The Shift Supervisor shall then notify the Team Leader and Tactical Commander. If unavailable, an Assistant Team Leader shall be notified. A current mobilization list shall be maintained in Records. The Tactical Commander will then notify the Operations Division Commander as soon as practical.

The Shift Supervisor should advise the Team Leader with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of deputies involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The Team Leader or supervisor shall then activate a SWAT Team call out.

404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT Team, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.

2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the SWAT Team has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the Tactical Commander/ Team Leader on the situation.

(g) Plan for, and stage, anticipated resources.

404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT Team at the scene, the Incident Commander shall brief the Tactical Commander and Team Leader about the situation. Upon review, it will be the Incident Commander's decision, with input from the Tactical Commander, whether to deploy the SWAT Team. Once the Incident Commander authorizes deployment, the Tactical Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT Team. The Incident Commander and the Tactical Commander (or his or her designee) shall maintain communications at all times.

404.9.8 COMMUNICATION WITH SWAT TEAM AND CRISIS NEGOTIATION PERSONNEL

All of those persons who are non-SWAT Team and Negotiator personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

405.1.1 ELIGIBILITY

The Napa County Sheriff's Office Department Ride-Along Program is generally intended for academy students and individuals interested in pursuing a career in law enforcement. Eligibility may be determined by the Watch Commander based upon the needs of the department. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Sheriff, Division Commander, or Shift Sergeant.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Supervisor. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver’s license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Supervisor will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Supervisor as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

405.2.1 PROGRAM REQUIREMENTS
Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Chaplains,sheriff's applicants, and all others with approval of the Shift Supervisor.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the deputy's vehicle at a given time.

405.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Napa County Sheriff's Office) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

405.3 DEPUTY'S RESPONSIBILITY
Deputies shall consider the safety of the ride-along at all times. Deputies should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another sheriff's unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the deputy.

405.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the deputy

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any sheriff's equipment

(c) The ride-along may terminate the ride at any time and the deputy may return the observer to their home or to the station if the ride-along interferes with the performance of the deputy’s duties

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Deputies will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with a deputy without the expressed consent of the resident or other authorized person

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when a deputy comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

406.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITY

When the Watch Commander or shift supervisor learns of a hazardous materials incident the Watch Commander or his/her designee should respond to the command post to act as an agency representative and coordinate this agency's response.

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

(a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

(b) Unlawfully held against his/her will under threat or actual use of force.

407.2 POLICY

It is the policy of the Napa County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect’s surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

Only a deputy who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The deputy reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

(b) The deputy reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

407.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer (PIO).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Office obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Dispatch Center.

(i) Identify a media staging area outside the outer perimeter and have the office Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 SWAT TEAM AND HOSTAGE NEGOTIATORS RESPONSIBILITIES

The Incident Commander will decide, with input from the Tactical Commander and Team Leader, whether to deploy the SWAT Team during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Tactical Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT Team. The Incident Commander and the Tactical Commander or the authorized designee shall maintain communications at all times.

407.7 REPORTING

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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Napa County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(b) A minimum perimeter of 300 feet should be established around the device. An access point should be provided for support personnel.

(c) As much information as is available should be promptly relayed to the Shift Supervisor including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction) of the device.

(d) The device should not be touched or moved except by qualified bomb squad personnel.

(e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.

(f) Consideration should be given to evacuating any buildings near the device.

(g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

408.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding deputies should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, bloodborne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

408.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire Department

(b) Bomb Squad

(c) Additional deputies

(d) Field supervisor

(e) Shift Supervisor

(f) Detectives

(g) Forensic Science Services

408.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

408.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

408.4 BOMB THREATS RECEIVED AT SHERIFF'S FACILITY

This procedure shall be followed should a bomb threat call be received at the sheriff's facility.

408.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a call of a bomb threat is received at the Sheriff's Department:

- When is the bomb going to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the sheriff's facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

408.4.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Shift Supervisor is immediately advised and fully informed of the details. The Shift Supervisor will then direct and assign deputies as required for coordinating a general building search or evacuation as he/she deems appropriate.

408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility’s security or command staff should be notified.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the County of Napa County, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting sheriff's assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The Shift Supervisor should be notified when sheriff's assistance is requested. The Shift Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Shift Supervisor determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Mental Illness Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

409.2 POLICY

It is the policy of the Napa County Sheriff's Office to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

409.3 AUTHORITY

A deputy having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the deputy believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, deputies are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

409.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the deputies should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.

(b) If at any point the person changes his/her mind regarding voluntary evaluation, deputies should proceed with the 5150 commitment, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Deputies should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

409.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the deputy shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The deputy taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the deputy shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

409.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting deputy should have the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Shift Supervisor approval is required before transport commences.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The deputy shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for deputy involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.7.1 ADVISEMENT

The deputy taking a person into custody for evaluation shall advise the person of:

(a) The deputy's name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the deputy must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The deputy should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

409.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

(a) Arrest the individual when there is probable cause to do so.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling deputies should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling deputies shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Deputies shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

409.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling deputy has cause to believe that the future return of any confiscated weapon might endanger the person or others, the deputy shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigative Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Office makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Office shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

409.10 TRAINING

This office will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Cite and Release Policy

410.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

410.2 POLICY

It is the policy of the Napa County Sheriff's Office to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Office's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

410.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing deputy shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

410.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting deputy should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

410.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Shift Supervisor or the authorized designee.

410.4 NON-RELEASE

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

410.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))

(b) Felony domestic battery (Penal Code § 273.5)

(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))

(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)

(e) Rape of a spouse (Penal Code § 262)

(f) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person’s workplace or residence (Penal Code § 273.6)

(g) Stalking (Penal Code § 646.9)

(h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

410.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Shift Supervisor may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Office and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. The Napa County Sheriff's Office shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

(f) The person could not provide satisfactory evidence of personal identification.

1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.

(g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:

(a) Previous failure to appear is on record

(b) The person lacks ties to the area, such as a residence, job, or family

(c) Unusual circumstances lead the deputy responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Shift Supervisor for approval and included with the case file in the Records Bureau.

410.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Shift Supervisor approval, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence.

(b) The misdemeanor cited in the warrant involves a firearm.

(c) The misdemeanor cited in the warrant involves resisting arrest.

(d) The misdemeanor cited in the warrant involves giving false information to a peace deputy.

(e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.

(g) The person has other ineligible charges pending against him/her.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

410.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Napa County County codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigative Bureau for further action including diversion.

410.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude a deputy from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Napa County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Napa County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

411.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever a deputy arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the deputy shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the deputy shall begin the notification process.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Rapid Deployment Team Policy

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

412.2 POLICY

The Napa County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect or take other actions to deal with the threat.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time. It is known that immediate intervention leads to higher probably of stopping the threat verses waiting for containment. Deputies do not have to wait for additional personnel to advance on the threat.

(b) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(c) Whether the suspect can be contained or denied access to victims.

(d) Whether the deputies have the ability to effectively communicate with other personnel or resources.

(e) Whether planned tactics can be effectively deployed.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(f) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.5 PLANNING

The Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

412.6 TRAINING

The Administrative Lieutenant should include rapid response to critical incidents in the training plan. This training should address:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

1. This should include the POST terrorism incident training required for deputies assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Napa County Sheriff's Office relating to immigration and interacting with federal immigration officials.

413.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

413.2 POLICY

It is the policy of the Napa County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

413.4 IMMIGRATION INQUIRIES PROHIBITED

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

413.5 DETENTIONS AND ARRESTS

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

A deputy shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

A deputy should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

413.5.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this office should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

413.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Bureau supervisor assigned to oversee the handling of any related case. The Investigative Bureau supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

413.7.1 TIME FRAMES FOR COMPLETION

Deputies and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Deputies and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

413.7.2 REPORTING TO LEGISLATURE

The Investigative Bureau supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

413.8 TRAINING

The Administrative Lieutenant should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Aircraft Accidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

414.2 POLICY

It is the policy of the Napa County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

414.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

414.5 NOTIFICATIONS

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

414.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Investigations.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

414.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

414.8 DOCUMENTATION

All aircraft accidents occurring within the County of Napa County shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of NCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

414.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

414.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

414.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Field Training Officer Program

415.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Napa County Sheriff's Office.

It is the policy of this office to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

415.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training, and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

415.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of two years of patrol experience and off probation

(c) Demonstrated ability as a positive role model

(d) Evaluation by supervisors and current FTO's

(e) Possess a POST Basic certificate

415.2.2 TRAINING

A deputy selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

415.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Conduct FTO meetings

(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update, and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

415.4 TRAINEE DEFINED

Any entry level or lateral sheriff's deputy newly appointed to the Napa County Sheriff's Office who has successfully completed a POST approved Basic Academy.

415.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral deputy may be modified depending on the trainee's demonstrated performance and level of experience, but all of the topics in the FTO Program's Training Guide shall be covered or discussed before the trainee is released off of FTO.

To the extent practicable, entry level and lateral deputies should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

415.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as a deputy with the Napa County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Napa County Sheriff's Office.

415.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

415.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

415.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

415.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

415.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

415.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the deputy’s training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Obtaining Air Support

416.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

416.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

416.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration the Shift Sergeant, or his/her designee, will call the closest agency having helicopter support available. The Shift Sergeant on duty will apprise that agency of the specific details of the incident prompting the request.

416.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard

(c) When the use of the helicopters will aid in the capture of a whose continued freedom represents an ongoing threat to the community

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for deputies on the ground.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Criminal Organizations

417.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Napa County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

417.2 POLICY

The Napa County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect and share relevant information while respecting the privacy and legal rights of the public.

417.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

417.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

supporting documentation for an entry shall be retained by the Records Bureau in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

417.3.2 GANG DATABASES

The Sheriff may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate or affiliate in a shared gang database accessible by the office, the basis for that designation and the name of the agency that made the designation. The office shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the office's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

417.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

417.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible office supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Dispatch Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

417.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

417.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Administrative Lieutenant to train members to identify information that may be particularly relevant for inclusion.

417.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

417.7 CRIMINAL STREET GANGS

The Investigative Bureau supervisor should ensure that there are an appropriate number of office members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).

2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.

3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

417.8 TRAINING

The Administrative Lieutenant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Shift Supervisors

418.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

418.2 DESIGNATION AS ACTING SHIFT SUPERVISOR

When a Sergeant is unavailable for duty as a Patrol or Lake Supervisor, every attempt should be made to locate a qualified and trained OIC (Officer in Charge) as the replacement supervisor. (In the event that a trained OIC is unavailable, the shift sergeant or other Department supervisor will assign another sergeant or deputy to act as the substitute supervisor). Qualified OIC's will meet all of the below requirements:

418.3 QUALIFICATIONS (APPOINTED OIC'S MUST):

a. Have completed the probationary period. (an exception can be made if the employee has six months experience with the Napa Sheriff's Office if he/she has prior law enforcement tenure)

b. Receive a written endorsement (attached to training program) from their direct, Patrol or Lake Supervisor.

c. Review the OIC training manual with a Patrol or Lake Supervisor and have each section approved by a Patrol supervisor.

d. Review, sign and retain the OIC expectations form.

418.4 DOCUMENTATION

Each Patrol or Lake Supervisor is responsible for endorsing, training, and completing OIC documentation. The shift supervisor will furnish the OIC with a copy of the completed training program (with the memo of endorsement attached). The OIC endorsement will be attached to the selected OIC's annual performance evaluation. When a trained OIC transfers to a new shift assignment, he or she will provide the training program record to his/her new supervisor. To enhance training, Patrol or Lake Sergeants should review the entire OIC training program with deputies each successive year following an endorsement.

418.5 OIC REVOCATION

A Patrol or Lake Supervisor may suspend or withdraw a deputy's OIC status at any time without cause. The appropriate Patrol Lieutenant should be notified when a deputy's OIC status is revoked.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Mobile Audio/Video

419.1 PURPOSE AND SCOPE

The Napa County Sheriff's Office has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

419.2 POLICY

It is the policy of the Napa County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the department’s mission and to ensure these systems are used securely and efficiently.

419.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically, additional recording media may be issued. Only Napa County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MAV system’s operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the deputy recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

419.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

419.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which a deputy would normally notify the Dispatch Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls
2. Disturbance of peace calls

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate

419.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

419.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

419.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Dispatch Center.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of a deputy.

419.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of deputy conduct

(c) By a supervisor to assess deputy performance

(d) To assess proper functioning of MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Sheriff or the authorized designee

(i) By the media through proper process or with permission of the Sheriff or the authorized designee

(j) To assess possible training value

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(k) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

419.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

419.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

419.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

419.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Napa County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

419.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer’s recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

419.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secure location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

419.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Mobile Digital Computer Use

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Dispatch Center.

420.1.1 MDC SECURITY

It shall be the responsibility of the individual deputy while driving departmental vehicles equipped with MDC's to secure the vehicles to prevent unauthorized access to information available through the MDC.

420.2 MDC CONSIDERATIONS

420.2.1 NON-FUNCTIONING MDC

Whenever possible, deputies should not use units with malfunctioning MDC's. Whenever deputies must drive a unit in which the MDC is not working, they shall notify the Dispatch Center. It shall be responsibility of the Dispatch Center to record all information that will then be transmitted verbally over the sheriff's radio.

Deputies who discover a unit in which the MDC is not working shall notify designated MDC Support personnel as soon as practical. MDC Support personnel shall be responsible for diagnosing the malfunction and making or ordering the necessary repairs.

420.2.2 BOMB CALLS

When investigating reports of possible bombs, deputies will turn off their MDC's. Operating the MDC may cause some devices to detonate.

420.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

420.4 POLICY

Napa County Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

420.5 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

420.5.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

420.6 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and/or electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

420.6.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDC system.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

420.6.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Shift Supervisor are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

420.7 EQUIPMENT CONSIDERATIONS

420.7.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Dispatch Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

420.7.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Body Worn cameras (BWC)

421.1 PURPOSE AND SCOPE

The Napa Sheriff's Office recognizes that audio and video recording of contacts between Department personnel and the public provides an objective record of these events, and the use of a recording system complements field personnel in the performance of their duties by providing a digital record of enforcement and investigative field contacts. A recording of an event or contact also enables the delivery of timely, relevant, and appropriate training to maximize safety for our personnel and improve the provision of services to the community.

The Department provides Body Worn Cameras (BWC) to uniformed personnel for use while on- duty. These recorders are intended to assist personnel in the performance of their duties by providing audio and video records of contacts. Except as provided below, all enforcement and investigative contacts shall be recorded to ensure we collect the best evidence for criminal investigations. These recordings will also protect personnel from false accusations and can be instrumental in resolving citizen complaints.

While recordings obtained from BWC provide a record of these events, it is understood video recordings captured by a BWC (or any other recording device) do not necessarily reflect the experience or state of mind of the individual employee(s) in a given incident. Moreover, the video recording has limitations and may depict events differently than the events recalled by the involved employee. Specifically, it is understood the BWC may capture information that may not have been heard and/or observed by the involved employee and may not capture information observed by the employee.

421.2 UNIFORMED SWORN PERSONNEL RESPONSIBILITIES

Prior to going into service, each employee issued a BWC is responsible for making sure the BWC is in proper working order. Uniformed personnel assigned to field and enforcement duties during regular and extra duty assignments shall wear the BWC on their person in a forward facing position that facilitates comprehensive recording of the contact and/or incident.

Personnel will upload their digital audio/video files at the end of each work shift or prior to their next work shift with the authorization of a supervisor. Exceptions will be made for those employees who do not regularly report to a Sheriff’s Facility at the beginning and/or end of their shift. In those cases, employees should use every available opportunity throughout their workday to upload their files. Recordings made at extra duty events will be uploaded on or prior to the employee's next work shift unless otherwise approved by a supervisor.

Each employee will be responsible for the use and care of the BWC recorder he or she is using. When an employee determines a BWC is not operating properly, the employee shall notify a supervisor at the earliest practicable time.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

421.2.1 NON-UNIFORMED SWORN PERSONNEL RESPONSIBILITIES

Any detective/officer/investigator assigned to a non-uniformed position may carry and activate a department BWC at any time the employee believes such a device may be beneficial to the situation.

All non-uniformed personnel who are executing pre-planned enforcement activities such as serving a search or arrest warrant or parole/probation searches shall wear a BWC. Recognizing that plain clothes investigative assignments oftentimes involve matters of a sensitive nature, recordings shall be made at the discretion of involved personnel.

Non-uniformed employees shall be responsible for uploading their digital recordings in the same manner as described above for uniformed employees.

Field Training Officers who are wearing civilian clothing during the "shadow phase" are not required to wear a BWC, but may do so if they wish. However, they are still responsible for ensuring their assigned trainee is recording all contacts.

421.3 ENTERING OF IDENTIFYING INFORMATION

All employees utilizing the Evidence Transfer system to upload audio/video files into the Vievu database shall include metadata information for any recording which has the likelihood of resulting in a civil, criminal or internal action as reasonable based on the facts known. These incidents shall include those in which an employee may only be a secondary or peripheral responder. All associated recordings for these events, whether evidence or not, shall, at minimum, include the following basic information:

(a) Case/Citation/Event number

(b) Type of Incident

421.4 ACTIVATION OF BODY WORN CAMERA

All enforcement and investigative contacts by uniformed sworn personnel issued a BWC, shall be recorded.

In the event an officer is unable to activate his/her BWC as directed above, or in any instance during which an employee determines a BWC cannot or should not be used, the employee shall document the reason the BWC was not used in a report. Circumstances when a BWC may not be used include but are not limited to:

(a) Officer safety would be compromised due to unexpected or sudden altercation.

(b) An informant or community member requests the BWC be turned off before giving information.

(c) A health care provider is discussing medical issues with a patient.

(d) While in the hospital for the sole purpose of waiting for an arrestee to be medically cleared. However, the BWC should be turned on in the hospital if a situation arises which requires police action.

(e) While conferring with other officers regarding the specifics or tactics of a call.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(f) When PPI (Personally Identifiable Information) information is visible to the camera including Driver License, MDC CORI data, and other forms of personnel information.

Employees are prohibited from utilizing a department issued BWC for personal use.

Penal Code § 632 prohibits an individual from surreptitiously recording a conversation in which any party to the conversation has a reasonable belief the conversation is private or confidential, however Penal Code § 633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

(a) No member of this department may surreptitiously record a conversation of any other member of this department without the express knowledge and consent of all parties. Nothing in this section is intended to interfere with an investigating officer's right to openly record any interrogation pursuant to Government Code § 3303(g).

(b) Any member of this department may surreptitiously record any conversation during the course of a criminal investigation if the officer reasonably believes the recording will be beneficial to the investigation.For the purpose of this policy, any officer contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other employees conducted solely for administrative purposes.

421.5 STATEMENTS AND REPORTING

All recorded victim, witness and suspect statements, as well as any other evidence specifically recorded, shall be identified as such in the corresponding report for future use.

(a) To assist in future retrieval of a statement in the event it is needed for prosecution purposes, report narratives shall include:

1. whether a statement or evidence was recorded;
2. whether that statement or recording was uploaded as evidence;
3. by whom it was recorded; and
4. Time and date of the recording.

(b) Whenever any employee believes a particular contact may lead to a citizen complaint, he/she should bring the contact to the attention of a supervisor.

421.6 RETENTION OF BWC MEDIA

Recorded media shall be retained as specified in this Retention Schedule. In general, the retention schedule requires recordings to be retained for one (1) year unless they are identified as evidence. If a recording is identified as evidence the retention will follow the Evidence/Property Files retention schedule. Recordings which become part of a citizen complaint or administrative/internal investigation will follow the retention time identified for the complaint/investigation. Inadvertent/ accidental recordings of personal events and conversations shall be purged as soon as practicable upon the approval of a Captain and/or Technical Services Supervisor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

421.7 REVIEW OF BWC MEDIA FILES

Unless prohibited by applicable law, recorded files may be viewed in any of the following situations by the following personnel:

(a) By the employee(s) who originally recorded the incident.

(b) With prior supervisory approval, an employee may review another employee's recording provided the other employee was also directly involved in the incident in question.

(c) By a supervisor investigating a specific incident involving a department employee;

(d) By members of the County Counsel's Office or Risk Management in connection with pending litigation upon approval by the Sheriff or his designee;

(e) By a department detectives or investigators who are performing follow up investigation.

(f) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case;

(g) Third party investigations: In the event a third party law enforcement agency (e.g. Napa County District Attorney's Office) is conducting a criminal investigation related to an incident involving a Department employee, recordings may be made available to that agency.

(h) By members of the Internal Affairs Group, for review of a critical incident, internal affairs investigation, use of force review or other internal review.

(i) Except as provided under 451.7(l) and/or (m) below, the Internal Affairs Detail shall provide subject employees the opportunity to view recordings obtained from their BWC relating to an Internal Affairs investigation prior to the administrative interview.

(j) The Sheriff has the discretion to allow viewing or release of recorded files if the Sheriff determines it is in the best interest of the Sheriff's Office or the County of Napa. When appropriate, every effort will be made to notify involved employees prior to release.

(k) As part of department approved training.

(l) Any deputy involved in an incident that triggers the Officer Involved Fatal Incident Protocol shall not review recorded files unless approved by the Sheriff, Undersheriff or their designee.

(m) Subject to the provisions of this policy, the Sheriff or Undersheriff has the discretion to prohibit the review of any recordings by Department employees if it is determined it is in the best interest of the Sheriff's Office or the County of Napa.

Subject to the provisions of (l) and (m) above, in the event that an employee is to be interviewed pursuant to an investigation related to an incident which results in injury, bodily harm, death or involves the use of force, the employee and/or his/her attorney will be afforded an opportunity to review his/her video of the incident prior to the interview.

Prior to the employee offering an initial statement, the following admonishment shall be provided to the employee:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

"In this case, there is video evidence that you have had (or will have) an opportunity to view before giving your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two dimensional medium and May not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident.”

421.8 AUDITING

For the purpose of ensuring police-related incidents are being recorded per this Policy, a supervisor or manager has the ability to periodically audit the system to determine usage.

421.9 BWC RECORDINGS STORAGE AND INTEGRITY

(a) The Services Captain or his designee can authorize users outside the Services Division to transfer or copy recordings onto any third party media storage device in response to a request for discovery from the Napa County District Attorney’s Office. Examples of third party media storage include but are not limited to: Compact Discs, DVD, thumb drive, portable hard drive or other electronic media storage devices.

(b) Only the Services Captain or his/her designees may produce, reproduce, or modify recordings for production in response to a civil subpoena, or Public Records Act request or other request.

(c) No files shall be transferred or sent via email.

(d) All recordings are considered official Department records and shall not be shared with any person not having authorization to access the files as part of his or her official duties.

(e) In the event video files are utilized for training purposes and the involved employee(s) object to the use of the video, such objection shall be submitted to the Services Captain. In any case where the involved employee(s) objects to the use of the video for training purposes, the objection shall be honored.

Digital files may not be deleted by any person from the recording device or the archival storage media without the authorization of a Captain or Program Administrator.

421.9.1 COPIES OF ORIGINAL BWC STORAGE MEDIA

A copy of a recording may only be released to a third party in response to a valid court order, or by approval of the Sheriff or his/her designee. All requests generated by the District

County Counsel will be handled by the Services Division, or assigned Investigative Detail. Requests for recordings in civil matters will be handled by the Services Division. Any request for video from a criminal defense attorney shall only be honored by the Sheriff or his designee after

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

consulting with County Counsel, and the County Risk Manager. In those cases where the release of video is authorized, it shall only be released by the Services Captain, or their designee.

421.9.2 BWC STORAGE MEDIA AS EVIDENCE

In exceptional circumstances, the digital recorder may be booked into evidence prior to any uploading of media storage. Exceptional circumstances may include a major or significant incident, at the direction of a Captain, or above or in the event the data cannot be uploaded due to a mechanical or technological malfunction. If the storage media is booked into evidence, established booking procedures shall be followed and referenced in the report.

421.9.3 PROGRAM ADMINISTRATOR

The Department shall designate a Program Administrator who has oversight responsibilities including, but not limited to:

(a) Documenting system malfunctions as well as equipment failures related to BWC;

(b) Properly training administrative/sworn staff regarding the use, retention and confidentiality of video records;

(c) Maintain digital video files and equipment in a secure and confidential environment and released only in accordance with this Policy and applicable federal, state, local statutes and other applicable laws;

(d) Issue BWC devices and provide BWC training and instruction on use and operation of BWC; and

(e) Provide recommendations on additional policy development and equipment integrity.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Medical Marijuana

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

422.2 POLICY

It is the policy of the Napa County Sheriff's Office to prioritize resources to forgo making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Napa County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

422.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

422.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

422.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Deputies who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

422.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM UNDER THE CUA

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the deputy reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Deputies are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Deputies should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Deputies should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

Deputies who reasonably believe that a person who does not have in their possession their physician recommendation but through investigative efforts believe a recommendation exists, may treat the investigation as if the person had the recommendation in their possession.

422.3.4 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Other relevant factors, such as available office resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, deputies should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, deputies should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

422.3.5 EXCEPTIONS

This policy does not apply to, and deputies should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

4. While in a motor vehicle that is being operated.
5. While operating a boat.

(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

422.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Deputies should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

422.4 FEDERAL LAW ENFORCEMENT

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

422.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigative Bureau supervisor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Crisis Intervention Incidents

423.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

423.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

423.2 POLICY

The Napa County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

423.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

423.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

423.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(k) If circumstances reasonably permit, consider and employ alternatives to force.

423.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person’s name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person’s verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

423.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

423.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

423.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

423.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

423.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

423.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

423.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Public Recording of Law Enforcement Activity

424.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

424.2 POLICY

The Napa County Sheriff's Office recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

424.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the deputies.
4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the deputies, him/herself or others.

424.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

424.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

424.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Automated License Plate Readers (ALPRs)

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

425.2 POLICY

The policy of the Napa County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

425.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Napa County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Services Division Commander. The Administrative Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

425.3.1 ALPR ADMINISTRATOR

The Administrative Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

425.4 DATA COLLECTION AND RETENTION

The Services Manageris responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

425.5 OPERATIONS

The LPR cameras will be mounted on a marked cruiser, unmarked vehicle, and/or mounted in a stationary location. The LPR equipment will passively read the license plates of moving or parked motor vehicles using LPR optical character recognition technology and compare them against various hot lists uploaded or created by the Department. Scanned data files collected by the system will, on an ongoing basis, be automatically uploaded from the LPR camera to the LPR database.

Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the LPR system, all users will be required to have individual credentials for access and use of the systems and/ or data.

Auditing and Oversight. To ensure proper oversight into the use of the system and adherence to this policy, all activities (plate detections, queries, reports, etc) are automatically recorded by the system for auditing purposes.

The following uses of the LPR system are specifically prohibited:

(a) Invasion of Privacy. Except when done pursuant to a court order, it is a violation of this Policy to utilize the LPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).

(b) Harassment or Intimidation. It is a violation of this Policy to use the LPR system to harass and/or intimidate any individual or group.

(c) Personal Use. It is a violation of this Policy to use the LPR system or associated scan files or hot lists for any personal purpose.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

425.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Napa County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

425.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Administrative Services Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

425.8 TRAINING

The Administrative Lieutenant should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Medical Aid and Response

426.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

426.2 POLICY

It is the policy of the Napa County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

426.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Dispatch Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

426.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

426.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

426.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

426.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

426.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Office should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One office member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

426.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

426.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in office vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Administrative Lieutenant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Dispatch Center as soon as possible and request response by EMS.

426.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

426.9.3 AED TRAINING AND MAINTENANCE

The Administrative Lieutenant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Administrative Lieutenant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

426.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

426.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Administrative Lieutenant.

Any member who administers an opioid overdose medication should contact the Dispatch Center as soon as possible and request response by EMS.

Naloxone is provided as a resource to members of this office. It is intended to be used for an accidental exposure to fentanyl or any other opioid causing a medical emergency. However, the member shall retain the discretion to administer or not administer to persons experiencing or suspected of experiencing an opioid-related overdose. EMS should be the primary source of aid for all responses to calls for service regarding medical opioid emergencies.

The program coordinator shall review 100% of all Naloxone used by our members. This will also include any lost or damaged applicators.

426.10.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

The Administrative Lieutenant will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

426.10.3 OPIOID OVERDOSE MEDICATION TRAINING
The Administrative Lieutenant should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

426.10.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION
The Administrative Lieutenant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

426.10.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT
Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

426.11 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS

The Operations Division Commander may authorize the acquisition of epinephrine auto-injectors for use by Office members as provided by Health and Safety Code § 1797.197a. The Administrative Lieutenant shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by Health and Safety Code § 1797.197a(f).

Trained members who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (Health and Safety Code § 1797.197a(b); 22 CCR 100019).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

426.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members should handle, store and administer epinephrine auto-injectors consistent with their training and the Office operations plan. Members should check the auto-injectors at the beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Office Operations Plan.

Any member who administers an epinephrine auto-injector medication should contact the Dispatch Center as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

426.11.2 EPINEPHRINE AUTO-INJECTOR REPORTING

Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.

The Administrative Lieutenant should ensure that the Records Supervisor is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197a(f)).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

426.11.3 EPINEPHRINE AUTO-INJECTOR TRAINING

The Administrative Lieutenant should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100019.

426.12 FIRST AID TRAINING

The Administrative Lieutenant should ensure deputies receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 POLICY

The Napa County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

427.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

427.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

427.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with County government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

427.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

427.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

427.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

427.8 ARRESTS

The Napa County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of deputies and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

427.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

427.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

427.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, the Dispatch Center records/tapes

(g) Media accounts (print and broadcast media)

427.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

427.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Civil Disputes

428.1 PURPOSE AND SCOPE

This policy provides members of the Napa County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

428.2 POLICY

The Napa County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

428.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

428.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

428.4.1 STANDBY REQUESTS

Deputy responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

428.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

428.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Civil Disputes

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Suspicious Activity Reporting

429.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity. These reports will be documented in ILeads using the code SAR, simliar to an information report.

429.2 POLICY

The Napa County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

429.3 RESPONSIBILITIES

The Operations Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Operations Division Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

429.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

429.5 HANDLING INFORMATION

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Investigative Bureau supervisor
- Other authorized designees

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Mobile Field Force (MFF)

430.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the administration, training, and operation of the Mobile Field Force (MFF).

The MFF can be deployed for both emergency responses and pre-planned events, where crowd control tactics and equipment are required to keep the peace, protect life and property, and restore order.

430.1.1 DEFINITIONS

Mobile Field Force- The Mobile Field Force is a designated team of law enforcement personnel specially trained and equipped to deal with crowd control incidents including but not limited to, demonstrations (both planned and spontaneous), large gatherings, unruly or riot behavior, marches, etc. The MFF is a team that will also be available to respond to mutual aid request for crowd control capabilities as well as other law enforcement missions related to request through partner agencies and/or state or regional request through Office of Emergency Services (OES), such as earthquakes, fires, terrorist attacks, and any other natural disaster.

430.2 POLICY

(a) It shall be the policy of the Napa Sheriff's Office to have the Mobile Field Force provide specialized support in situations wherein the capabilities of the Team are appropriate for responding to an incident or operation.

(b) Deployment Protocol

1. The MFF Team is normally utilized in conjunction with other department resources dedicated to responding to an unusual occurrence or planned event.
2. The MFF Team may be deployed as mutual aid with other agencies or to relieve other MFF teams already committed to an incident scene.

(c) MFF Team deployments may include, but are not limited to:

1. Mass arrest capability.
2. Force protection.
3. Mutual Aid.
4. Crowd control for spontaneous or planned demonstrations or civil disobedience.
5. Respond to secure large perimeters such as the scene of an Officer Involved Shooting (OIS), disaster area, or critical incident scene requiring significant resources to manage and/or drawing large crowds that may be or become hostile.
6. Other missions as assigned by the Incident Commander.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

It is not the intent of this policy to limit the necessary discretion that must be exercised by department personnel following the guidelines of the policy.

430.3 DUTIES AND RESPONSIBILITIES

430.3.1 INCIDENT COMMANDER

(a) The Incident Commander is responsible for the overall command of an incident or operation.

(b) The Incident Commander may be the MFF Commander or a Lieutenant.

(c) The Incident Commander is the primary commander during a specific operation and may function as both the Incident Commander and Tactical Commander.

(d) The Incident Commander assumes overall responsibility for the incident or operation once on scene and provides overall management oversight and direction.

(e) The Incident Commander should establish an Incident Command Post (ICP) as soon as practical. The Incident Commander should manage and conduct the operation from the ICP and if necessary, will employ other personnel to assist in managing the operation.

(f) Establish rules of engagement for all personnel and teams committed to the incident.

430.3.2 TACTICAL COMMANDER

(a) The Tactical Commander will coordinate operations at the incident site with the Incident Commander.

(b) The Tactical Commander may be a lieutenant, or sergeant.

(c) The Mobile Field Force and any other resources directly committed to the incident site will be under the control of the Tactical Commander.

(d) The Tactical Commander should establish a Tactical Command Post which may be at a different location from the Incident Command Post.

(e) The Tactical Commander should oversee the operation or incident plan until the incident or operation is concluded.

(f) Establish rules of engagement for all officers assigned to the incident site.

Established rules of engagement should not conflict with rules of engagement established by the Incident Commander.

430.3.3 MFF LIEUTENANT

(a) Command responsibilities for the MFF operation.

(b) Provide direction and vision to the MFF team; planning, coordinating, and managing the MFF team.

(c) Act as the Incident and/or Tactical Commander of MFF deployments when available.

(d) Command oversight of the team's training, deployments, and all other activities.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(e) Supervise the MFF sergeant.

430.3.4 MFF SERGEANT

(a) Report to the MFF lieutenant and supervise personnel.

(b) Assist in creating a tactical plan for the Mobile Field Force.

(c) Responsible for executing the Mobile Field Force's part of the tactical plan.

(d) Responsible for post operational procedures including accounting for all personnel under the supervisor's command.

(e) Conduct debriefing.

(f) Unless otherwise delegated, complete after action reports for documentation of incident.

(g) Plan, coordinate, monitor and participate in training.

(h) Complete and maintain all MFF training records including lesson plans and records of attendance. Assure all training records are forwarded to the Sheriff's Office Training Sergeant.

(i) Evaluate the performance of MFF deputies and team leaders.

(j) Coordinate the selection of new MFF deputies.

(k) Maintain an equipment inventory of all items issued to deputies. A list of weapons and primary safety equipment shall be forwarded to the Sheriff's Office Training Sergeant.

(l) Conduct needs assessment annually to ensure training is conducted within team capabilities and agency policy.

430.3.5 MFF TEAM LEADER

(a) Provide leadership in the following areas:

1. Support the goals of the Sheriff's Office and the MFF Team.
2. Assist in training, leading and motivating MFF team members.
3. Promote teamwork and camaraderie within the MFF team.

430.3.6 MFF MEMBER

All team members function at the direction and discretion of the Incident Commander, Tactical Commander, MFF Lieutenant, Sergeant, and Team Leaders.

430.4 SELECTION OF PERSONNEL

(a) Interested sworn personnel must be off probation. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance;
2. Demonstrated good judgment and understanding of critical role of a MFF member.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

3. Special skills, training, or appropriate education as it pertains to this assignment, and,
4. Commitment to the unit, realizing that the additional assignments may necessitate unusual working hours, conditions, and training obligations.
5. In the event that the number of applicant members is not large enough to fulfill a Squad sized team (12 law enforcement officers plus a sergeant), department members off probation may be assigned based on seniority.

430.5 CALL-OUT PROCEDURE

It shall be the responsibility of the MFF sergeant to ensure a current call-out roster is available in a database and accessible to personnel authorized to conduct a call-out.

The MFF sergeant and team leader(s) will obtain necessary information to complete an action plan. Upon approval of this action plan by the Tactical/Incident Commander, personnel and equipment will be assembled and deployed to a designated staging area. Upon receiving authorization, the action plan will be implemented. The action plan could be in written or oral form. However, if in oral form, it will need to be put in writing as a post incident review.

430.6 TRAINING

The MFF sergeant will compile and distribute a yearly comprehensive training plan. The plan will include an explanation of the training plan, a list of individual and team skills, and a calendar that incorporates the skills relevant to MFF missions. The MFF sergeant shall forward all lesson plans and training documents to the Sheriff ' s Office Training Sergeant.

(a) Training will generally consist of four (4) training days per year.

(b) MFF members unable to attend scheduled training shall contact and advise the MFF sergeant.

(c) Training may consist of scenario-based joint training with outside agencies and other teams within the department including the Special Weapons and Tactics Team.

(d) MFF deputies train to maintain and improve their skills used in operations. Deputies who miss more than 25 percent of each year's training time may be removed from the call-out list until such time they attend sufficient training to demonstrate an acceptable skill level, as determined by the MFF Sergeant or Lieutenant.

430.7 UNIFORM AND EQUIPMENT

(a) The uniform worn during any mission or training will be dependent upon the circumstances and needs of the Team. The uniform will be designated by a MFF sergeant prior to the mission or training.

(b) All equipment maintained by the Team or assigned to a team member will be at the discretion of the MFF sergeant.

(c) A periodic inventory check will be conducted by a designated team member.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) All deputies shall be responsible for the care, maintenance, of all equipment issued to them.

430.8 FIREARMS

Weapons and equipment used should be agency-issued or approved, including any modifications, additions, or attachments.

430.9 PUBLIC EDUCATION

(a) MFF personnel will participate in forums that provide opportunities to educate members of the public about the purpose of MFF and specifically the Napa County Sheriff's Office Mobile Field Force. The focus of these public education programs will be to educate the public on the mission of the MFF team.Forums may include, but are not limited to events such as the Citizen Police Academy, school presentations, service group presentations, and other community events.

(b) The content, type and amount of resources for any event shall be approved by the MFF Lieutenant.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 5 - Traffic Operations

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Napa County Sheriff's Office. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All deputies will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All deputies shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance (Vehicle Code § 41603). The visibility and quality of a deputy’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at a minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the deputy, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If a deputy contacts a traffic violator for driving on a suspended or revoked license, the deputy may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the deputy. The deputy shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The deputy will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS
The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes deputy might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit and in the side box of each sheriff's motorcycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored in the vehicle.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Administrative Deputy should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Napa County Sheriff's Department, through its contract policing obligations with the City of American Canyon and the Town of Yountville, shall conduct collision investigations on all injury accidents occurring within the incorporated limits of the City of American Canyon or Town of Yountville. All traffic collision reports shall be prepared in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and, as a public service, the Department shall makes traffic collision reports available to the community with some exceptions.

501.2 RESPONSIBILITY

It is the responsibility of all sworn member of this department to ensure that all vehicle accidents, which meet the following criteria, are investigated and/or reported as required by this policy.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Technical Services Bureau for data entry into the Records Management System. The Technical Services Bureau will then be responsible for fowarding all traffic collision data to the State.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING DEPARTMENT VEHICLES

All traffic collisions involving Department-owned vehicles shall be referred to the local law enforcement jurisdiction having traffic enforcement authority to be investigated. If the collision should occur within boundaries of an incorporated city under law enforcement contract with the Napa County Sheriff's Department, the Watch Commander shall refer the investigation to the California Highway Patrol.

Whenever there is damage to a County vehicle or a contract city vehicle, a Vehicle Accident Report shall be completed by the involved employee and their supervisor. The Vehicle Accident Report shall then be forwarded via the chain of command to the County Excutive Office within 48 hours.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports are not required to be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, or Vehicle Code violation. An Incident or Traffic Collision Report may be taken at the discretion of any supervisor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department where we have traffic enforcement authority under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision

(b) When a Hit and Run occurs (Vehicle Code § 20002)

(c) When a report is requested by any involved driver

(d) When there is damage to city property or vehicles

501.4.6 TRAFFIC INVESTIGATION TEAM

The Department's Traffic Investigation Team is comprised of deputies who have received specially trained in accident investigation. The Team may be activated at the discretion of the Shift Supervisor. Factors to be considered for activation of the team should include:

(a) The nature of the collision

(b) The extent of the injuries

(c) The likelyhood of prosecution

(d) Or any time the investigation is beyond the investigating deputy's patrol team's capabilities.

501.4.7 TRAFFIC COLLISION COUNTER REPORTS

Counter Reports may be completed in accordance with the Collision Investigation Manual. The report and sketch will be completed as accurately and completely as possible. Deputies may assist the reporting party in completing the required forms. A primary collision factor will not be listed on Counter Reports pursuant to Vehicle Code § 20015. A case number will be issued only when the completed forms have been filed with the department.

501.4.8 TRAFFIC COLLISION CITATIONS

Only deputies that have successfully completed the required 40-hour POST Basic Collision Investigation Course may issue citations at the scene of a traffic collision. Traffic citations may be issued for the appropriate violations, either the Primary Collision Factor or the administrative violations, according to facts and evidence presented during the investigation of the collision. The elements supporting the violation shall be included in the report narrative of the associated collision report.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Napa County Sheriff's Office. Nothing in this policy shall require the Office to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Office members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be given to the tow truck operator and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the deputy shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to Dispatch. When there is no preferred company requested, the deputy should request a specific towing company. That selection should be based on availability, and response time of the closest towing company to enable the quickest and safest resolution of the scene.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the deputy shall request the appropriate towing company and store the vehicle using a CHP form 180.

502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this office to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Office will not be responsible for theft or damages.

502.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the deputy shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The deputy shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the deputy shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

502.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Office should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

502.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

502.2.7 RECORDS BUREAU RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Shift Supervisor for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Office.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES

The County of Napa County periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in sheriff's custody, to provide for the safety of deputies, and to protect the Office against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, deputies should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE

The Office will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver’s license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver’s license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

502.7 LOCAL PARKING ORDINANCE VIOLATIONS

Vehicles suspected of being in violation of local parking ordinances within the Napa County Sheriff's Department's jurisdiction shall be marked and observed for the appropriate time period. The marking of these vehicles should be noted on the Napa County Sheriff's Department Marked Vehicle Card, prior to being towed. No case number is required at this time.

A visible chalk mark or similar marking should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. All Marked Vehicle Cards shall be retained.

If a marked vehicle has been moved or the markings have been removed during the specified time periods the vehicle shall be remarked and a new Marked Vehicle Card completed.

Parking citations shall not be issued when the vehicle is stored for the parking violation.

Prior to removal a Vehicle Report (CHP form 180) shall be completed by the deputy authorizing the storage of the vehicle. It shall then be the responsibility of the Technical Services Bureau to immediately notify the Stolen Vehicle System of the Department of Justice in Sacramento. Vehicle Code § 22851.3(b). Notification may also be made to the National Law Enforcement Telecommunications System. Vehicle Code § 22854.5

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle, it shall be the responsibility of the Technical Services Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent via U.S. Mail pursuant to Vehicle Code § 22851.3(d).

502.7.1 VEHICLE DISPOSAL

If, after 15 days from the notification, the vehicle remains unclaimed and the towing and storage fees have not been paid, and if no request for a post storage hearing has been made, the Department may provide the lienholder storing the vehicle with authorization on an approved DMV form to dispose of any vehicle which the lienholder has determined has an estimated value of $500 or less. Vehicle Code § 22851.3(h)

502.8 POST SEIZURE HEARINGS

Whenever a vehicle is stored or impounded pursuant to the California Vehicle Code, the department shall, upon demand, provide a prompt, fair hearing to determine the validity of the storage or impounds as required by the Vehicle Code.

The hearing officer's role is that of a mediator, not an adversary. The individual conducting the hearing is sitting as an impartial representative of the department and should be the Patrol Bureau's administrative deputy or the rank of Sergeant or above.

- Proper prehearing notification will be complied with by Records personnel who will send the owners the notice of stored vehicle copy of the CHP 180.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

The purpose of the hearing is to determine the validity of the tow. If it is found that there are not reasonable grounds for the storage, this agency will assume responsibility for the tow and storage costs as required by Vehicle Code § 22852(e).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Napa County Sheriff's Office, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Patrol Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The Napa County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

504.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS

The Patrol Lieutenant should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) The person is under 21 years of age and is arrested by a deputy having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by a deputy having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 CHOICE OF TESTS

Deputies shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the deputy shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the deputy may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.2 BREATH SAMPLES

The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

When the arrested person chooses a breath test, the handling deputy shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The deputy should also require the person to submit to a blood test if the deputy has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

alcoholic beverage and any drug. Evidence of the deputy's belief shall be included in the deputy's report (Vehicle Code § 23612(a)(2)(C)).

504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.5.5 STATUTORY NOTIFICATIONS

Deputies requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.6 PRELIMINARY ALCOHOL SCREENING

Deputies may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The deputy shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The deputy shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

504.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If a deputy lawfully detains a person under 21 years of age who is driving a motor vehicle and the deputy has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the deputy shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the deputy may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the deputy shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, deputies should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).

(b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the individual to submit to such a sample without physical resistance.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.7 RECORDS BUREAU RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

504.8 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.9 TRAINING

The Administrative Lieutenant should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Administrative Lieutenant should confer with the prosecuting attorney's office and update training topics as needed.

504.10 ARREST AND INVESTIGATION

504.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to deputies pursuant to Penal Code § 836, a deputy may make a warrantless arrest of a person that the deputy has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

(c) The person will not be apprehended unless immediately arrested.

(d) The person may cause injury to him/herself or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.10.2 DEPUTY RESPONSIBILITIES

The deputy serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Patrol Lieutenant shall be responsible for the development and design of all Office traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this office.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Patrol Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may request the Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Division Commander for review.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Technical Services Bureau.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to the Technical Services Bureau (Records). The Technical Services Bureau will prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this office shall be forwarded to the Technical Services Bureau.

Upon separation from employment with the this office, all employees issued traffic citations books shall return any unused citations to the Patrol Bureau's administrative deputy.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Administrative reviews are conducted by the Traffic Bureau who will review written/ documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Napa County Sheriff's Office. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

505.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

(c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 DEPUTY RESPONSIBILITY

When an on-duty deputy observes a disabled vehicle on the roadway, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy to respond for assistance as soon as practical.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

As a matter of routine, department personnel shall not attempt to make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

72-Hour Parking Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Napa County County Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the County of Napa County 72-Hour Parking Ordinance shall be marked and noted on the Napa County Sheriff's Office Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

507.2.1 MARKED VEHICLE FILE

The responsible deputy shall be responsible for maintaining a file for all Marked Vehicle Cards.

The responsible deputy should be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the deputy authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Records Bureau to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 6 - Investigation Operations

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Napa County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Supervisor.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigative Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (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 suspect 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 a deputy, 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.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(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.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.5.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party’s account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

600.5.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.6 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.
2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
3. Training requirements necessary for those authorized employees.
4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.

600.7 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

600.8 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Napa County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.5.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned deputy shall accomplish the following:

(a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the deputy shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

    1. The deputy shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

    2. A support person may be excluded from the examination by the deputy or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

601.5.2 VICTIM CONFIDENTIALITY

Deputies investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting deputy shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this office shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned deputy shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned deputy determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the deputy shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned deputy shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned deputy shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.6.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this office is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned deputy informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. Although such information may be communicated orally, the assigned deputy should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No deputy shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT
The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigative Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Investigative Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Investigative Bureau supervisor should ensure cases involving juvenile victims are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit.

601.9 TRAINING

Subject to available resources, periodic training will be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim’s response to trauma.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Napa County Sheriff's Office seizes property for forfeiture or when the Napa County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Napa County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Napa County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.

2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing deputy can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Deputies aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone may be insufficient to establish the probable cause required to make a seizure.(H&S 11488.4(i))

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).

(d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

(e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

Deputies making seizures pursuant to asset forfeiture statutes should request the assistance of NSIB personnel, who will facilitate the seizure. If NSIB is unable to facilitate or assist in the seizure, Deputies should book the cash or property as "Evidence Seized Subject to Asset Foerfeiture".

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture."

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to NSIB.

602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER

The Sheriff will appoint a deputy as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.

2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).

3. A space for the signature of the person from whom cash or property is being seized.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives (Health and Safety Code § 11495).

602.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer’s employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Napa County Sheriff's Office shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

602.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Napa County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Napa County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 USE OF INFORMANTS

Before using an individual as a confidential informant, a deputy must receive approval from the Narcotics Bureau Supervisor. The deputy shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm. The informant management file will be maintained and supervised by the Narcotics Task Force.

603.2.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

603.3 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The deputy using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

603.3.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Napa County Sheriff's Office shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

informant. Members of the Napa County Sheriff's Office shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain deputy/informant integrity, the following must be adhered to:

(a) Deputies shall not withhold the identity of an informant from their superiors

(b) Identities of informants shall otherwise be kept confidential

(c) Criminal activity by informants shall not be condoned

(d) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Napa County Sheriff's Office, and that they shall not represent themselves as such

(e) The relationship between deputies and informants shall always be ethical and professional

(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Detectives Narcotics Bureau supervisor

(g) Deputies shall not meet with informants unless accompanied by at least one additional deputy. When contacting informants of either sex for the purpose of making payments deputies shall arrange for the presence of another deputy

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses

603.4 POLICY

The Napa County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.5 USE OF INFORMANTS

603.5.1 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)

(d) The Sheriff or the authorized designee

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

603.5.2 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.6 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Division Commander, Narcotics Bureau supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Napa County Sheriff's Office, and that they shall not represent themselves as such.

(d) The relationship between office members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Bureau supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Narcotics Bureau supervisor.

1. Deputies may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.6.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this office to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.7 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Narcotics Bureau. The Narcotics Bureau supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Division Commander, Narcotics Bureau supervisor or their authorized designees.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Narcotics Bureau supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

603.7.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the deputy initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

603.8 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Narcotics Bureau supervisor should discuss the above factors with the Operations Division Commander and recommend the type and level of payment subject to approval by the Sheriff.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (Penal Code § 859.7).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Napa County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

604.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.6.1 OTHER SAFEGUARDS
Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

604.7 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.7.1 <B>DOCUMENTATION RELATED TO RECORDINGS</B>
The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.7.2 <B>DOCUMENTATION RELATED TO BLIND ADMINISTRATION</B>
If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

604.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Napa County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Napa County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Napa County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the deputy's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the sUAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Small Unmanned Aerial System (SUAS) - Inclusive of a small, unmanned aircraft weighing less than 55 lbs., a remote command system, a secure control link and other safety and support systems for operation of the sUAS. Commonly referred to as “drones”.

Certificate of Authorization (COA) -Issued by the Federal Aviation Administration (FAA) granting permission to fly the sUAS within specific boundaries and perimeters.

Pilot - A representative of the Napa Sheriff’s Department who is trained, certified and authorized to serve as a “Remote Pilot in Command” of a sUAS during flight.

Visual Observer - A representative of the Napa Sheriff’s Department who is trained and authorized to maintain visual observation of the sUAS while in flight.

sUAS Deployment - An authorized, real world operation and flight of any sUAS owned or operated by the Napa Sheriff’s Office or its personnel for law enforcement purposes as outlined in this policy.

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the office’s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a sUAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Pilots and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during sUAS operations. Information and data collected using a UAS will be consistent and relevant to a purpose authorized by Federal, State or local laws.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

606.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the sUAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies and procedures regarding use of the sUAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a sUAS, including urgent requests made during ongoing or emerging incidents, investigative requests and requests by allied agencies.
- Developing protocol for conducting criminal investigations involving a sUAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of sUAS deployment.
- Developing an operational protocol governing the deployment and operation of a sUAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a sUAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a sUAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements.
- Appoint a sUAS Assistant Program Coordinator to assist in the above responsibilities.
- Recommending program enhancements, particularly regarding safety and information security. The sUAS Coordinator and team members will meet at least annually for the purpose of reviewing existing sUAS procedures as well as new technologies, laws and regulations on sUAS usage. This will include examining policies and procedures related to the collection, use, retention and dissemination of information obtained by sUAS to ensure the privacy, civil rights and liberties of all persons are protected.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.

606.5 USE OF SUAS

Only authorized operators who have completed FAA and department required training shall operate any department UAS during real world incidents. All deployments will be authorized by the UAS Coordinator, UAS Assistant Coordinator or a Napa Sheriff’s Office Administrator.

(a) The team will take care to ensure the device is strictly used for its intended purposes only; while training on or over properties controlled by the County of Napa or with

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

approval for use; and avoid public contact (whether over public or private property) to the greatest degree possible.

(b) Use of vision enhancement technology (e.g., thermal and other imaging equipment not freely available to the public) should be deployed in such a way to respect a reasonable expectation of privacy, except where there is no protectable privacy interest or when in compliance with a search warrant or court order.

(c) Crime and Collision Scenes: A sUAS may be deployed to conduct crime and collision scene documentation. During these deployments care shall be taken to only document the specific scene.

(d) Officer and Public Safety Applications: A sUAS may be deployed in an effort to protect deputies and officers from unnecessary exposure to danger and minimize the risk of injury to the public, law enforcement personnel and suspects; and enhance the likelihood of bringing peaceful resolutions to potentially dangerous incidents.

(e) Situational awareness / perspective: A sUAS may be deployed to assist decision-makers in understanding the nature, scale and/or scope of an incident and for planning and coordinating an effective response. Additionally, these deployments may provide an aerial perspective to assist officers with directing crowd control, traffic, special circumstances, and temporary perimeter security.

(f) Search and Rescue: A sUAS may be deployed to assist in missing person investigations and other search and rescue missions as deemed necessary.

(g) Mutual Aid: sUAS may be used to support Federal, State, local, tribal, or territorial government operations. Deployment of a sUAS within the County of Napa at the request of an allied agency is authorized so long as it meets the criteria for “Authorized use of sUAS” outlined in this policy. For requests from Law Enforcement agencies outside the County of Napa, approval from the Sheriff or his designee shall be required so long as the use is in accordance with Napa Sheriff Policy and Procedures. This request will go through the sUAS Coordinator or Assistant Coordinator.

(h) Community Outreach Demonstrations: In an effort to encourage public trust and engage our community, the use of department sUAS as part of a community event or meeting is authorized. The demonstration should be limited to showcasing the investigative capabilities and educating the public on the sUAS program.

(i) Training: To assist pilots and observers in maintaining proficiency in operation skills of UAS’s

(j) Legal counsel may be consulted regarding expectations of privacy related to sUAS deployment

606.6 PROHIBITED USE

sUAS operations shall observe all FAA regulations related to the involved equipment. Exceptions / waivers to these regulations may be obtained through the FAA; with consideration to exigency, benefit to public safety and law enforcement personnel safety. This may include, but is not limited to nighttime flights and flights over populated areas.

Sheriff's Department sUAS video surveillance equipment shall not be used:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

- To conduct random surveillance activities.
- Collect, use, retain or disseminate data in any manner which would violate the First Amendment of the United States Constitution.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.
- Personally owned sUAS' may not be used for any deployment associated with Napa Sheriff's Office unless approved in writing by the Sheriff or his designee.

606.7 RETENTION OF SUAS DATA

The Napa Sheriff's Office will comply with the Privacy Act of 1974 (5 U.S.C. 552a) regarding the collection and dissemination of individuals information which is maintained in systems of records. Data collected by the sUAS equipment shall be retained as provided in the established records retention schedule and follow Napa Sheriff's Office policies Records Maintenance and Release and Protected Information.

The following will be specifically for data and information collected by a sUAS during an authorized mission of the Napa Sheriff's Office sUAS team:

Information collected by sUAS containing personally identifiable information (PII) shall not be retained for more than 180 days unless the retention is deemed to be necessary to an authorized mission of the retaining agency, is maintained in a system of records covered by the Privacy Act, or is required to be retained for a longer period by any other applicable law or regulation.

(a) From the moment of collection to up to thirty days after collection, information should be treated like any other contemporaneous or near contemporaneous observation. Law Enforcement personnel should be able to monitor surveillance in real time or near real time. This thirty-day window will allow law enforcement to respond to immediate or nearly immediate complaints about violations of the law.

(b) After thirty days have passed from initial collection, information collected from aerial surveillance should be moved to the Napa County Storage Area Network (SAN) and only accessed by authorized personnel.

(c) Information collected by a sUAS and stored on the Storage Area Network should be deleted after a period of time so that the government does not maintain a long-term archive of information about individuals. That period of time may be as short as 120 days but should not be longer than five years.

(d) Data and Information deemed to be evidentiary and required for criminal procedures shall be stored on the Napa Sheriff's Office Digital Evidence system and retention will follow Federal, State or local laws and rules of evidence.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

606.8 DOCUMENTATION

Deployment of any sUAS owned or operated on behalf of the Napa Sheriff's Office will be thoroughly documented in a written report. As soon as practicable, Napa Sheriff's Office Administration should be notified of deployments via verbal or written documentation.

606.9 COMPLIANCE AND ACCOUNTABILITY

When information has been breached or obtained by an unauthorized person and the release of such information may threaten physical, reputational, or financial harm to an individual or agency, the sUAS Coordinator or his designee shall promptly notify the individual or agency, unless doing so would compromise an ongoing public safety operation or pending criminal investigation.

Napa Sheriff's Office sUAS Team personnel or other authorized users shall report violations or suspected violations of this Policy to the sUAS Coordinator within 24 hours of occurrence. Investigation of a reported violation will be conducted in accordance with the Personnel Complaints policy.

The Napa County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members. The Office will accept and address all complaints of misconduct in accordance with the Personnel Complaints policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of the Napa Sheriff's Office to ensure that the community can report misconduct without concern for reprisal or retaliation.

606.10 PUBLIC TRANSPARENCY

It is the intent of the Napa Sheriff's Office to be open with the public concerning the use of sUAS when such openness will not jeopardize ongoing public safety operations and/or criminal investigations. Public Notification of sUAS deployments for real world incidents should be conducted as soon as practical in accordance with policies and procedures. Careful consideration should be given to Investigative techniques and strategies regarding the release of information so as not to jeopardize potential prosecutions.

The Napa Sheriff's Office should provide public notice, through the Press Information Officer (PIO) and with the approval of the Sheriff, or his designee the sUAS team's area of operation. On an annual basis a general summary of the Office's sUAS operations during the previous year should be released to the public. This should include any changes which may significantly affect privacy, civil rights or civil liberties. The manner in which this information is released will be determined by the Sheriff and the PIO, with input from appropriate personnel.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

607.2 POLICY

It is the policy of the Napa County Sheriff's Office to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The bureau lieutenant(see the Operations Planning and Deconfliction Policy) should review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The bureau lieutenant will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the bureau lieutenant. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

(b) A clear explanation of the affiant’s training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The bureau lieutenant or the authorized designee shall coordinate the service of warrants that are categorized as high risk and determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The bureau lieutenant or designee will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the corresponding bureau lieutenant or designee. The lieutenant or designee should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The lieutenant or designee should ensure that members of the Napa County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Napa County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. It may be in the best interest of all invovled parties to determine which agency serves the warrant. The ultimate decision should be made by the agency requesting the service.

If the corresponding bureau lieutenant is unavailable, the Shift Supervisor should assume this role.

If deputies intend to serve a warrant outside Napa County Sheriff's Office jurisdiction, the bureau lieutenant should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Napa County Sheriff's Office when assisting outside agencies or serving a warrant outside Napa County Sheriff's Office jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

607.12 TRAINING

The Administrative Lieutenant should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Napa County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 RISK ASSESSMENT

608.3.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.3.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor.

The supervisor and bureau lieutenant shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.3.3 HIGH-RISK OPERATIONS

If the supervisor determines that the operation is high risk, the supervisor should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. SWAT
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

608.4 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.5 OPERATIONS PLAN

The bureau lieutenant should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues, including shots fired, negligent discharges, hostage or barricade situations.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies(contingencies for dogs or other animals).

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

608.5.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.6 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Any items to be seized should be identified at the briefing.

(c) The bureau lieutenant shall ensure that all participants are visually identifiable as law enforcement officers.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. Exceptions may be made for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the bureau lieutenant to ensure that the Dispatch Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
2. If the radio channel needs to be monitored by the Dispatch Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.7 SWAT PARTICIPATION

If the bureau lieutenantr determines that SWAT participation is appropriate, the lieutenant and the SWAT supervisor shall work together to develop a written plan. The SWATsupervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

608.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

608.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

608.10 TRAINING

The Administrative Lieutenant should ensure deputies and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 7 - Equipment

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement. The personal use of county property is forbidden.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made via the chain of command to their Division Commander. The Division Commander may require a separate written report of the loss or damage.. The loss or damage must have resulted from a sudden event not normally encountered or anticipated on the job and which was not subject to the control of the employee.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff who will then forward the claim to the Finance Department.

The amount of compensation allowed will be the actual cost to repair damages limited to no more than the original cost and subject to a determination of reasonable and necessary. Some items may be depreciated if part of the useful life of the item is gone.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Napa County Sheriff's Office allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities.

The use of any department-provided or funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Members of the Napa County Deputy Sheriff's Association(DSA) will maintain a reasonable expectation of privacy with regard to personal communication devices when that member receives a Department or County stipend for the communication device. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Sheriff. All such searches shall be fully documented in a written report. When a search involves a personal communication device of a member of the Napa County Deputy Sheriff's Association(DSA), supervisors shall have express written permission from the Sheriff to conduct a warrantless search of the communication device, if consent to search is not granted by the member. The DSA member shall be given sufficient time to have legal counsel present prior to the search of the communication device.

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)
No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member’s assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Deputies are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.

(f) Employees will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

701.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 1 Roll barricade tape
- 1 First aid kit
- 1 Fingerprint kit
- 1 Fire extinguisher
- 4 to 8 Power flares
- 1 Coroner's kit containing personal protective equipment per § 1016 and § 1024

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 Roll barricade tape
- 1 First aid kit
- 1 Fire extinguisher
- Power flares
- Personal Protective Equipment per § 1016 and § 1024

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies shall refuel their assigned vehicle prior to going off shift.

702.5 WASHING OF VEHICLES

All department vehicles shall be kept clean at all times, weather conditions permitting, and shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 NON-SWORN EMPLOYEE USE

Non-sworn employees shall obatain supervisor permission before using patrol vehicle. Prior to use, non-sworn employees shall insure all weapons are removed from vehicles before going into service. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Vehicle Use

703.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure County-owned vehicles are used appropriately. For the purposes of this policy, “County-owned” includes any vehicle owned, leased or rented by the County.

703.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

703.3 USE OF VEHICLES

County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

703.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out, according to current procedures, prior to taking it into service.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

703.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a County-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Shift Supervisor of the reason for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

703.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

703.3.4 AUTHORIZED PASSENGERS
Members operating County-owned vehicles shall not permit persons other than County members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

703.3.5 PARKING
Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

County-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.6 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting deputy shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

703.3.7 PRIVACY
All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.8 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.4 ASSIGNED VEHICLE AGREEMENT
Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander and shall sign an agreement that includes the following criteria:

(a) The member must live within a 30-minute commute of his/her regularly assigned work location (based on average traffic flow). A longer response time may be permitted subject to Division Commander approval. Members who reside outside the permissible

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

response time may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Division Commander.

(b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.

(c) County-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.

(d) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.

(e) Vehicles shall be locked when not attended.

(f) When the member will be away (e.g., on vacation) for periods exceeding two weeks the vehicle shall be stored at the Sheriff's Department.

(g) All department identification, portable radios and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a County-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Sheriff. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Sheriff or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Napa County County limits.

(d) Off-street parking will be available at the member’s residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

703.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Napa County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.5 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Deputies shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member’s chain of command.

703.6 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Napa County Sheriff's Office, a deputy should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions Policy and the Law Enforcement Authority Policy).

Deputies may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Deputies shall, at all times while driving a marked County-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

703.7.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

703.8 VEHICLE DAMAGE, ABUSE AND MISUSE

When a County-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also Traffic Collision Reporting Policy).

When a collision involves a County vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death , the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the County's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Supervisor. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

703.9 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 8 - Support Services

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Property and Evidence

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

800.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

800.2.1 FOUND PROERTY

Civil Code § 2080.1 requires citizens to turn in found property to a Sheriff or Police Department and to make a report about the circumstances of the find. Any property which is turned over to or found by department members is considered found property and will be returned to its rightful owner or turned into the property room for safekeeping. A written report will be prepared by the person receiving the property. No property will be stored in the possession of an employee or in the employee's desk or locker.

800.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

800.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) Place the case number in the upper right hand corner of the bag.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(f) When the property is too large to be placed in a locker, the item may be retained in the auxilary cage. Submit the completed property record into a numbered locker indicating the location of the property.

800.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

800.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

800.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the Evidence Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Evidence Technician, or placed in the bicycle storage area until a Evidence Technician can log the property.

(d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking deputy and the supervisor. The Shift Supervisor shall be contacted for cash in excess of $1,000 for special handling procedures.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

(b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

(c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Office has complied with the requirements of Penal Code § 33850 et seq.

The Evidence Technician shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

800.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

(c) Property with more than one known owner

(d) Paraphernalia as described in Health and Safety Code § 11364

(e) Fireworks

(f) Contraband

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

800.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

800.4.2 PACKAGING NARCOTICS

The deputy seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking deputy shall initial the sealed envelope. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

800.5 RECORDING OF PROPERTY

The Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property record.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property record.

Any changes in the location of property held by the Napa County Sheriff's Office shall be noted in the property logbook.

800.6 PROPERTY CONTROL

Each time the Evidence Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Deputies desiring property for court shall contact the Evidence Technician at least one day prior to the court day.

800.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Technician. This request may be filled out any time after booking of the property or evidence.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property record and the request for laboratory analysis.

The Property Technician releasing the evidence must complete the required information on the property record and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the person transporting will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered.

800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property record, stating the date, time and to whom released.

The Evidence Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

800.6.4 AUTHORITY TO RELEASE PROPERTY

No property or evidence in the care of this Department will be released or disposed of without prior written approval.

800.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

A Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Bureau for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Office is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

800.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Office may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

800.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigative Bureau will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this office, including paraphernalia as described in Health and Safety Code § 11364.

800.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the Evidence Technician shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

800.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) which conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the weapon is not retained as evidence, the Office shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Office to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed or retained as provided in Welfare and Institutions Code § 8102.

800.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Napa County Sheriff's Office determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

800.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor, detective, deputy, or district attorney's office.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

800.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680(e))

800.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Office shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this office to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

800.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant’s attorney

(c) The appropriate prosecutor and Attorney General

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(d) Any sexual assault victim

(e) The Investigation Bureau supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Bureau supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor’s office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Bureau supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

800.7.4 USE OF UNCLAIMED PROPERTY

Items of unclaimed, found, confiscated property and evidence may be retained for department use in lieu of being sold at auction, destroying or being turned over to another agency. Divisions may request items of unclaimed found and confiscated property for their use. All capital items ($5,000 and above) will have county identity tags affixed and be added to the Departments inventory list.

The Senior Rangemaster is responsible for inventory and control of all firearms obtained from the property room and no firearm may be converted to department use without the written permission from the Sheriff. All transactions involving dangerous weapons shall be in accordance with federal and state dangerous weapons laws regulations.

800.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) An annual audit of evidence held by the Office shall be conducted by a Division Commander (as appointed by the Sheriff) not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Records Bureau

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Napa County Sheriff's Office Records Bureau. The policy addresses office file access and internal requests for case reports.

801.2 POLICY

It is the policy of the Napa County Sheriff's Office to maintain office records securely, professionally, and efficiently.

801.3 RESPONSIBILITIES

801.3.1 RECORDS SUPERVISOR

The Sheriff shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Administrative Services Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Bureau.

(b) Scheduling and maintaining Records Bureau time records.

(c) Supervising, training, and evaluating Records Bureau staff.

(d) Maintaining and updating a Records Bureau procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides.
2. Cases involving office members or public officials.
3. Any case where restricted access is prudent.

801.3.2 RECORDS BUREAU

The responsibilities of the Records Bureau include but are not limited to:

(a) Maintaining a records management system for case reports.

(a) The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Office with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:

1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
2. Suspected hate crimes (Penal Code § 13023).
3. Complaints of racial bias against deputies (Penal Code § 13012; Penal Code § 13020).
4. Civilian complaints made against deputies (Penal Code § 832.5; Penal Code § 13012).
5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
   (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member’s supervisor.

(g) Updating the Automated Firearms System to reflect any firearms relinquished to the Office and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

(h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation within seven calendar days of the precipitating event (Penal Code § 11108.2).

(i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

801.3.3 RECORDS BUREAU PROCEDURE MANUAL

The Records Supervisor should establish procedures that address:

(a) Identifying by name persons in reports.

(b) Classifying reports by type of incident or crime.

(c) Tracking reports through the approval process.

(d) Assigning alpha-numerical records to all arrest records.

(e) Managing a warrant and wanted persons file.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

801.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by deputies of the Napa County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the Office to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the Investigative Bureau Supervisor and the County Counsel for review. After such review and consultation with the County Counsel, the Investigative Bureau Supervisor and the Administrative Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Supervisor should respond to a petition with the Office’s decision within 45 days of receipt. Responses should include only the decision of the Office, not an explanation of the analysis leading to the decision.

801.5 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Shift Supervisor.

The Records Bureau will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

801.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting office member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.

801.7 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

801.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Office and the record reflects only a detention.

(c) The California DOJ is notified.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Records Maintenance and Release

802.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

802.2 POLICY

The Napa County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

802.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office public records.

(b) Maintaining and updating the office records retention schedule including:

1. Identifying the minimum length of time the Office must keep records.
2. Identifying the office bureau responsible for the original record.

(c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the office's website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all office current standards, policies, practices, operating procedures, and education and training materials are posted on the office website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Office website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Office’s website.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

802.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this office, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Office is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain office records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Office shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

2. If the record requested is available on the office website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Office. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

802.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any office record including traffic collision reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this office (Government Code § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the office’s electronic technology systems (Government Code § 6254.19).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

802.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

802.7 RELEASED RECORDS TO BE MARKED

Any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

Each audio/video recording released should include the office name and to whom the record was released.

802.8 SEALED RECORD ORDERS

Sealed record orders received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

802.9 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Office information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Office determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

802.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

1. The date of the notice.
2. Name and contact information for the Napa County Sheriff's Office.
3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the Napa County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Office in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.

2. When the breach involves an email address that was furnished by the Napa County Sheriff's Office, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

802.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.

2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Office does not have sufficient contact information. Substitute notice shall consist of all of the following:

(a) Email notice when the Office has an email address for the subject person.

(b) Conspicuous posting of the notice on the office’s webpage for a minimum of 30 days.

4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Office to notify more than 500 California residents, the Office shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

802.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Sheriff or the Internal Affairs Team supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

802.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the Office knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the Office demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

802.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Sheriff in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

802.10.3 REDACTION

If the Custodian of Records, in consultation with the Sheriff or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Office should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

802.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Office may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Office determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The Office may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Protected Information

803.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Napa County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Napa County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

803.2 POLICY

Members of the Napa County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

803.3 RESPONSIBILITIES

The Sheriff shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS),Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

803.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Napa County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, by any employee, including access for other than a legitimate work-related purpose, is prohibited and may subject the employee to disciplinary action pursuant to the Standards of Conduct Policy, which could include counseling, oral/written reprimand, economic sanction, termination, and/or criminal prosecution.

803.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

803.5.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

803.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

803.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

803.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Animal Control

804.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

804.2 ANIMAL SERVICES RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Services and include:

(a) Animal-related matters during periods when Animal Services is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Services is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

804.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

804.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

804.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

804.5.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Services is not available, the information will be forwarded for follow-up.

804.5.2 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

804.5.3 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

804.6 CITATIONS

It should be at the discretion of the handling ASO, deputy or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

804.7 ANIMAL SERVICES USE OF FIREARMS

Firearms are tools available to Animal Services Officers to assist in humanely dispatching certain animals. Firearms should only be used in situations where a wild animal needs to be humanely dispatched to end its suffering. A firearm is to be used on wild animals. Domestic animals should not be dispatched in the field.

804.7.1 AUTHORITY AND SCOPE

NCO 6.04.040 - Enforcement powers and rights for use of firearms.

A. The animal control officer is hereby authorized to demand the exhibition of any dog owned or under the control or in the custody of any person residing within the county and to require the exhibition of the license for such dog, or any other reasonable information that may be required, and it shall be the duty of such person to exhibit such dog and such license to the animal control officer or other authorized employee of the county upon demand.

B. Pursuant to Section 12031 of the Penal Code, the animal control officer, and such assistants as may be specifically designated in writing, are authorized to carry firearms when acting within the course and scope of their employment.

C. If the animal control officer shall, in discharging any firearm or tranquilizer gun in the exercise of duties under this chapter, injure or destroy any animal, neither the officer nor the county shall be liable as a result thereof. (Ord. 1305 § 1 (part), 2008)

804.7.2 PROCEDURE, USE AND DOCUMENTATION

Only officers who have successfully completed the requirements listed in Penal Code 832 and who are trained in the use of department provided equipment are authorized to utilize this method of dispatch.

In the event an Animal Services Officer deems it necessary to dispatch an animal, he/she will contact Napa Dispatch and let them know a firearm will be discharged in the area they are in.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Whenever possible, two officers should be present when dispatching a mobile animal. The second officer would act as a spotter to monitor and track the animal after a shot is fired. Multiple shots shall not be fired at running animals. If an animal flees after being shot, the Animal Services Officer will wait for the animal to stop and then another shot may be fired only when safe to do so. At all times the surrounding area and background of the animal shall be considered before firing a shot. As a matter of practice, ASO's should not dispatch an animal from inside their vehicle unless all other options have been exhausted or the Officer's safety is at risk.

Officers who employ this method of dispatch will document all incidents involving the use of the firearm either on the event card or in an Ileads report. This documentation shall minimally include the following information; number of shots fired, location of the incident, and justification for dispatching the animal.

804.7.3 ISSUING, POSSESSION AND STORAGE

Each Animal Services vehicle will be issued two firearms; a Mossberg.410 Shotgun and a.22lr Browning Buckmark Pistol. No unauthorized firearms or ammunition shall be carried or used by any Animal Services Officer during the course of their duties.

The Buckmark Pistol shall be secured at all times in the vehicles authorized locked container while the Officer is on duty. The Mossberg Shotgun will be secured in the cab of the vehicle in the department authorized shotgun lock. The only exception to this directive will be when the firearms are removed by a member of this Bureau for use in dispatching a wild animal or moved from one authorized storage container to another.

Firearms kept by Animal Services Officers while off duty shall be kept in a locked gun safe or kept with a gun lock affixed to the firearm. The Mossberg shotgun shall be removed from the vehicle at the end of every shift.

Any authorized firearms stored in an Animal Services vehicle shall be transferred to the Animal Services safe located at the Sheriff's Office when the vehicle will be out of service for an extended period of time. This would include vehicles being dropped off at the County's corporation yard for service.

All ammunition shall be stored in the rear safe of the vehicle.

804.7.4 ACCOUNTABILITY

Any firearm used by an Animal Service Officer shall be documented by an event card or Ileads report.

804.8 POLICY

It is the policy of the Napa County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

804.9 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

804.10 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

804.11 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

804.12 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

804.13 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Animal Services Officers do not handle animal related noise complaints.On other types of nuisance complaints, Deputies shall obtain and forward to the ASO as much information as possible regarding the nature of the complaint, complaining member of the public, owner information, and the location of the problem.Deputies shall also document all actions taken such as citations or related report numbers.All requests to call in an ASO after normal shift hours must be approved by a supervisor.

804.14 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Animal Services Taser Policy

805.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, the TASER™ device is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

805.2 POLICY

Personnel who have completed department approved training may be issued a TASER for use during their current assignment. Animal Services Officers shall only use TASER and cartridges that have been issued by the Department. The device may be carried either as a part of a uniformed officers equipment in an approved holster or secured in the officer's vehicle so that it is readily accessible at all times.

a. When officer's are not armed with a sidearm, they may carry the TASER on either the strong side, or on the weak side of their body. If armed with a sidearm, the Taser shall be carried on the weak side of the body.

b. All TASERs shall be clearly and distinctly marked to differentiate them from a firearm and any other device.

c. Whenever practical, officers should carry a total of two or more TASER cartridges on their person at all times while carrying a TASER.

d. Officers shall be responsible for insuring that their issued TASER is properly maintained and in good working order at all times.

e. Officers should never hold both a firearm and the TASER at the same time unless lethal force is justified.

805.3 VERBAL AND VISUAL WARNINGS

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the TASER shall precede the application of a TASER in order to: a. Provide the individual with a reasonable opportunity to voluntarily comply. b. Provide other officers, deputies and individuals with warning that a TASER may be deployed.

If, after a verbal warning, an individual is continuing on his course of attack or potential attack, and it appears both reasonable and practical under the circumstances, the officer may, but is not required to display the electrical arc or laser in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

805.4 USE OF THE TASER

As with any law enforcement equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the TASER. Although the TASER rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use the TASER when circumstances known to the individual officer at the time indicate that the application of the TASER is reasonable to protect the officer or others from:

a. An assaultive or potentially assaultive subject, or

b. A vicious or aggressive animal.

c. When measuring the reasonableness of deploying the TASER against a person, officers should consider the following:

1. The availability of local law enforcement to intervene in a timely manner. When faced with a combative or overly confrontational subject, officers should request assistance from local law enforcement.

2. The conduct of the individual(s) as reasonably perceived by the officer at the time.

3. The potential of injury to the officer or citizens if the officer does not deploy the TASER.

4. Other exigent circumstances.

d. Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the TASER to any of the following individuals:

1. Pregnant females.

2. Elderly individuals or obvious juveniles.

3. Individuals who are handcuffed or otherwise restrained.

4. Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material.

5. Passively resisting subjects.

6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).

e. Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of excited delirium (e.g. nudity, profuse sweating, irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the TASER until they can be examined by paramedics or other medical personnel.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

f. Because the application of the TASER in the Drive Stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited.

g. It should be noted that the TASER cycles for five second intervals and during that cycle, the major muscle groups of an animal's body will contract. At the end of the five second cycle, the contraction will cease and control over the animal will be lost. Therefore, the TASER shall not be used as a substitute for approved methods currently in place for the routine capture of animals.

The TASER shall not be used to torture, psychologically torment or inflict undue pain on any individual or animal.

805.4.1 MULTIPLE APPLICATIONS OF THE DEVICE

If, after a single application of the TASER, an officer is still unable to stop the individual from his course of action and circumstances allow, the officer should consider whether or not the probes or darts are making proper contact, or if the use of the TASER is limiting the ability of the individual to comply, or if other options or tactics may be more appropriate. This however, shall not preclude any officer from multiple, reasonable applications of the TASER on an individual.

805.4.2 REPORT OF USE

All TASER discharges on an individual shall be reported to the following:

1. The sergeant in charge of Animal Services. If that sergeant is unavailable, the officer shall report the use of the TASER to the Valley Patrol Sergeant or OIC.

2. The local law enforcement officer who completes a related crime or arrest report. If a local jurisdiction dose not complete an incident report, a Sheriff's Deputy shall be summoned to the scene in order to complete a report.

3. The TASER coordinator.

All TASER discharges, animal or human, shall be documented on the TASER report form. Accidental discharges of a TASER cartridge will also be documented on the TASER report form. Any report documenting the discharge of a TASER cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge.

The on-board TASER memory will be downloaded through the dataport, and the document(s) will be placed in the Taser records file to be maintained by a certified TASER instructor or his designee.

805.5 MEDICAL TREATMENT

Individuals who have been subjected to the electric discharge of a TASER and/or struck by TASER darts and who are also suspected of being under the influence of controlled substances and/or alcohol should also be examined by paramedics or other qualified medical personnel as soon as practicable. Any person who has been subjected to the electric discharge of a TASER and/or struck by TASER darts shall be medically cleared prior to booking. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

practical, should be witnessed by another deputy and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, imperviousness to pain or who require a protracted physical encounter with multiple deputies or officers to bring under control may be at an increased risk of sudden death and should examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

Animals that have been subjected to the electrical discharge of the TASER and/or struck by darts shall be taken to the contract veterinary clinic for examination and clearance prior to being impounded at the animal shelter.

805.5.1 PROBE REMOVAL

The Taser darts may be removed from the subject after the subject is restrained, following procedures outlined in training. The officer or trained designee may remove probes that penetrate the flesh in a nonsensitive area as prescribed by the manufacturer. Officers should refrain from removing probes from sensitive areas such as the eyes, ears, groin, female breasts, or in any instance where it would be more prudent to require a qualified physician or EMT to perform the removal. Deputies should also consider the following factors prior to probe removal; their personal safety, the subject's demeanor and intoxication level, proximity to a medical facility and any other factors that appear pertinent to probe removal.

Generally, trained officers can safely perform this procedure without harm to the subject, and they may be more qualified than an EMT of physician who has not received special training in this process. However, the use of EMT's or emergency medical practitioners to remove darts is a reasonable and prudent option. The probes or darts should be placed in containers suitable for the safe storage of sharp objects, and in accordance with the departmental biohazard material policy. The integrity of the wire and the probes should be maintained for forensic analysis in the event of the device's failure.

* Photographs of the affected body area(s) should be taken after the darts are removed.

805.6 TRAINING

In addition to the initial department approved training required to carry and use a TASER, any personnel who have not carried a TASER as a part of their assignment for a period of six months or more shall be recertified by a department approved TASER instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Manager.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Jeanne Clery Campus Security Act

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this office fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

806.2 POLICY

The Napa County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Napa County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Napa County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Napa County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

806.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

(a) Ensure that the Napa County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).

    (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).

2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).

4. Notify the Napa County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

5. Notify the Napa County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

806.3.1 ADDITIONAL REQUIREMENTS

The Sheriff or the authorized designee will also (Education Code § 67386):

(a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:

1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.

2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.

(c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.

(d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Napa County Sheriff's Office or the institution (Education Code § 67380).

1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the Napa County Sheriff's Office is necessary to contact or detain the assailant (Education Code § 67380).

2. If the institution discloses the identity of the alleged assailant to the Napa County Sheriff's Office, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

806.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining Napa County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
10. Dating violence, domestic violence and stalking

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
   (a) On campus.
   (b) In or on a non-campus building or property.
   (c) On public property.
   (d) In dormitories or other on-campus, residential or student facilities.

(c) Statistics will be included by the calendar year in which the crime was reported to the Napa County Sheriff's Office (34 CFR 668.46(c)(3)).

(d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

806.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the Napa County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Office.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's office or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

806.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Supervisor is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

(a) All occurrences reported to the Napa County Sheriff's Office and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

(b) All occurrences of noncriminal acts of hate violence reported to the Napa County Sheriff's Office for which a written report is prepared.

806.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Services Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
   (a) Procedures victims should follow.
   (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Alternate Work Schedule

807.1 PURPOSE AND SCOPE

The work schedule for Sheriff's Office Public Service Employee Unit (PSE) employees are established to ensure that efficient and effective services are delivered to County customers and clients and create a desirable work environment for employees. Management reserves the right to establish regular work schedules based upon business necessity and to approve, deny, modify or terminate an alternate work schedule, at any time. The approval, denial, modification or termination of an alternate work schedule shall not be subject to the grievance procedure.

The purpose of this Alternate Work Schedule Policy and Procedure is to establish criteria for evaluating alternate work schedules within the Sheriff's Office and procedures for reviewing alternate work schedule requests. A 9/80 and 4/10) alternate work schedule is available for some Department employees as long as the requested schedule supports the business needs of the department, provides a high level of accessibility and service to the public, supports efficient and effective department operations, does not increase overtime or County costs, ensures adequate employee coverage, does not negatively impact client services or reduce service to the public and creates a desirable work environment for employees.

No employee governed by the provisions of this policy shall earn greater or less compensation, unless otherwise eligible, than another employee who works a standard work shift, work week, or work schedule. The alternate work schedule must be in compliance with the Fair Labor Standards Act (FLSA).

807.1.1 DEFINITIONS

A. 9/80 Alternate Work Schedule: The 9/80 alternate work schedule shall be defined as working eight (8) nine (9) hour days and one (1) eight (8) hour day in a two (2) week pay period, plus a one (1) hour unpaid lunch during each work shift, totaling forty hours in each FLSA work week. The designated FLSA work week (168 hours in length) shall begin exactly four (4) hours after the start time of the employee's eight (8) hour shift on the day of the week that corresponds with the employee's alternating regular day off. A shorter lunch period may be approved by the supervisor or manager.

B. 4/10 Alternate Work Schedule: The 4/10 alternate work schedule shall be defined as four (4) ten (10) hour days each week plus a one (1) hour unpaid lunch during each work shift, totaling forty (40) hour work week. The assigned 4/10 alternate work schedule must be in compliance with the requirements of FLSA and other applicable laws. A shorter lunch period may be approved by the supervisor or manager.

C. Regular Day Off-9/80: The Regular Day Off (RDO) for a 9/80 alternate work schedule shall be an eight (8) hour day and can be scheduled to occur on any day of the week. The RDO must be the same day of the week as the employee's eight (8) hour work day that occurs in the preceding and subsequent work weeks (e.g. if the employee's regularly scheduled day off is each

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

alternate Friday, then the employee shall be scheduled to work eight (8) hours the preceding and subsequent Fridays).

D. Regular Day Off-4/10: The Regular Day Off (RDO) for a 4/10 alternate work schedule can be scheduled to occur on any day of the week.

E. Fair Labor Standards Act (FLSA): The FLSA is a federal law that sets minimum wage, overtime pay, equal pay, recordkeeping, and child labor standards for employees who are covered by the Act.

F. Overtime: Overtime for purposes of this policy shall be defined as actual hours worked in excess of the employee's alternate work shift, work week, or work schedule.

807.1.2 ALTERNATE WORK SCHEDULE CRITERIA

A. Department Specific Criteria

1. An alternate work schedule must ensure appropriate department and unit coverage.

2. An alternate work schedule will not negatively impact client services or reduce service to the public.

3. An employee must have and maintain a satisfactory performance and attendance rating on their performance evaluations.

4. Employees must be available for unit/department meetings.

5. Must maintain a safe and secure work environment.

6. An alternate work schedule must provide for the adequate supervison of assigned staff.

7. An alternate work schedule will not increase the need for overtime.

8. An alternate work schedule will not reduce departmental or County productivity and/or effectiveness.

9. An alternate work schedule will not increase County costs.

807.1.3 PROCEDURE

The 9/80 and 4/10 alternate work schedule, as defined in this policy, shall be available for Sheriff's Office employees. The 9/80 and 4/10 alternate work schedule shall not reduce service to the public, departmental effectiveness, productivity and/or efficiency or increase overall County costs.

A. Alternate Work Schedule Application and Approval Process

1. An employee may request an alternate work schedule by filling out the "PSE Alternate Work Schedule Application" form and submitting it to his/her immediate supervisor for initial review and recommendation for approval or denial.

2. The employee shall provide reasons for his or her request for an alternate work schedule on the designated form.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

3. The employee's immediate supervisor shall review the request in light of the departmental criteria set forth in this policy (See section 823.1.2). The immediate supervisor shall provide his or her recommendation for approval or denial of the request to their manager. The manager will then provide their recommendation for approval or denial of the request to the Department Head. The Department Head shall have final authorization to approve or deny the alternate work schedule request.

4. The decision to approve an alternate work schedule, including the selection of the work days and times and the regular day off (RDO), shall be based on department criteria set forth in this policy (See Section 823.1.2).

5. The effective date for the beginning, change, or end of an alternate work schedule shall be the first day of a mutually agreed upon pay period.

B. Alternate Work Schedule Denial Requirements

1. If the request for an alternate work schedule is denied, the Department Head or designee shall identify, in writing, on the request form, the departmental criteria which formed the basis for the denial. Copies of the request form, including criteria that formed the basis for the denial, shall be provided to the employee.

2. If a previously approved alternate work schedule becomes detrimental to department operations, the alternate work schedule may be discontinued with at least fourteen (14) calendar days notice based upon management prerogative and shall coincide with the beginning of a pay period.

3. In the event that an alternate work schedule is modified or terminated, the employee shall be provided with at least fourteen (14) calendar days notice of the change.

4. The decision to deny, modify or terminate an alternate work schedule shall be based upon department established criteria.

5. The approval, denial, modification or termination of an alternate work schedule shall not be subject to the grievance procedure contained in Article 10 of the Public Services Employee Unit MOU.

807.1.4 HOLIDAYS, PERSONAL TIME OFF AND JURY DUTY

Holiday pay shall remain at eight (8) hours. For 9/80 alternate work schedules, when a holiday falls on a regular nine (9) hour workday, the employee shall use eight (8) hours "Holiday Leave" plus one (1) hour of personal paid leave time (e.g. vacation, personal leave, holiday banked, compensatory overtime) to make up the ninth hour. For 4/10 alternate work schedules, when a holiday falls on a regular ten (10) hour workday, the employee shall use eight (8) hours "Holiday Leave" plus two (2) hours of personal paid leave time (e.g. vacation, personal leave, holiday banked, compensatory overtime) to make up the remaining two hours.

If a holiday falls on a day when the employee is scheduled to be off, the employee will receive eight (8) hours holiday credit.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Jury duty, for the purposes of timekeeping, will be treated in a similar manner to holiday pay. Jury duty pay shall be capped at a maximum of eight (8) hours per day of active service.

807.1.5 VACATION AND SICK LEAVE

Vacation and sick leave benefits will accrue at the same rate as for an employee on a regular work schedule. Vacation and sick leave benefits shall be expended on an hour-for-hour basis equal to the number of hours absent from a scheduled work period.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 9 - Custody

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Napa County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

900.4 STRIP SEARCHES

No individual in temporary custody at any Napa County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual’s actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual’s genital status. If the individual’s genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.4.1 STRIP SEARCH PROCEDURES

Strip searches at Napa County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Shift Supervisor shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Supervisor.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Shift Supervisor shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

900.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Supervisor authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Supervisor authorization does not need to be in writing.

900.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Supervisor’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

900.6 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. Members (Penal Code § 4030):

(a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

(b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Sallyport/Secure Interview Rooms

901.1 PURPOSE AND SCOPE

To establish proper security and control measures to be utilized by all department employees while in the sallyport/secure interview rooms.

901.2 POLICY

Whenever detainees/prisoners are secured in the secured interview rooms, a Sheriff's Department employee shall remain in the area of the sallyport to be immediately available and accessible to the detainees/prisoners, in the event of an emergency. A matron or female deputy should also be present whenever one or more females are placed in the secure interview room. Male and female detainee/prisoners should not be placed in the same interview room. Minors must be separated from adults.

NOTE: It is the policy of this Department that all juvenile detainees taken to a Sheriff's facility during the investigative phase of an arrest shall be supervised at all times by the investigating deputy or his/her designee and not be placed into any locked room. Furthermore, at no time shall juveniles, while at a Sheriff's facility, be handcuffed to any fixed object.

The following persons shall not be placed in a secure interview room:

(a) Any person who is sick or injured and who requires medical attention.

(b) Any person who has a severe mental disorder.

(c) Any person suspected of being under the influence of a hallucinogen.

(d) Any combative or unruly person who may be likely to cause damage to the facility.

(e) Persons under the age of eighteen (18) years.

901.3 FIREARMS

Napa County Sheriff's deputies and other law enforcement agencies shall not enter the sallyport with a firearm or other deadly weapon. The only exception to this policy would be in the event that a subject has armed him or herself with a deadly weapon or has created a situation where the use of deadly force may be justified. Firearms shall be secured in the firearms storage boxes located at each entrance to the sallyport, or in another secure area away from the detainees/prisoners.

901.4 DOORS

The doors to the sallyport shall be locked at all times except during routine cleaning when the interview rooms are not in use, or in the event of an evacuation.

NOTE: If the fire alarm is activated in the building both doors in the sally port controlled by proximity cards unlock automatically to facilitate evacuation. Those doors are the one that leads to hallway and the one that leads outside. Once the alarm is cleared the doors go back into their "normal mode."

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Sallyport/Secure Interview Rooms

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Chapter 10 - Personnel

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Napa County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Napa County Sheriff's Office provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administrative Services Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administrative Services Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Napa County Sheriff's Office (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administrative Services Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administrative Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Office fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administrative Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Sheriff, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

180 days of voluntary separation from the Napa County Sheriff's Office, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) At least 18 years of age

(d) Fingerprinted for local, state and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test or obtained a two-year, four-year or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional, or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

1. Reading and writing ability assessment (11 CCR 1951)
2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Office (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHER
Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

(a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)

(b) An oral communication assessment (11 CCR 1958)

(c) A medical evaluation (11 CCR 1960)

1000.8 PROBATIONARY PERIODS

The Administrative Services Division Commander should coordinate with the Napa County Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Promotional and Transfer Policy

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Napa County Sheriff's Office.

1001.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

(a) Present a professional, neat appearance.

(b) Maintain a physical condition which aids in their performance.

(c) Demonstrate the following traits:

1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to organizational goals and objectives in a positive manner.

1001.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

(a) Detective;

(b) NSIB Agent;

(c) Coroner Detective;

1001.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer to one of the above listed positions:

(a) Three years' experience, with the last one being on active duty with this department;

(b) Off probation by the time the assignment starts;

(c) Has shown an expressed interest in the position applied for;

(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.;

(e) Complete any training required by POST or law.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1001.2.2 ASSIGNMENT TERMS
All personnel serve at the pleasure of the Sheriff. Some assignments have specific guidelines. Any transfer to the one of the above bureaus shall be reviewed by the Sheriff and requires a multi-year commitment from the affected employee.

(a) Detective Bureau currently requires a three to five year commitment;

(b) Narcotics Bureau requires a three-year commitment;

(c) Coroner Bureaus requires a two-year commitment.

1001.2.3 TERM LIMITS
For the purposes of personnel development, the following positions have term limits (not minimum commitment) are:

POPP 2 years with possible one year extension

Coroner Investigator 4 years with possible 1 year extension

Property Detective 3 years with possibility of 2 one year extensions (Time resets if moves to Persons crimes).

Person Crimes Detective 5 continuous years

NSIB 3 years with possibility of 2 one year extensions (for a maximum of five years)

Berryessa 3 years with possible one year extension

Courts 5 continuous years

SRO 5 continuous years

SAL 5 continuous years

K9 5 years or duty life of the dog (whichever is longer)

Admin Deputy 3 years with possibility of two one year extensions

All "Term Limits" subject to management override, if in the best interest of the department. If no one else submits at the end of term, person may be extended.

1001.3 SELECTION PROCESS
The following criteria apply to transfers.

(a) Administrative evaluation as determined by the Sheriff. This may include a supervisor recommendation, review by the Bureau Commander, and approval of the Division Commander.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1001.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the County of Napa Personnel Human Resource Office. The Sheriff is the appointing authority and will make his selection based on the Napa County Department of Human Resources rules and regulations.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Grievance Procedure

1002.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1002.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- County rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaint Policy.

1002.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected bureau or bureau.

(c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Sheriff.

(d) If the employee and the Sheriff are unable to arrive at a mutual solution, then the employee shall proceed as follows:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. Submit in writing a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor and include the following information:
   (a) The basis for the grievance (i.e., what are the facts of the case?).
   (b) Allegation of the specific wrongful act and the harm done.
   (c) The specific policies, rules or regulations that were violated.
   (d) What remedy or goal is being sought by this grievance.

(e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

(f) The Sheriff will receive the grievance in writing. The Sheriff and the County Executive will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the County Executive is considered final.

1002.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1002.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the County Executive’s office to monitor the grievance process.

1002.5 GRIEVANCE AUDITS

The Administrative Lieutenant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Administrative Lieutenant shall record these findings in a confidential and generic memorandum to the Sheriff without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Administrative Lieutenant should promptly notify the Sheriff.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Anti-Retaliation

1003.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1003.2 POLICY

The Napa County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1003.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1003.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Director of Human Services.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member’s identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1003.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1003.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1003.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Team for investigation pursuant to the Personnel Complaints Policy.

1003.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Office shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1003.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1003.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Reporting of Employee Convictions

1004.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Office of any past and current criminal convictions.

The Administrative Services Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this office (11 CCR 1003).

The Administrative Services Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this office or any former peace officer if this office was responsible for the investigation (11 CCR 1003).

1004.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this office may be inherently in conflict with law enforcement duties and the public trust.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1004.4 REPORTING PROCEDURE

All members of this office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1004.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned or disciplined. The Office may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace. For more information reference Napa County Policy § 37 O.

1005.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1005.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

1005.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

1005.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1005.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1005.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee’s other personnel files.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Sick Leave

1006.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1006.2 POLICY

It is the policy of the Napa County Sheriff's Office to provide eligible employees with a sick leave benefit.

1006.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1006.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1006.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1006.5 REQUIRED NOTICES

The Director of Human Services shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1006.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected office operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

1007.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Napa County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1007.2 POLICY

The Napa County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1007.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

2. Bloodborne pathogen mandates including (8 CCR 5193):

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Sharps injury log.

(b) Needleless systems and sharps injury protection.

3. Airborne transmissible disease mandates including (8 CCR 5199):

(a) Engineering and work practice controls related to airborne transmissible diseases.

(b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.

4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).

5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.

6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other office members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Office website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1007.4 EXPOSURE PREVENTION AND MITIGATION

1007.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.

(b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1007.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1007.5 POST EXPOSURE

1007.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1007.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1007.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1007.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1007.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1007.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1007.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Smoking and Tobacco Use

1008.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Napa County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1008.2 POLICY

The Napa County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1008.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Napa County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1008.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1008.4.1 NOTICE

The Sheriff or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Personnel Complaints

1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Napa County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1009.2 POLICY

The Napa County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1009.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms are maintained on the Department's Intranet and will be made available, as soon as practical, upon demand. Complaint forms may be delivered either in person or by mail.

1009.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1009.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Team, depending on the seriousness and complexity of the investigation.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Team, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1009.3.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1009.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1009.4.1 ADMINISTRATIVE LEAVE
An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered

(e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander who in turn will notify the Sheriff via the chain of command.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1009.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Office (Penal Code § 832.7).

1009.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Office shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1009.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Any complain that generates an Internal Affairs investigation will be documented in a log that records and tracks complaints. On an annual basis, the Department should audit the log and send an audit report to the Sheriff or the authorized designee.

1009.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1009.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

    1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Sheriff, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.

2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and the Sheriff are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Shift Supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1009.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Team, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Napa County Sheriff's Office or other reasonable and appropriate place.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the deputy in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any deputy solely because the deputy has been placed on a prosecutor’s *Brady* list or the name of the deputy may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the deputy has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1009.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1009.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a deputy were found to violate law or office policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1009.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1009.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1009.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member’s consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1009.7.1 DISCLOSURE OF FINANCIAL INFORMATION
An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1009.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1009.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Napa County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1009.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1009.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1009.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Sheriff shall also provide the member with:

(a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.

2. If the member elects to respond orally, the presentation may be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1009.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1009.10.4 NOTICE REQUIREMENTS

The disposition of any civilian’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1009.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.

(d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

1009.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1009.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that a deputy has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1009.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary deputy subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Sheriff or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Sheriff shall be final.

1009.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Seat Belts

1010.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1010.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1010.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1010.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1010.5 POLICY

It is the policy of the Napa County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1010.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1010.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1010.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Body Armor

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1011.2 POLICY

It is the policy of the Napa County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1011.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Napa County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1011.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Deputies shall only wear agency-approved body armor.

(b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when a deputy is working in uniform or taking part in Department range training.

(e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(f) Sworn members working as Marine Patrol on the water are exempt from wearing body armor but shall carry it with them. Members shall wear body armor if handling land based calls for service. This does not pertain to members operating a PWC.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1011.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation.

1011.3.8 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1011.4 RANGEMASTER RESPONSIBILITIES
The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates deputies about the safety benefits of wearing body armor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Personnel Records

1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1012.2 POLICY

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1012.2.1 EMPLOYEE NOTICE

No memos, reports, or any written material that contains derogatory information about an employee shall be placed in the employee's personnel file unless the employee has been provided with a copy of the material.

The employee shall have 30 days from the date of the receipt of the negative written information to deliver a written response. The employee's written response will be attached to the material in the personnel file.

1012.3 OFFICE FILE

The office file shall be maintained as a record of a person’s employment/appointment with this office. The office file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least two years (Government Code § 26202; Government Code § 34090).

2. Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1012.4 BUREAU FILE

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1012.5 TRAINING FILE

An individual training file shall be maintained by the Administrative Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Administrative Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Administrative Lieutenant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1012.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Team in conjunction with the office of the Sheriff. Access to these files may only be approved by the Sheriff or the Internal Affairs Team supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

Investigation files arising out of civilian's complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. Investigations that resulted in other than a sustained finding may not be used by the Office to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least two years (Government Code § 26202; Government Code § 34090).

1012.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1012.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Executive, County Counsel or other attorneys or representatives of the County in connection with official business.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1012.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1012.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this office may be guilty of a misdemeanor (Penal Code § 146e).

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1012.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF DEPUTIES

Personnel records and records related to certain incidents, complaints, and investigations of deputies shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Sheriff or the Internal Affairs Team supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against a deputy in

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

connection with an incident, or whether the deputy's action was consistent with law and office policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.

- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by a deputy.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by a deputy.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the office or oversight agency regarding:

1. A deputy engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of a deputy relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another deputy, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple deputies, the Office shall not release information about allegations of misconduct or the analysis or disposition of an investigation of a deputy unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the deputy. However, factual information about the action of the deputy during an incident or the statements of a deputy shall be released if the statements are relevant to a sustained finding of the qualified allegation against another deputy that is subject to release (Penal Code § 832.7(b)(4)).

1012.9.1 REDACTION

The Custodian of Records, in consultation with the Sheriff or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of deputies

(b) Information that would compromise the anonymity of complainants and witnesses

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the deputy or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(6)).

1012.9.2 DELAY OF RELEASE

Unless otherwise directed by the Sheriff, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against a deputy or against someone other than a deputy who used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until whichever occurs later:

(a) There is a determination from the investigation whether the use of force violated law or office policy, but no longer than 180 days after the date of the office’s discovery of the use of force or allegation of use of force

(b) Thirty days after the close of any criminal investigation related to the deputy’s use of force

1012.9.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than a deputy and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Office must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by deputies.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Office may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(7)).

1012.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

1012.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.

(c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Commendations and Awards

1013.1 PURPOSE AND SCOPE

It is in the best interest of the Napa County Sheriff's Office, its members, and the citizens we serve that all acts of heroism and outstanding distinguished service be recognized.This policy provides general guidelines for the commending of exceptional employee performance.

1013.2 COMMENDATION AND MEDAL RECOMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Sheriff's Office provided the reporting person is superior in rank or is the person-in-charge of the individual being commended.

Any employee or citizen may submit a recommendation for any other employee to receive a commendation or medal.All recommendations should be submitted in writing to the Sheriff or his/her designee.

1013.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee may include, but is not limited to the following:

- Superior handling of a difficult situation
- Conspicuous bravery or outstanding performance
- Any action or performance that is above and beyond typical duties

1013.4 MEDALS AND SHERIFF’S CITATION

1013.4.1 MEDAL OF VALOR

The Napa County Sheriff's Office Medal of Valor is awarded to employees who, while serving in an official capacity, distinguish themselves conspicuously by heroic action above and beyond the call of duty.Each recommendation for the Medal of Valor should be based upon the following criteria:

(a) The situation was extremely hazardous.

(b) A strong possibility existed at the time the employee acted that they could have suffered serious injury or death.

(c) The act was not foolhardy.

(d) The employee did not use poor judgment or procedures, thus creating the necessity for action.

A gold star will be attached to the medal for each additional time the employee receives this award.

1013.4.2 SHERIFF'S MERITORIOUS SERVICE MEDAL

The Sheriff's Meritorious Service Medal may be awarded to employees who perform meritorious service similar to, but to a lesser degree than required for the Medal of Valor.A gold star will be attached to the medal for each additional time the employee receives this award.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1013.4.3 LIFESAVING MEDAL
An employee will be eligible anytime he/she saves a life in an immediate life threatening situation. The situation would have to be such that if the employee did not act, a life would have been lost.First aid or a rescue attempt must be given to the victim.

1013.4.4 COMMUNITY SERVICE MEDAL
An employee who devotes an extraordinary amount of off-duty time and energy to developing positive community relations between the Napa County Sheriff's Office and citizens may receive this medal.The employee:

(a) Must devote off-duty time well above that required for any Sheriff's Office paid program.

(b) Must self-initiate activity.

(c) Must be Sheriff's Office related community service.

1013.4.5 SHERIFF'S CITATION
The Sheriff's Citation, a written commendation, may be awarded to any employee who engages in a program, operation, or activity that exemplifies an extraordinary quality of service.

1013.5 WEARING OF MEDALS
Medals will be worn with the Class A uniform.The Sheriff may authorize medals to be worn with other uniform classifications.Medals will be placed on the wearer’s right above the name plate, or if no name plate worn, with the bottom row resting on, but not over, the top edge of the right pocket.

1013.6 AWARDS CEREMONY
Medals and Commendations will be awarded during an Awards Ceremony, or at the discretion of the Sheriff.The date and location of the ceremony will be determined by the Sheriff or his/her designee.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Fitness for Duty

1014.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1014.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1014.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Shift Supervisor or employee’s available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1014.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1014.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1014.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/ grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/ or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1014.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1014.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Lactation Break Policy

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1015.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1015.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). 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. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1015.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees 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 employee'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 § 207 and Labor Code § 1031).

Employees 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 employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

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

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1015.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Time Card Procedures

1016.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a bi-weekly basis for the payment of wages.

1016.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1016.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll records shall be completed and submitted no later than 8:00 a.m. on Monday mornings, unless specified otherwise.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Overtime Compensation Requests

1017.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1017.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 200 hours of compensatory time.

1017.2 REQUEST FOR OVERTIME PAYMENT

Employees shall submit all overtime payment request for verification by their immediate supervisor through the timecard entry program in Peoplesoft. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

1017.2.1 EMPLOYEES RESPONSIBILITY

Employees shall notify their supervisor or the shift sergeant prior to working overtime if possible. Employees shall update their timecards as soon as possible and before the end of the pay week after working overtime.

1017.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the entry on the timecard.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Outside Employment

1018.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1018.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1018.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior approval of the Sheriff. Failure to obtain prior approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must send a memo or an email to the employee’s immediate supervisor. It will then be forwarded through channels to the Sheriff for consideration.

If approved, the employee will be provided with a copy of the approval. Unless otherwise indicated it will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue into the next calendar year shall submit a new request in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1018.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's request is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Sheriff within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1018.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT

Any outside employment may be revoked or suspended under the following circumstances:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Sheriff may, at his or her discretion, revoke any previously approved outside employment. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment.

(b) Suspension or revocation of a previously approved outside employment may be included as a term or condition of sustained discipline

(c) If, at any time during the term of approved outside employment, an employee's conduct or outside employment conflicts with the provisions of department policy, it may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1018.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment request submitted by an employee seeking to engage in any activity which:

(a) Involves the employee’s use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee’s receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee’s duties as a member of this department

(c) Involves the performance of an act in other than the employee’s capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee’s duties for this department less efficient

1018.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Sheriff in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The deputy(s) shall wear the departmental uniform/identification.
2. The deputy(s) shall be subject to the rules and regulations of this department.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1018.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1018.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1018.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code §

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the outside employment approval. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1018.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of an approved request, the employee shall promptly submit written notification of such termination to the Sheriff through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1018.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Sheriff whether such outside employment should continue.

In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the prior approved request, a notice of revocation of the member's approval will be forwarded to the involved employee, and a copy attached to the original request.

Criteria for revoking outside employment include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

When the disabled member returns to full duty with the Napa County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the outside employment approval..

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Occupational Disease and Work-Related Injury Reporting

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

1019.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1019.2 POLICY

The Napa County Sheriff's Office will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1019.2.1 SHERIFF RESPONSIBILITY

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1019.3 RESPONSIBILITIES

1019.3.1 SHERIFF RESPONSIBILITIES

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

1019.3.2 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1019.3.3 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1019.3.4 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administrative Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1019.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1019.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1019.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Personal Appearance Standards

1020.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

1020.2 GROOMING STANDARDS

All employees, except those whose current assignment would deem them not appropriate and the Division Commander has granted exception, are required to maintain their appearance in a neat and well groomed manner in accordance with the following rules and guidelines

(a) When reporting for duty, all personnel will ensure that their clothing, uniforms and equipment are in good serviceable condition. Clothing should be clean and pressed with leather and brass polished if applicable.

(b) Clothing will be appropriate for duty assignment, per the standards described in this manual (§ 1046 - Uniform Standards and Appearance).

Employees who emit an offensive odor can also create a negative impression. Therefore, all employees must come to work smelling clean and must avoid the excessive use of perfume or cologne.

1020.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male members, hair must not extend below the top edge of the shirt collar while assuming a normal stance.

For female members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail if longer than the bottom edge of the shirt collar.

1020.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1020.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1020.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches, eyebrows and eye lashes shall not be worn, unless authorized by the Sheriff or his or her designee.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1020.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1020.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by deputies on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible.

Earrings shall not be worn by uniformed sworn male members, detectives or special assignment personnel without permission of the Sheriff or his/her designee. Only one conservative ring may be worn on each hand of the employee while on-duty. Conservative rings are those without large protruding settings or ornate design. Thumb rings shall not be worn.

Tie clasps or tie pins will be small and in good taste.

1020.3 TATTOOS

While on-duty or representing the Sheriff’s Office in any official capacity, reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Sheriff’s Office in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, violence, gang related, or obscene language.” Tattoos on the arms will be tolerated if they do not fall into the categories above or are deemed otherwise offensive. No visible tattoos are allowed below the wrist or above the neck line. Any body art or brands above the neck or shirt collar are prohibited with the exception of permanent makeup on the face that is consistent with the grooming standards of this department.

1020.4 BODY PIERCING OR ALTERATION
Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification.

1020.5 EXEMPTIONS
Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Sheriff should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Uniform Regulations

1021.1 PURPOSE AND SCOPE

The uniform policy of the Napa County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Sheriff or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Napa County Sheriff's Office will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1021.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or the authorized designee.

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

1021.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Deputies working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1021.3 UNIFORM CLASSES

1021.3.1 CLASS A UNIFORM

The Class A uniform is required for all sworn personnel and must be purchased by the employee upon hiring. The Class A uniform is to be worn during special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform includes:

(a) Long sleeve tan shirt with tie

(b) Dress Jacket with patches and regulation name plate

(c) Campaign hat (as directed by the Bureau Commander)

(d) Uniform trousers and trouser belt

(e) Polished shoes (Boots with pointed toes are not permitted)

A Special Detail Class A uniform is authorized to be worn by members of the department's Honor Guard and others. The Special Detail uniform shall consist of a formal dress uniform . Approval to wear the Special Detail Class A uniform will be given by the Operations Commander.

Sworn personnel are not required to wear their campaign hat with the Class A uniform unless directed.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1021.3.2 CLASS B UNIFORM

All deputies and animal service officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long sleeved tan shirt with patches may be worn with the collar open. No tie is required. Short sleeved shirts are optional.

(b) The regulation name plate may be substituted with an embroidered name, height 3/8 inch.

(c) All sworn personnel and animal service officers may wear utility trousers, as described in section 1046.91 below..

(d) A white or black crew neck t-shirt must be worn with the uniform (No logo printing or graphics shall be visible)

(e) All shirt buttons must remain buttoned except for the last button at the neck

(f) Shoes for the Class B uniform may be as described in the Class A uniform

(g) Approved all black unpolished shoes may be worn (Boots with pointed toes are not permitted)

Class B uniforms are authorized to be worn by sworn personnel for court appearances.

1021.3.3 BASEBALL CAPS

The Sheriff has authorized the use of baseball style caps for all sworn personnel. The Department authorized and issued cap may be worn with the Class B or Special Duty uniforms only.

1021.3.4 SPECIALIZED DUTY UNIFORMS AND INSIGNIA

(a) Canine Unit: The canine unit is authorized to wear the Bratwear K9 jumpsuit, Product # JMP93LT or JMP932PC, in olive green. The jumpsuit shall only be worn during inclement weather or when inclement weather is expected.

(b) SWAT, OHV and Hazardous Device Disposal Teams: Members of these teams may wear subdued shoulder patches and rank insignia on their specialized uniforms.

(c) The Sheriff may authorize additional special uniforms to be worn by deputies in any other specialized unit, for example SWAT, Bicycle Patrol and Motor Deputies.

1021.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1021.3.6 DEPARTMENT UNIFORM (NON-SWORN)

All civil and legal clerks who deal with the public on a regular basis shall wear the established uniform to enhance the deparment's image and professionalism.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1021.3.7 TRAINING UNIFORM

All sworn personnel shall wear the department's established uniform, training uniform or casual attire at all departmental training sessions or any training that occurs away from the department. For the purposes of this policy, casual attire includes jeans and collared shirts. T-shirts (alone), shorts and sandals are not permitted.

Exceptions can be made due to the physical activity or nature of the training (example: Range or Arrest & Control).

1021.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.

(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate or embroidered name shall be worn at all times while in uniform. The nameplate shall at minimum display the employee's first initial and last name. If the employee desires other than their legal first name, the employee must receive approval from the Sheriff. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket. Embroidered names should be 3/8 inch in height.

(d) When a jacket is worn, the nameplate or embroidered name shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Sheriff.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The department issued badge must be worn above the left breast pocket and visible at all times while in uniform. However, the authorized embroidered or sewn on cloth replica may be worn on polo shirts and cold weather jackets.

(h) Rank Insignia - The designated insignia indicating the employee’s rank must be worn at all times while in uniform. The Sheriff may authorize exceptions.

1021.4.1 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) A deputy of this department, from the time of death until midnight on the 14th day after the death.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(b) A deputy from an adjacent county, from the time of death until midnight on the day of the funeral.

(c) Funeral attendee, while attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th), from 0001 hours until 2359 hours.

(e) As directed by the Sheriff.

1021.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, ankle/crop pants, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed rubber sandals or thongs
3. Tube tops or halter-tops
4. Midriff or ultra sheer blouses
5. Spandex type pants or see-through clothing
6. Distasteful printed slogans, buttons or pins

(e) On Friday's and county holidays, the above listed employees as well as Legal Clerks, Civil Process Clerks and Records Division staff may wear clean jeans (no holes, rips, tatters) and a department logo polo shirt in beige, black or green. The department will purchase the first polo shirt and future shirt expenses will be borne by the employee.

(f) Variations from this order are allowed at the discretion of the Sheriff or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(g) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Napa County Sheriff's Office or the morale of the employees.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1021.5.1 RECORDS DIVISION, LEGAL CLERKS, CIVIL PROCESS LEGAL CLERKS, AND SHERIFF'S TECHNICIANS

All employees in the Records Division, Legal Clerks and Civil Process Legal Clerks shall adhere to the general uniform standards in this policy.

(a) Female employees shall wear the Port Authority brand, model S664 shirt in black.The department shoulder patch will be embroidered on the upper left chest area.The embroidered patch shall be 2.5 inches tall and 2.0 inches wide.Male employees shall wear the Port Authority brand, model S663 shirt in black.The employee's first initial and last name shall be embroidered on the upper right chest area.The height of the lettering shall be 3/8 of an inch, and the thread color shall be gold.

(b) Tan colored pants, suitable to be worn as casual business attire.

(c) (Optional) knee length tan skirt

(d) Black business shoes

(e) (Optional) black sleeveless pullover sweater or black long sleeve sweater

Any exceptions to the wearing of the approved uniform requires approval from the Captain of the Services Division.

Volunteers shall wear the following uniform.

(a) White short/long sleeve uniform shirts with patches on the shoulder.

(b) Tan colored uniform pant of the same style and manufacturer as uniformed sworn personnel.

(c) Black business shoes.

(d) Brass name plate with first initial and last name.The regulation name plate may be substituted with an embroidered name, lettering 3/8 of an inch, with black thread color.

(e) (Optional) Black clip-on tie.

(f) Black basket weave belt

1021.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Napa County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Napa County Sheriff's Office to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1021.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1021.7.1 RETIREE BADGES

The Sheriff may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Napa County Sheriff's Office. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Deputy CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Napa County Sheriff's Office and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1021.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Napa County Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

Napa County Sheriff's Office employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Sheriff or designee.

1021.9 BASIC SPECIFICATIONS APPROVED UNIFORM ARTICLES

Fabric: All fabric materials shall be of good quality, preshrunk, and colorfast. In addition, all fabrics are to comply with specifications of the particular garment.

Stitching: All stitching is to be of the best quality vat dyed thread except as otherwise specified.

Metal: The color of all visible parts of metal goods are to be yellow (brass colored). All snaps and metal fixtures visible on the Sam Browne equipment are to be solid brass.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Workmanship: To be of the highest quality, even to the smallest detail, to have no raw edges, defective material or stitching in any part of any garment.

Fit: Each garment must be tailored to the satisfaction of the purchaser. The item must meet appearance standards of the department.

1021.9.1 ITEMIZED UNIFORM SPECIFICATIONS

(a) **Hat(s):** A green felt campaign hat shall be maintained by all sworn members. The hat may be worn at any time. The straw campaign is optional.

1. The campaign hats shall be worn in a military manner. To adjust the proper angle of tilt of the hat brim bring the middle and index fingers together. Place the two fingers (palm side out) across the bridge of your nose and slide them until the tip of your index finger rests on the bridge and the tip of your middle finger touches the forehead. The brim of the hat should be adjusted down until it rests on the top edge of the middle finger. If worn properly, the strap of the hat should rest on the back of your head.

(b) **Baseball Cap**: Department issues a black "baseball style" cap with "Napa County Sheriff" in yellow lettering embroidered on the front and made of cotton, wool or wool blend. The hat is to be worn with the bill of the hat facing forward at all times.

(c) **Dress Jacket**: The Class A Uniform Jacket shall meet California Highway Patrol (CHP) specifications. It shall be forest green in color, 10-20 ounce wool or Dacron-wool material. It shall have peak lapels, zippered front, pleats in back with adjustable straps on the back and a inch black and gold trim shall be present on sleeves, 3 inches above opening. The jacket shall also have a badge holder inch above breast pocket. The Department patch shall be worn on both sleeves inch from the top of the sleeve.

1. Captains and above shall wear two (2) gold braid stripes on the dress jacket sleeve.

2. Lieutenants shall wear one (1) gold braid stripe on the jacket sleeve.

(d) **Necktie:** Black Dacron or wool material, four-in-hand type, approximately 3 inches wide at its widest. When properly worn, the bottom of the necktie should extend to the employees waist line or trouser belt. Female personnel may wear a Crossover style necktie.

(e) **Tie Bar**: A plain yellow colored metal inch by 2 inch tie bar. To be worn on the right side of the tie.

(f) **Class A Uniform Shirt:** Uniform shirts shall be tan of color, long sleeve Flying Cross, with shoulder straps, badge holder and two (2) front pockets with curved flaps.

(g) **Class B Uniform Shirt**: Uniform shirts shall be of silver-tan color constructed of wool, gaberdine or similar material, California Department of Corrections (CDC) or CHP approved, dry cleanable with shoulder straps, badge holder and two (2) front pockets with curved flaps and long sleeved. A short sleeve shirt of the same specifications may be used, as authorized. The following are acceptable alternatives:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(a) 5.11 Tactical: Twill PDU Class B Shirt, Silver tan in color. Midnight Navy shall be worn if assigned to the City of American Canyon.

(b) Elbeco: Sworn personnel may also purchase and wear the Elbeco Bodyshield External Vest carrier and UV1 undervest shirt in tan. Midnight Navy shall be worn if assigned to the City of American Canyon. If worn, the vest carrier must be properly fitted so that when standing, there is no more than a one inch gap between the bottom edge of the carrier and the top edge of the duty belt.

(c) Safariland Uniform Shirt Carrier model SBA-G2 in Tan and the 511 SS PDU Rapid shirt in tan.Midnight Navy shall be worn if assigned to the City of American Canyon.If worn, the vest carrier shall be properly fitted so that when standing, there is no more than a one inch gap between the bottom edge of the carrier and the top edge of the duty belt. If the gap becomes greater than one inch, the deputy must discontinue wearing the carrier until such time as the vest fits properly.

(d) Deviations from this approved list must be approved in writing by the Division Commander.

(h) **Class A Trouser**: The uniform trouser shall be forest green in color and made from polyester or Dacron wool material and shall meet the specifications of the CDC. The front will be plain (no pleats) with two (2) top pockets, watch pocket, and two (2) hip pockets. The left hip pocket shall have a tab to button. Front pockets are to have a minimum opening of 6 inches and be 6 inches deep from the bottom of the opening. They shall be stitched, turned and top stitched. The hip pocket is to have an opening of approximately 6 inches from bar tack to bar tack and be 6 inches deep. Sap pockets are okay.

(i) **Class B (0ptional) Trousers**:

1. Flying Cross by Fechheimer, Model 47300 in forest green or LAPD blue if assigned to the City of American Canyon.

2. 5.11 Tactical: PDU cargo pant in sheriff green or model 74369 Stryke pants in TDU green. If assigned to the City of American Canyon, the acceptable color is midnight navy.

3. Elbeco: TEK3 Cargo Pants in O.D. Green. Any personnel who elect to purchase and wear the Elbeco vest carrier and undershirt while assigned to the city of American Canyon must also wear the Elbeco TEK3 Cargo Pants in midnight navy.

4. Deviations from this approved list must be approved in writing by the Division Commander.

5. Pressing: trousers must be properly pressed and shaped.

6. Finishing: the outside seams and inseams are to be pressed open. The trousers that have been chemically treated at the mill for special pressing instructions shall be pressed in accordance with such mill instructions, including those that require water spraying prior to leg pressing to insure a longer lasting crease and proper wrinkle resistance.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

(j) **Training Uniform Trouser**: The approved training pants are the 5.11 Tactical TDU utility pants in TDU Green.

(k) **Trouser Belt**: A black in color leather belt with basket weave design. The belt may be secured by a square shaped brass colored metal buckle or Velcro.

(l) **Duty Belt (Sam Browne):** A black in color leather or synthetic leather belt, 2 inches in width, with a basket weave design with a brass buckle, plastic buckle or Velcro.

(m) **Duty Belt Buckle**: Brass buckle

(n) **Special Unit Belt (Sam Browne)**: A black in color nylon belt, 2 inches in width, with a black plastic buckle or Velcro.

(o) **Footwear**: Black leather shoes or boots capable of accepting a polish. Toe to be plain or cap toe with soles not to be more that inch thick. Heels shall not be more that 1 inches thick from bottom of the heel to the top of the sole. Spur straps, ornamental straps, ornamental stitching or non-functioning buckles (such as the type found on engineer boots) are not allowed.

(p) **Foul Weather Gear**: Black Gortex style rain coat and pants. The reversible rain coat is black and "traffic" yellow with "Sheriff" in reflective letters on the back and reflective strips around the wrists.

(q) **Cold Weather Coat**: Forest green Gortex or Nylon style material.

(r) **Shoulder Patch**: Department authorized shoulder patches are to be attached to both sleeves with the top of the patch one-half inch below the sleeve head seam, and in such a manner that a line bisecting the center of the patch would be perpendicular to the ground when the garment is worn. Patches are to be sewn on the garment with colorfast black thread, not cross stitched. When the standard department shoulder patch is combined with a rocker patch, the top of the rocker patch shall be sewn in accordance with the above instructions and the shoulder patch attached immediately below the rocker.

(s) **Rank Insignia**: All members of the rank of Senior Deputy, Senior Animal Service Officer or above shall wear the appropriate insignia of rank in conjunction with their uniform as specified below; such insignia shall meet departmental specifications. The insignia identifying the rank of the Department positions are:

1. Sheriff-Coroner

    (a) Sheriff's badge inscribed with "Sheriff-Coroner"

    (b) Shirt: Four gold color stars shall be worn on each side of the shirt collar in a horizontal (front to back) position. The front edge of the star cluster shall be one half of an inch from the front edge of the collar. The stars shall be centered between the top and bottom edge of the collar.

    (c) Jacket or Outside Garments: Four gold color stars shall be worn on each shoulder of the jacket or other outside garment, placed so that the edge of the stars are one half of an inch from, and parallel with, the sleeve seam. The jacket sleeves will have two gold piping stripes around the sleeve near the hand.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

2. Undersheriff
   (a) Sheriff's badge inscribed with "Undersheriff"
   (b) Shirt: Three gold color stars shall be worn on each side of the shirt collar in a horizontal (front to back) position. The front edge of the star cluster shall be one half of an inch from the front edge of the collar. The stars shall be centered between the top and bottom edge of the collar.
   (c) Jacket or Outside Garments: Three gold color stars shall be worn on each shoulder of the jacket or other outside garment, placed so that the edge of the stars are two-fourths of an inch from, and parallel with, the sleeve seam. The jacket sleeves will have two gold piping stripes around the sleeve near the hand.
3. Captain
   (a) Sheriff's badge inscribed with "Captain"
   (b) Shirt: Two bars shall be worn on each side of the shirt collar in a vertical position. The front edge of the front bar shall be one half of an inch from and parallel with the front edge of the collar. The bars shall be centered between the top and bottom edge of the collar.
   (c) Jacket or Outside Garments: Two bars shall be worn on each shoulder of the jacket or other outside garment, placed so that the edge of the outer bar is one half of an inch from, and parallel with, the sleeve seam. The jacket sleeves will have two gold piping stripes around the sleeve near the hand.
4. Contract Chief
   (a) Police badge inscribed with "Chief"
   (b) hirt: Two stars shall be worn on each side of the shirt collar in a horizontal (front to back) position. The front edge of the front star shall be one half of an inch from the leading edge of the collar. The stars shall be centered between the top and bottom edge of the collar.
   (c) Jacket or Outside Garments: Two stars shall be worn on each shoulder of the jacket or other outside garment, placed so that the edge of the outer star is one half of an inch from, and parallel with, the sleeve seam. The jacket sleeves will have two gold piping stripes around the sleeve near the hand.
5. Lieutenant
   (a) Sheriff's badge inscribed with "Lieutenant"
   (b) Shirt: One bar shall be worn on each side of the shirt collar in a position with the front edge of the bar one half of an inch from and parallel with the front edge of the collar.
   (c) Jacket or Outside Garments: One bar shall be worn on each shoulder of the jacket or other outside garment, placed so that the edge of the outer bar

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

is one half of an inch from, and parallel with the sleeve seam. The jacket sleeves will have one gold piping stripe around the sleeve near the hand.

6. Sergeant
   (a) Sheriff's badge inscribed with "Sergeant"
   (b) Shirt, Jacket, or Outside Garments: A three stripe chevron (dimensions 3"x3") shall be worn on each side of the long sleeve and short sleeve shirt, jacket, or outside garment sleeve with the top most portion of the top chevron touching the point of the shoulder patch.
7. Deputy Sheriff III/ Senior Deputy/ Senior Animal Service Officer
   (a) Sheriff's badge inscribed with "Deputy Sheriff" or "Animal Service Officer"
   (b) Shirt, Jacket, or Outside Garments: A two-stripechevronor a black and gold two stripe chevron with a star embroidered in the center shall be worn on each side of the long sleeve and short sleeve shirt, jacket, or outside garment sleeve with the top most portion of the top chevron touching the point of the shoulder patch.
8. Deputy Sheriff I and II/ Animal Service Officer
   (a) Sheriff's badge inscribed with "Deputy Sheriff" or "Animal Service Officer"
9. Matron
   (a) Sheriff's badge inscribed with "Matron"

(t) Service Stripes: Service stripes are to be black and gold embroidery thread to match the Senior Deputy and Sergeants stripes. The gold stripes are to be 3/8 of an inch wide and 1 inches long. The bottom of the service stripe, rising at a 45 degree angle, shall be sewn of an inch above the cuff seam. The outside edge of the service strip shall then be sewn along the dress of the sleeve.

(u) The following pins are authorized by the Sheriff to be worn on the Class B duty uniform:
   (a) American Flag Pin
   (b) DARE Pin
   (c) FTO Pin
   (d) K-9 Pin
   (e) Marine Patrol Pin
   (f) Dive Team Pin
   (g) SWAT Team Pin
   (h) Hazardous Device Team Pin
   (i) Off-road Enforcement Team Pin
   (j) Years of Service Pin

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1021.9.2 LOAD BEARING VEST

Sworn personnel, with a physician's note prescribing such a vest, may purchase and wear the Safariland Uniform Shirt Carrier model SBA-G2 in Tan and the 511 SS PDU Rapid shirt in tan. Midnight Navy shall be worn if assigned to the City of American Canyon. If worn, the vest carrier shall be properly fitted so that when standing, there is no more than a one inch gap between the bottom edge of the carrier and the top edge of the duty belt. If the gap becomes greater than one inch, the deputy must discontinue wearing the carrier until such time as the vest fits properly.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Nepotism and Conflicting Relationships

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1022.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1022.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1022.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1022.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Sheriff of such actual or potential violations through the chain of command.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Department Badges

1023.1 PURPOSE AND SCOPE

The Napa County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Napa County Sheriff's Office are property of the Department and their use shall be restricted as set forth in this policy.

1023.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1023.2.1 FLAT BADGE

Sworn deputies, with the written approval of the Sheriff may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) A deputy may sell, exchange, or transfer the flat badge he/she purchased to another deputy within the Napa County Sheriff's Office with the written approval of the Sheriff.

(b) Should the flat badge become lost, damaged, or otherwise removed from the deputy’s control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An honorably retired deputy may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1023.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1023.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1023.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Sheriff.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1023.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Sheriff and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Napa County Sheriff's Office. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Emergency Contact Information

1024.1 PURPOSE AND SCOPE

It is important, in the event of the on-duty injury or death of an employee, that notification of their selected representative be made in a timely manner. The department will maintain a current file of contact numbers of those representatives.

1024.2 TELEPHONE AND ADDRESS REPORTING

All employees shall maintain a functional telephone with a current number at their residence. They shall notify the Administrative Secretary in writing of any change of telephone number or address within 48 hours of the change. Street addresses will be reported. This order also applies to temporary changes. The Administrative Secretary will notify the rest of the department and the Personnel Department of the change.

1024.2.1 EMERGENCY CONTACT FILE

An emergency contact file will be maintained in order to ensure prompt notification in the event of the death or injury of the employee. The file will contain the:

- Employee's name and their designated representative.
- Representative's name, home address, home telephone number, business address and business phone number.
- Space will be allowed for alternate representatives.

The file will be maintained in Technical Services and used only in the event of an emergency. The information shall be considered confidential and will be used only when authorized by a Sergeant or above.

Employees are responsible for notifying the Department when their representatives' status changes. Changes will be submitted by completing and submitting a new Personnel Emergency Notification Form, available from the Technical Services Unit.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Temporary Modified-Duty Assignments

1025.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1025.2 POLICY

Subject to operational considerations, the Napa County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1025.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Napa County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1025.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Supervisor or Division Commander, with notice to the Sheriff.

1025.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1025.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1025.5.2 SUPERVISOR RESPONSIBILITIES
The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1025.6 MEDICAL EXAMINATIONS
Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1025.7 PREGNANCY
If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1025.7.1 NOTIFICATION
Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

1025.8 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1025.9 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Employee Speech, Expression and Social Networking

1026.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1026.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1026.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Napa County Sheriff's Office will carefully balance the individual employee’s rights against the Office’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1026.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Napa County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1026.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the office's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Napa County Sheriff's Office or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Napa County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Napa County Sheriff's Office or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Napa County Sheriff's Office.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

vehicles, equipment or other material that specifically identifies the Napa County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1026.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Napa County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Napa County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or deputy associations), is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Napa County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1026.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

The Office shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Office may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1026.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Office.

(d) Whether the speech or conduct would negatively affect the member’s appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

1026.7 TRAINING

Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the Office.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Honor Guard

1030.1 PURPOSE AND SCOPE

The Napa Sheriff's Office Honor Guard was formed to perform official remembrance ceremonies and funeral details for law enforcement professionals who have passed away in the line of duty. The Honor Guard also performs flag raising duties at various civic events that require a dignified display and presentation of our nation's flag. The Honor Guard is trained in the aspects of drill and ceremony, flag presentations, and funeral details.

The Honor Guard provides both a symbolic and professional display of respect and gratitude for officers who have died either in the line-of-duty, while an active member of the department,or after their retirement from the department. By participating in memorials, parades and other special events, the Honor Guard provides a positive image as ambassadors of the Napa Sheriff's Office, County of Napa and the Community.

1030.1.1 DEFINITIONS

Honor Guard -A group of at least two (2) Team members who attend authorized services and/ or ceremonies as directed by Sheriff. This can also be referred to as Color Guard when members are posting or carrying colors in organized functions, ceremonies or parades.

Team Member - A sworn Napa County Deputy Sheriff who has been selected and approved to function at all Honor Guard events.

Unit Commander-A sworn administrator of the Napa Sheriffs Office will be charged with leading the Honor Guard Team. Normally, this will be the Services Captain, or as selected by the Sheriff.

Unit Supervisor-A sworn member of the Honor Guard Team, normally a Sergeant or Senior Deputy, will be charged with supervising the operation of the team. They will organize and direct meetings, trainings and attendance at ceremonies and maintain a current roster of members.

1030.2 OBJECTIVE

To establish and provide guidelines for a specialized unit of the Napa Sheriff's Office to be known as the Honor Guard. In order to respond fo varying requests and to ensure equal treatment in similar circumstances, the following guidelines are provided to assist members of the Honor Guard in fulfilling their responsibilities / duties in an efficient and expeditious manner.

1030.3 SELECTION

Members of the Honor Guard function on a volunteer basis. Selection to participate is considered to be a privilege and an honor. Deputies serving on the team do so out of pride for both the profession, the Napa Sheriff's Office and the Napa Community.

Members of the Honor Guard Team will consist of sworn Law Enforcement members of the Napa Sheriff's Office in good standing. They will agree to a minimum 5 year commitment.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

No applicant will be denied membership based on sex, race, religion or ethnic background. All applicants will receive equal consideration for membership.

See attachment: Honor Guard Team Agreement

1030.4 PARTICIPATION AND COMMITMENT

Being a member of the Honor Guard is a privilege and honor that requires commitment and sacrifice. Members are expected to be available on short notice for training, parades, funeral services or other approved details as representatives of the Napa Sheriff's Office. Whenever possible, staffing needs permitting, members are expected to avail themselves for unscheduled events such as law enforcement funerals and memorial services or as requested by the Sheriff or his designee.

Members should attend one quarterly training as established by the Unit supervisor and/or the authorized designee. Members unable to attend should obtain exclusion by the unit supervisor.

Due to the short notice with some Honor Guard requests, members will keep the needs of the Napa Sheriff's Office as the highest priority. Approval from the member's regular supervisor should be obtained if the event falls during the normal working hours for the member.

The California Peace Officers' Memorial Ceremonies are held the first week of May at the California Peace Officers' Memorial Monument in Sacramento on State Capitol grounds. The ceremonies serve to honor peace officers who have died in the line of duty and have made the ultimate sacrifice and to honor the families left behind. The ceremonies are a two-day event and member should regard this memorial with the highest priority.

Team members may be removed from the Honor Guard Team upon recommendation of the Unit Supervisor to the Unit Commander for causes including but not limited to:

1. Chronic tardiness or absences from trainings and events.
2. Consistent lack of availability for ceremonies, functions and events.
3. Inability to perform Honor Guard duties required during training or events. This could include but is not limited to, drill maneuvers, walking long distances and prolonged standing.
4. Lack of professional appearance or maintaining proper uniform standards.
5. Lack of professional demeanor and or violations of Napa Sheriff's Office Policies related to code of Conduct and Ethics.

1030.5 HONOR GUARD UNIFORMS AND EQUIPMENT

Members shall project the most positive, professional image in appearance and demeanor. Uniforms and equipment shall be maintained in superior condition due to the high visibility typical of Honor Guard units.

The Honor Guard uniform will be purchased by the Department. Upon leaving the unit, the member will turn in the department purchased uniform items to the unit supervisor. The Honor Guard badge

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

issued to the member can be retained by the member so long as they leave in good standing with the unit. Uniforms should be altered to fit the body contour of the individual member as needed, but always within good taste.

Department purchased uniform items:

1. Tailored uniform Jacket, with Napa Sheriff Patch, Honor Guard shoulder tab and collar emblems.
2. Dress pants with black stripe on outer seams
3. Honor Guard Badge (numbered in succession)
4. White (Ceremonial) gloves, Black (Funeral)gloves
5. Black high gloss Oxford shoes
6. Honor Guard Campaign Hat Badge
7. 2 % High Gloss duty belt, holster and shoulder strap with D rings
8. Campaign Hat cord, gold in color

Member Purchased items:

1. Campaign Hat
2. Black colored socks
3. Badge mourning band
4. Honor Guard undershirts and Polo shirts (optional)

Members will be expected to strictly adhere to Napa County Sheriff’s Office Policy #1019 regarding personal appearance. Hair for male deputies must be short and neat. Mustaches and sideburns should be neat, trimmed and in accordance with policy. Females must have hair short and neatly secured above the collar of the tailored uniform jacket.

1030.6 EQUIPMENT

The unit supervisor shall be responsible to maintain, care for and keep inventory of all Honor Guard Equipment.

Honor Guard rifles shall be kept in a secure location.

1030.7 FUNCTIONS AND ATTENDANCE

Activation of the Honor Guard shall come from the Sheriff or his designee. Once activated the team will fall under the authority of the Unit Commander and Supervisor.

The number of Honor Guard members in attendance will be determined by, but not limited to proximity to the County of Napa and the operational needs of the Napa Sheriff’s Office. Attendance considerations include manpower availability, overtime requirements, nature of therequest, etc.

The Honor Guard Team, in whole, shall be present for the following:

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

1. Napa Sheriff’s Office Line of Duty Death
2. Napa Sheriff’s Office Active employee death

The Honor Guard should make every effort to send at minimum 2 members (preferably 4) to the following:

1. Line of duty death, outside agency within a 75 mile radius of Napa County
2. Dignitary or public figure funeral as designated by the Sheriff
3. Retired Napa Sheriff’s Office Deputies funeral
4. Parades, civic events or citizen honorariums as designated by the Sheriff
5. CA Statememorial services
6. Department Ceremonies

1030.7.1 OUT OF STATE AND NON-LOCAL FUNERALS

The Napa Sheriff Honor Guard recognizes standing strong and stoic show the public and most importantly the family of the fallen officer that Law Enforcement will continue to stand strong for them in the face of tragedy and we will continue to support them in their time of need. This includes Line of Duty deaths on a National spotlight level which occur outside our local Bay Area and the State of California.

For funerals within the State of CA, the Honor Guard should send at least two (2) Team members as a representation of the Napa Sheriff’s Office. A Napa Sheriff marked patrol unit should be made available, with actual gas expenditures covered by the Sheriff’s Office. Cost of hotel rooms may be subsidized from the Honor Guard budget as determined by the Unit Commander and Supervisor. Meals and per diem are at the responsibility of the attendingmembers.

For selected funerals outside the State of California, the Honor Guard should send at least two (2) Team members as a representation of the Napa Sheriff’s Office. The process for selection to attend out of state funerals will be made on a case by case basis with final approval from the Unit Commander. Travel costs and hotel accommodations may be subsidized from the Honor Guard Budget. However, all efforts need to be made to minimize travel expenses. All travel itineraries and expenditures shall be approved by the unit supervisor and commander.

1030.7.2 SELECTION OF MEMBERS TO TRAVEL

It is understood by Honor Guard members that non local and out of state funeral services are normally last minute details and require extreme personal sacrifice. Some of these sacrifices include, but are not limited to monetary expenses, time away from family, uniform and personal appearance and assisting in the planning and organization of the detail. The following criteria will be considered when selecting team members for travel details:

1. Good standing within the Honor Guard team and the Napa Sheriff’s Office.
2. Commitment to attending to previous Honor Guard functions and events.
3. Commitment to a positive, professional image in appearance and demeanor.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

4. All efforts will be made to rotate team members for travel details in an effort to provide the opportunity and experience to all members.
5. Final selection approval shall rest with the Team Commander.

1030.8 PAY

1030.8.1 MANDATED DETAILS

All details mandated by the Sheriff or his designee will paid as outlined in the current MOU.

1030.8.2 VOLUNTARY DETAILS

All details in which team members volunteer to attend and represent the Napa Sheriff’s Office will not incur overtime pay or compensation, unless authorized by the Sheriff or his designee. Any detail which falls on the members normal work schedule will be paid at the normal rate, with no overtime pay orcompensation.

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Attachments

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Load Bearing Vest.pdf

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

Honor Guard Team Agreement.pdf

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

NAPA COUNTY OFFICE OF SHERIFF-CORONER

1535 AIRPORT BOULEVARD
NAPA, CALIFORNIA 94558-6292
(707)253-4501

JOHN R. ROBERTSON
Sheriff - Coroner

Honor Guard Team Agreement

I, _____, recognize the Napa Sheriff's Office Honor Guard as a highly disciplined team which serves with honor and professionalism at ceremonial functions, respect and dignity at funeral services for those who have given the ultimate sacrifice and provide comfort and compassion for the survivors.

The Honor Guard Team was established to present a positive and professional image of the Napa Sheriff's Office and its personnel. The Honor Guard's participation in public and private ceremonies serves as a part of the Sheriff's Office commitment to the Community Policing philosophy.

As such, I understand that as a member of the Honor Guard, I voluntarily agree and commit to attending trainings, ceremonies and services as required by the Sheriff and Honor Guard Team. I understand that some of these events are last minute and require a personal sacrifice. I will make every reasonable effort to attend these events. Furthermore, I understand maintaining a professional appearance is of the utmost importance and will maintain my Honor Guard uniform in the strictest fashion.

Failure to adhere to this agreement or the policy and procedures of the Honor Guard Team could result in the removal from the team, at the discretion of the Sheriff.

_____
Printed Name

_____
Date

_____
Signature

_____
Honor Guard Commander

NUN QUAM ALIENO NOSTRUM CADO
"NEVER FORGET OUR FALLEN"

NUN QUAM ALIENO NOSTRUM CADO
"NEVER FORGET OUR FALLEN"

INDEX / TOPICS

. 586

A

ACCOUNTABILITY TO SUPERVISOR . . 19
ACKNOWLEDGEMENTS
Policy manual. 16
Policy revisions. 16
ADMINISTRATIVE INVESTIGATION . . . 70
ADMINISTRATIVE INVESTIGATIONS
OIS 70, 70, 70
OIS 70, 70
ADMINISTRATIVE LEAVE
OIS. 68
ADULT ABUSE 138
AIRCRAFT 331
Accidents. 331
Ambulance. 379
ALCOHOL
Vehicle use. 478
ALCOHOL 553
ALCOHOL USE 553
ALCOHOL, INTOXICANTS 190
AMMUNITION
Gun violence restraining order surrenders. 274
ANIMALS 509
ANTI-REPRODUCTIVE RIGHTS CRIMES . 226
APPOINTMENTS
Forfeiture reviewer. 440
Operations director. 459
PIO. 206
UAS Coordinator. 455
ARREST OF PUBLIC SCHOOL TEACHER . 247
ARRESTS
First amendment assemblies 385, 387
Seat belts. 574
ASSET FORFEITURE 437
AUDIO/VIDEO RECORDING
Custodial interrogation. 427
OIS. 71
AUTHORITY
Canine handler. 105
Policy manual. 14
AUTHORITY, ETHICS 186
AUTOMATED EXTERNAL DEFIBRILLATORS (AED) 380
AUTOMATED LICENSE PLATE READERS (ALPR) 374

B

BADGE
Mourning Badge. 608
BATON 55
BETTING 182
BIOLOGICAL SAMPLES
Hazards. 332
BIOLOGICAL SAMPLES 244
BODY ARMOR 576
BOMB THREATS 309
BOMBS 307
Aircraft accidents. 332
MDT/MDC. 354
BRADY MATERIAL 452
BREATH TEST 414
BRIBE 182
BUCCAL SWABS 244

C

CHIEF EXECUTIVE 12
CHILD ABUSE 154
CHILDREN
Transporting. 575
CITATIONS 401
CIVIL
Liability response. 73
CIVIL DISPUTES 389
CIVILIAN/NON-SWORN 14
CIVILIAN/NONSWORN
Crisis intervention incidents. 369
CODE-3 99
COMMAND PROTOCOL 19
COMMAND STAFF
Policy review. 16
COMMUNICABLE DISEASE
Health orders. 286
COMMUNICATIONS CENTER
Crisis intervention incidents. 368
COMMUNICATIONS WITH HEARING IMPAIRED OR DISABLED 236
COMPUTERS
Digital evidence. 430
CONDUCT 180
Standards of conduct. 189
CONDUCT UNBECOMING 182
CONFIDENTIALITY
ALPR. 374
Firearm license applications. 35
Radio broadcasts. 353

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

CONTACTS AND TEMPORARY DETENTIONS
Warrant service. 461
CONTROL DEVICES
First amendment assemblies. 386
Training. 326
CONTROL DEVICES 54
CONTROL DEVICES 54
CORRESPONDENCE 26
COURT APPEARANCES 202
COURT ORDERS
Canine controlled substance. 111
Gun violence restraining order surrenders. 274
COURT ORDERS, CIVIL DISPUTES . . . 390
COURTROOM PROTOCOL 205
CRIME SCENE AND DISASTER INTEGRITY
. 285
CRIMINAL ACTIVITIES 182
CRIMINAL OFFENDER RECORD
INFORMATION 506
CRISIS INTERVENTION INCIDENTS . . 366
CUSTODIAL INTERROGATIONS 426
CUSTODIAL SEARCHES 529

D

DAMAGE BY COUNTY PERSONNEL . . 200
DEATH
Native American Graves (NAGPRA). . . 267
DEATH INVESTIGATION 216
DEBRIEFING
OIS. 72
Tactical. 72
Warrant service. 461
DECONFLICTION 465
DEFINITIONS 14
DEPARTMENT E-MAIL 26
DEPARTMENT OWNED PROPERTY . . . 469
DEPARTMENT PROPERTY
Loss Or Damage. 470
DISABLED
Motorist. 422
DISASTER PLAN 21
DISCIPLINE 186
DISCLAIMER 14
DISCLOSING INFORMATION 629
DISCRIMINATION, CONDUCT 186
DISGRACEFUL CONDUCT 182
DISHONESTY 182
DISOBEDIENCE 182
DISPARAGING REMARKS 182
DIVISION 18
DNA SAMPLES 244
DOMESTIC VIOLENCE
Reporting of Employee Convictions. . . 551
DRIVER'S LICENSE 182
DRIVING
MDT/MDC. 353
DRIVING, SAFETY SAFETY, CONDUCT
FIREARMS, CONDUCT 190
DRUG USE 553
DUI ENFORCEMENT 413
DUTY TO INTERCEDE 42

E

ELECTRO-MUSCULAR DISRUPTION
TECHNOLOGY DEVICE 59
ELECTRONIC CIGARETTES 563
ELECTRONIC MAIL 24
EMERGENCY MANAGEMENT PLAN . . . 21
EPINEPHRINE AUTO-INJECTORS 381
EVIDENCE
Digital. 430
NAGPRA. 267
Seizing recordings. 372
EXCESSIVE FORCE 182
EXPLOSIVES 307
EXPOSURE(S) 300

F

FAILURE TO TAKE ACTION 182
FALSE STATEMENTS 182
FALSIFICATION OF RECORDS 182
FIELD SOBRIETY TESTS 413
FIREARMS
CCW permits. 28
Destruction of animals. 513
Removal for vehicle maintenance. . . . 475
Retiree. 36
FIRST AMENDMENT ASSEMBLIES . . . 383
FITNESS FOR DUTY
OIS. 68
FOREIGN DIPLOMATIC AND CONSULAR
REPRESENTIVES 321

G

GAMBLING 182
GANGS, EMPLOYEE AFFILIATION . . . 186
GRATUITY 182

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

GRIEVANCE PROCEDURE 545
GRIEVANCES
Supervisor authority. 14
GROOMING STANDARDS 602
GUN VIOLENCE RESTRAINING ORDERS 272

H

HAZARDOUS MATERIAL 300
HAZARDOUS MATERIAL (HAZMAT) RESPONSE
Aircraft accidents. 332
HEARING IMPAIRED 236
HELICOPTER ASSISTANCE 338
HIGH-VISIBILITY VESTS 401

I

IDENTITY THEFT 222
INFORMATION TECHNOLOGY USE
TECHNOLOGY USE 192
INSUBORDINATION 182
INTERIM DIRECTIVE 20
INTERNET ACTIVITY 629
INVESTIGATION AND PROSECUTION . 426

J

JURISDICTION
Aircraft accidents. 332
OIS. 66
JURISDICTIONS
Vehicle pursuits. 91
JUVENILE INFORMANTS 443
JUVENILES
Citations. 319
Use as Informants. 443

K

KINETIC PROJECTILES 56

L

LICENSE TO CARRY A FIREARM 28
LIMITED ENGLISH PROFICIENCY
Eyewitness identification. 448
LIMITED ENGLISH PROFICIENCY . . . 228

M

MANDATORY APPEARANCE 202
MANUALS 21
MEDIA
Aircraft accidents. 333
First amendment assemblies. 387
OIS. 72
Operations plans. 467
Warrant service. 462
MEDIA REQUEST 206
MEDICAL
Adult involuntary detention. 142
Aircraft accidents. 331
Examinations – Adult abuse. 143
For canines. 112
Leave act (FMLA). 556
Releases. 379
MINIMUM STAFFING 27
MISAPPROPRIATION OF PROPERTY . . 182
MISUSE OF PUBLIC FUNDS 182
MOBILE AUDIO VIDEO 345
MOBILE AUDIO/VIDEO (MAV)
OIS. 71
MOBILE DIGITAL TERMINAL USE . . . 352
MODIFIED-DUTY ASSIGNMENTS . . . 624
Pregnancy. 626
MUTUAL AID
First amendment assemblies. 386
Warrant service. 461

N

NATIVE AMERICAN GRAVES (NAGPRA) 267
NOTIFICATIONS
Aircraft accidents. 332
Impaired driving. 415
NAGPRA. 267
Sick leave. 556
NOTIFICATIONS 68

O

OATH OF OFFICE 13
OC SPRAY 55
OFFICER SAFETY
Crime scene and disaster integrity. . . . 285

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

LEOSA. 36
Seat belts. 574
Warrant service. 459
OFFICER-INVOLVED SHOOTING (OIS) . . 66
OPERATIONS PLANNING AND DECONFLICTION 463
ORGANIZATIONAL STRUCTURE 18
OUTSIDE AGENCY ASSISTANCE 209
OUTSIDE EMPLOYMENT 595
Change in Status. 598
Obtaining Approval. 595
Prohibited Outside Employment. . . . 596
Security Employment. 596
OVERTIME PAYMENT 594

P

PEPPER PROJECTILES 55
PEPPER SPRAY 55
PERFORMANCE EVALUATIONS
Sick leave. 557
PERSONAL APPEARANCE 602
PERSONAL PROPERTY 469
Loss Or Damage. 470
PHOTOGRAPHS
Aircraft accidents. 333
First amendment assemblies. 384
PIO 206
POLICY MANUAL 14
POLITICAL ACTIVITIES 182
POLITICAL ACTIVITY 630
POLITICAL ENDORSEMENTS 630
PRESS INFORMATION OFFICER 206
PRIVACY EXPECTATIONS
MDT/MDC. 352
Unmanned aerial system. 454
PRIVATE PERSONS ARRESTS 223
PROHIBITED SPEECH 629
PROMOTIONAL PROCESS 542
PROPERTY PROCEDURES
Property Release. 487
PROTECTED INFORMATION 506
PROTECTED INFORMATION, UNAUTHORIZED RELEASE BADGES, PATCHES AND IDENTIFICATION, CONDUCT CONFIDENTIALITY, CONDUCT 187
PROTECTIVE CUSTODY
Dependent adults. 142
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY 371
PURSUIT INTERVENTION 93
PURSUIT UNITS 87

R

RAPID RESPONSE AND DEPLOYMENT . 325
RECORDS BUREAU
Administrative hearings. 417
Impaired driving. 417
Suspicious activity reports. 393
RECORDS RELEASE
ALPR. 376
Child deaths. 160
RECORDS RETENTION
Oath of office. 13
REFLECTORIZED VESTS 401
RELIGION
NAGPRA. 267
REPORT CORRECTIONS 201
REPORTING OF EMPLOYEE CONVICTIONS 551
RESPONSE TO CALLS 99
REVIEWS
Crisis intervention incidents. 370
Policy manual. 16
Public records on social media. 271
UAS. 455
RIDE-ALONG 297
RISK ASSESSMENT 463
ROLL CALL TRAINING 284

S

SAFETY
First responder. 285
Media. 206
SAFETY EQUIPMENT
First amendment assemblies. 385
Seat belts. 574
SCHOOL EMPLOYEE REPORTING . . . 247
SEARCH & SEIZURE 122
SEARCH WARRANTS 459
SEARCHES
Body scanner. 533
Crime scene. 286
Custodial. 529
Gun violence restraining orders. 273
SEARCHES
Vehicles. 478
SEARCHING
Dead Bodies. 217
SEAT BELTS 574
SECURITY EMPLOYMENT 596
SHERIFF CANDIDATE 12

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office

SHIFT SERGEANTS 344
SICK LEAVE 556
SMOKING AND TOBACCO USE 563
SOCIAL MEDIA 269
SOCIAL NETWORKING 628
STAFFING LEVELS 27
STANDARDS OF CONDUCT 180
STANDBY 202
SUBPOENAS
Acceptance. 203
Civil Subpoenas. 204
Failure To Appear. 204
SUBPOENAS AND COURT APPEARANCES 202
SUCCESSION OF COMMAND 19
SUPERVISION DEPLOYMENTS 27
SUSPICIOUS ACTIVITY REPORTING . . 392

T

TASER 59
TEAR GAS 55
TIME CARD 593
TIME CARDS 593
TOLL ROADS 481
TRAFFIC FUNCTION AND RESPONSIBILITY
. 400
TRAFFIC OFFICER/DEPUTY 400
TRAINING
AED. 380
ALPR. 376
Canine. 110
Epinephrine auto-injector. 382
First amendment assemblies. 388
Impaired driving. 417
Operation planning and deconfliction. . . 467
Opioid medication. 381
Rapid response and deployment. 326
Social media. 271
UAS. 455
Warrant service. 462
TRAINING
SWAT. 289
TRANSFER PROCESS 542

U

UNIFORM REGULATIONS 605
UNIFORMS
Courtroom attire. 205
UNITY OF COMMAND 19
UNLAWFUL ASSEMBLY 386
UNMANNED AERIAL SYSTEM 454
URINE TESTS 415
USE OF FORCE 42
First amendment assemblies. 386
USE OF SOCIAL MEDIA 269

V

VEHICLE MAINTENANCE 475
VEHICLE PURSUITS 85
VEHICLES
Impound hearings. 411
VIDEO RECORDINGS
First amendment assemblies. 384

W

WARNINGS
Canine. 106
WARRANT SERVICE 459
WASHING OF VEHICLES 476

Copyright Lexipol, LLC 2019/10/25, All Rights Reserved.
Published with permission by Napa County Sheriff's Office