



Santa Cruz County Sheriff-Coroner

Number: O.40
Date: 07/10/07

SUBJECT: WARRANTS

- I. Field Request for Warrant Information
- II. Identification Verification
- III. Civil Bench Warrants (1209 C.C.P.)
- IV. Civil Bench Warrants (708.170 and 1993 C.C.P.)

POLICY

It shall be the policy of this Office to conduct in-field warrant checks.

PURPOSE

To provide a uniform manner in which to handle request for field warrant information.

PROCEDURE

- I. Field Request for Warrant Information
 - A. When a deputy in the field has a subject detained who they believe is wanted, the officer will request a warrant check through communications dispatch.
 1. All requests shall be made by giving the subject's name, date of birth and sex. Additional information (scars, marks, tattoos) for proper identification will be given as needed.
 2. Felony and misdemeanor juvenile warrants are in California Law Enforcement Telecommunication System (CLETS).
 3. Driver license numbers will not be used as primary wants/warrants identification information.
 - B. Communications shall conduct a computer check on the Santa Cruz Automated Network (S.C.A.N.) system. The S.C.A.N. system will return the following checks:

1. Local warrants
 2. State Wanted Persons (W.P.S.)
 3. National Crime Information Center (N.C.I.C.) check
 4. Search clause status
 5. Registrant status (457.1 PC, Arson; 290 P.C., Sex)
 6. Caution statement
 7. Domestic Violence Restraining Order Systems Check
 8. Supervised Release File Check (re: Parolee-Probationer)
 9. Convicted Sexual Offender Registry File (CSORF)
- C. Communications will relay all information to the requesting unit as it is received. Information will not be held pending results of all sources checked.
- D. When an out-of-county check or an in-county, non-police check (Mental Health, Probation) is requested, Communications will phone that agency directly for the information and relay it to the field unit.
- E. All warrants and search clause hits shall be confirmed by Communications through the originating agency.
- F. A deputy desiring criminal history information rather than a want/warrant check, may obtain the information, in person, or by telephoning the Records Section.
- G. On criminal history checks, deputies should supply a reason for the check and case number, if possible, as required by the Department of Justice. If there is no case number, a specific crime must be given.
- H. In emergency situations where no telephone is available and time is essential, deputies in the field may obtain officer safety and non-specific criminal history information via Communications. In the event that this occurs, the requesting deputy MUST, as soon as practical, complete a report regarding the emergency.

II. Identification Verification

A. In the event that an arrest and detention is made on a warrant and there still exists an allegation of wrong identification or misidentification, the Detention staff shall make further inquiries from the issuing agency. These inquiries shall include, but not be limited to:

1. Telephone verification
2. Abstract verification
3. Fingerprint comparison
4. Photo verification.
5. Scars, Marks, Tattoos

III. Civil Bench Warrants (1209 C.C.P.)

A. Civil Bench Warrants, issued pursuant to 1209 C.C.P., shall be entered into the local warrant system and a worksheet will be generated. These warrants are issued for civil contempt and the punishment could be jail time or fines. Refer to arrest procedures for 708.170 C.C.P. warrants outlined below. If arrested, these subjects must be housed separately from the criminal population.

IV. Civil Bench Warrants (708.170 and 1993 C.C.P.)

A. Civil Bench Warrants issued pursuant to 708.170 or 1993 C.C.P., are issued for civil contempt with civil sanctions rather than the criminal penalties. These warrants shall be maintained in the Civil Division only. Civil Division deputies will work these warrants as assigned. The Civil Bench Warrant, Civil Deputy's Ticket and Santa Cruz County Sheriff's Office Civil Bench Warrant Promise to Appear will be given to the assigned Civil Deputy.

B. The Civil Deputy shall attempt service of the Civil Bench Warrant and note each attempt on the Civil Deputy's Ticket.

C. Upon contact with the subject named on the Civil Bench Warrant, the deputy has three options:

1. To accept cash bail from the subject.
2. To release the subject on "own recognizance" if warrant allows.
3. To arrest and transport subject to jail.

- D. If the subject posts cash bail, the deputy shall complete the Santa Cruz County Sheriff's Office Civil Bench Warrant Promise to Appear. The deputy will obtain the cash bail and give the subject the yellow copy of the Promise to Appear, which will serve as a temporary receipt and indicate the court date. The deputy shall also serve a copy of the Civil Bench Warrant on the subject.
1. If after Civil Division office hours, the deputy shall place the cash bail with the original and pink copy of the Promise to Appear in an envelope labeled with the file number from the Civil Deputy's Ticket, the subject's name, date and amount of the bail. The envelope will be placed in the small safe in the Records/Warrants Section. An official receipt will be prepared by the Civil Division on the next working day. The completed Civil Deputy's Ticket shall be returned to the Civil clerical staff.
- E. If the subject is released on "own-recognizance", the deputy shall complete the Santa Cruz County Sheriff's Office Civil Bench Warrant Promise to Appear and give the subject the yellow copy. The deputy shall also serve a copy of the Civil Bench Warrant on the subject. The completed Civil Deputy's Ticket and original and pink copy of the Promise to Appear shall be returned to the Civil clerical staff.
- F. If release on "own recognizance" is allowed on a Civil Bench Warrant issued pursuant to 1993 C.C.P., the subject shall be released unless one of the following is a reason for non-release, in which case the deputy shall indicate on the Santa Cruz County Sheriff's Office Civil Bench Warrant Promise to Appear which of the following was a reason for the non-release:
1. The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.
 2. The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.
 3. There were one or more additional outstanding arrest warrants for the person.
 4. The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.
- G. If the subject is arrested, the deputy will provide jail personnel with a copy of the warrant from the service documents. A copy of the Civil Bench Warrant shall be served on the subject when transported to the jail. The completed Civil Deputy's Ticket shall be returned to the Civil clerical staff.

H. If the subject is arrested on a Civil Bench Warrant issued pursuant to 1993 C.C.P., the arrestee must be brought before the court within twelve hours of arrest or be released. The subject shall not be arrested if the court will not be in session during the twelve hour period following the arrest.

I. Bail must be specified on the Civil Bench Warrant and bond posted must comply with the requirements of 1215 C.C.P. The bond is called a "Surety Bond or Undertaking." It must guarantee BOTH:

1. The subject's appearance and
2. That the subject will abide by the order of the court.

Note: The type of "bail bond" used to obtain the release of a person on a criminal warrant guarantees only the person's appearance and IS NOT suitable to obtain the release of a "Civil Arrestee."



STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.42
Date: 12/08/05

SUBJECT: BAIL LIMITS AND PRISONER EXTRADITION

- I. Bail Limits
- II. Prisoner Extradition

POLICY

It shall be the policy of this office to establish consistent criteria governing dollar amounts on warrants and the transportation of prisoners.

PURPOSE

To establish criteria to transport defendants to and from Santa Cruz County.

REFERENCE

Detention Bureau Procedures 4-40, 4-41, 11-5, and 11-6.

PROCEDURE

- I. Bail Limits
 - A. Warrants with a bail amount of less than \$5,001 will be entered in CLETS but arrestees will not be transported from outside the county, except for warrants concerning domestic violence (P.C. 273.5, 273.6 and 243(e)(1)).
 - B. The following warrant charges will not be entered into CLETS, regardless of the bail amount, and arrestees will not be transported from outside the county:
 - 1. Disorderly conduct (647 P.C. all subsections except 647.6)
 - 2. Defrauding innkeepers (537 P.C.)
 - 3. Petty theft (484 P.C.)
 - 4. Possession of marijuana less than one ounce (11357b H&S)
 - 5. Urination in public (5411 H&S)

6. County Ordinances
7. Municipal Code Ordinances
8. Failures to appear on all above (853.7 P.C.)

C. Warrants with a bail amount of \$5,001 or more will be transported from outside of the County.

II. Prisoner Extradition

- A. The Detention Bureau is responsible for arranging transportation of defendants with Santa Cruz County warrants, if the warrant information has been entered in the Department of Justice California Law Enforcement Telecommunications System (CLETS).
- B. The Detention Bureau is responsible for the transportation of new commitments to state prisons and state mental hospitals, as well as the transportation of defendants in the custody of other jurisdictions when the Superior Court of Santa Cruz County has authorized an Order To Produce according to criteria established by the Detention Bureau.
- C. The Transportation section will select the method of transportation that will provide adequate security at a reasonable cost.


STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.44

Date: 12/07/05

SUBJECT: PRISONER BOOKINGS

POLICY

It shall be the policy of this office to expeditiously book prisoners into the County Jail.

PURPOSE

To facilitate entry into the jail and expedite prisoner bookings.

REFERENCES

Detention Bureau Procedure 2-5 and 4-32.

PROCEDURE

I. Prisoner Bookings

- A. When an arrest is made in the field, the arresting deputy shall remove all weapons and possible weapons from the prisoner.
- B. The Field Arrest Report forms must be completed by the arresting officer.
 1. The Field Arrest Report shall be completed as follows:
 - a. The entire form above the property inventory will be completed as much as possible.
 - b. If applicable, the vehicle description will be noted with the disposition of the vehicle. If towed, include name and number of towing company.
 - c. All property removed from the prisoner or his vehicle intended to be retained as evidence will be noted in the "Notes" area on the form.

- d. The transporting deputy, if different from the arresting officer, will indicate "Transported by (name of officer)" in the area below the arresting officer block.
- C. The transporting officer arriving at the vehicle sallyport will identify himself/herself to Central Control, advising the number and sex of the inmates. Firearms, ammunition, electronic control devices, knives, batons, and other weapons shall be secured in either the trunk of the vehicle or gun locker in sallyport prior to entry into the intake area.
- D. The transporting officer will advise of any unusual conditions concerning the prisoner that are known to him or her, including but not limited to: injuries, illness, suicidal, combative, under the influence of drugs or alcohol, and whether force was used against the prisoner during arrest.
- E. All arrestees delivered to the Santa Cruz County Jail will have been searched, and their hands cuffed behind their back, whenever possible, prior to entering the facility.
- F. If the arresting/transporting officer believes the arrestee has contraband on their person that was not discovered during intake search, and a more intensive search is lawful, a private room will be made available to conduct a more detailed search. All strip searches occurring in the jail shall be consistent with the Detention Bureau Strip Search Procedure and approved by the Main Jail Watch Commander.
- G. Prisoners requiring emergency room medical treatment, such as those who are bleeding profusely, unconscious, unable to stand, or in need of x-rays, etc., at the discretion of the Jail Watch Commander will not be received in the Jail. On most shifts, the Watch Commander will be assisted in this decision by the opinion of the Jail Nurse.
- H. When all items of business are completed, the deputy will return to the field as soon as possible.


STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.46

Date: 11/14/05

SUBJECT: ILLEGAL ALIENS

POLICY

It shall be the policy of this office to process suspected illegal aliens in a manner prescribed by law.

PURPOSE

To comply with current interpretation of immigration law.

REFERENCES

Detention Bureau Procedure 4-2.

Medina, et al v. County of Santa Cruz, et al, U.S. District Court

United States Code, Title 8

PROCEDURE

- I. Illegal Aliens
 - A. It shall be the practice not to approach, question, detain, arrest, transport and/or incarcerate any person for purposes of enforcing any provision(s) of Title 8, United States Code, other than 8 U.S.C. 1324 (Alien Smuggling), except in the execution of a criminal arrest warrant authorizing arrest for an alleged violation of Title 8, United States Code.
 - B. When persons are detained in the field during a criminal investigation or other lawful reason for contact, no proof of the person's immigration status shall be requested. No person shall be detained solely because of their failure to possess documents concerning their immigration status.
 - C. U. S. Immigration and Customs Enforcement (I.C.E.), personnel may request to speak to any prisoner in the Santa Cruz County Jail facilities. Sheriff's personnel shall not compel, coerce nor require any prisoner to talk with I.C.E. personnel.

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- D. If I.C.E. places an Immigration Detainer (I-247) on a prisoner, that prisoner shall be detained for a period not to exceed 48 hours, excluding Saturday, Sunday, and holidays, beyond the time the prisoner would have otherwise been released in order to permit the assumption of custody by I.C.E. pursuant to United States Code, Title 8, Section 287.7. Sheriff's personnel shall not extend or attempt to extend these timelines.
- E. All Detainers and other written communications from I.C.E. to the Jail concerning the detention of any prisoner shall be retained in the inmate file.
- F. Any notification to I.C.E. concerning the interview and or detainment of an illegal alien, in custody at any County Jail Facility, must be pre-approved by a Detention Lt.


STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.48
Date: 07/23/07

SUBJECT: DOMESTIC VIOLENCE

- I. Investigation of Domestic Violence Cases
- II. Enforcement of Laws
- III. Reporting
- IV. Follow-up Investigation
- V. Enforcement of Court Protective Orders
- VI. Tenancy
- VII. Victim's Assistance
- VIII. Officer Safety

POLICY

It shall be the policy of this Office to comply with the Penal Code as it relates to domestic violence. Members of this Office will write reports and take appropriate law enforcement actions when dealing with domestic violence situations.

PURPOSE

The purpose of this policy is to ensure the Office addresses domestic violence as a serious crime and to assure the victims of domestic violence the maximum protection from abuse which the law allows. It is the intent of this Office to intervene in the pattern of domestic violence, protect the victims and to communicate that violence in the home is criminal behavior and will not be tolerated by stressing the enforcement of laws through a pro-arrest policy.

REFERENCES

Penal Code Sections 13700, 13701, 13730, 13710, 166(a)(4), 242, 243(e)(1), 273d, 273.5, 273.6, and 602.5

Santa Cruz County Protocol for Domestic Violence Cases

DEFINITIONS

“Domestic Violence” is abuse committed against an adult or minor who is a spouse, former spouse, co-habitant, former co-habitant or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship. The victim and suspect may be of the same sex.

“Abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself or another.

“Victim” means a person who is a victim of domestic violence.

“Dominant Aggressor” is the party involved in a domestic violence case determined to be the most significant, rather than the first, aggressor.

“Pro-Arrest Policy” refers to a philosophical position in which physical arrest is encouraged in every situation where an arrest is legally permissible.

“Deputy” is a sworn member of the Sheriff’s Office regardless of rank or assignment.

“Cohabitation” means two unrelated adult persons living together for a substantial period of time resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating include, but are not limited to: (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, (6) the length of the relationship.

“Traumatic Condition” as defined in Penal Code Section 273.5, “is a condition of the body such as a wound or external or internal injury, whether of a minor or serious nature, caused by a physical force.” It refers to an abnormal condition of a living body produced by violence. It is much less than great bodily injury, the injury may be minor, but it requires more than soreness and tenderness to an area of the body. Some minor injuries that are considered traumatic include bruises, abrasions and redness. More is needed than just emotional harm or pain.

PROCEDURE

- I. Investigation of Domestic Violence Cases
 - A. Deputies shall be dispatched to investigate all domestic violence cases reported to the Sheriff’s Office. The report may be made by the victim or any third person. Health care providers are mandated to report all suspected domestic violence cases to law enforcement.
 - B. The following forms shall be utilized when conducting a domestic violence investigation to ensure that all aspects of the investigation are completed. The forms include:
 1. A domestic violence report form, which includes a body diagram and other relevant information.
 2. A medical records waiver form.
 3. Receipt and Notice to Claim Property Form for 12028.5 PC gun seizures. (*Located on the back of the yellow copy of the Evidence Report*)

4. Community Resource Card in English and Spanish.
 5. Emergency Protective Order, when appropriate.
 6. Bail Increase Form, when appropriate.
- C. The following steps shall be included in a deputy's investigation and subsequent report:
1. Arrival at scene
 - a. Determine location and condition of victim and suspect.
 - b. Determine if any weapon is involved or in the home.
 - c. Provide appropriate level of aid to injured parties. Transport or arrange transport of domestic violence victims and children to a hospital for treatment when necessary.
 - d. Separate suspect, victim and witnesses. (Victim should be out of suspect's view.)
 2. Preliminary investigation
 - a. Interview everyone separately - victim, suspect, children, other witnesses. (In cases involving monolingual (one language, not English) victims where there is not a bilingual officer available, every effort should be made to secure an independent interpreter and not use a child relative of the victim or suspect.) (Tape-record statements if reasonably possible.)
 - b. Document spontaneous statements made by victim and suspect. (Tape-record statements if reasonably possible)
 - c. Identify all involved parties. Ask for names, addresses and phone numbers of witnesses who may have left the scene prior to the officer's arrival.
 - d. Obtain the names, birth date or other identifying information on ALL minor children residing in the home, whether they witnessed the event or not. List these children on the Crime Report face sheet (SHF-0424). Be certain to check the "Domestic Violence" and "Children in Home" boxes on the Crime Report when applicable.
 - e. Obtain alternate phone number where victim may receive a message.
 - f. Ask victim and suspect if they have pain, even if there are no visible injuries.
 - g. Document victim's and suspect's condition and demeanor.

- h. Document victim's emotional state (i.e. crying).
 - i. Document torn clothing.
 - j. Document smeared make-up.
 - k. Document evidence of injury.
 - l. Document disarray in house.
 - m. Document size relation of victim and suspect.
 - n. Document interpreter qualifications, address and phone number.
 - o. If victim has a restraining order against suspect, obtain a copy of the order and valid proof of service. If not, inform victim how to get an order.
 - p. Advise victim of Emergency Protective Order (EPO) and ask if one is desired. (Victim should be out of suspect's view.) See Sheriff's Office Policy O.50.
 - q. If victim has a restraining order, which has not yet been served on suspect, inform the suspect of the order and note in the report. If victim has an extra copy of the order, serve on the suspect and fill out proof of service. Return the original proof of service to the victim for filing with the court.
 - r. Advise the victim/witness of his/her right to request confidentiality pursuant to Penal Code Section 293 and Government Section 6254f. Document request in report.
 - s. When the victim is a female, the deputy shall request, via NETCOM, a Domestic Violence Response Team (DVRT) member phone the deputy while on-scene. The DVRT member will speak to the victim. The victim may inform the DVRT member of refusal of services.
3. If suspect is taken into custody:
- a. Document spontaneous statements. (Tape-record if reasonably possible)
 - b. Prevent communications between suspect and victim/witness(es).
 - c. Advise suspect of Miranda rights.
 - d. Take statements.

- e. Request a bail increase if appropriate.
4. Evidence
- a. Document condition of crime scene (disarray of physical surroundings).
 - b. Photograph crime scene, if applicable.
 - c. Ensure that victim's/suspect's injuries are photographed.
 - d. Impound and/or photograph weapons and other evidence.
 - (1) Consider Penal Code Section 12021(c), persons convicted of specific misdemeanors.
 - (2) Consider Penal Code Section 12028.5, mandatory confiscation of firearms or other deadly weapons.
 - (3) Officer must give owner a receipt describing weapon, date weapon may be recovered and where weapon may be recovered. A copy of the evidence report may be used as a receipt. There is a 12028.5 PC admonition on the back of the yellow copy of the evidence report form.
 - (4) No weapon shall be held less than 48 hours.
 - (5) If weapon is not retained as evidence, PC 12021.3 dictates that the individual who claims title to a firearm in custody or control of a court or law enforcement agency and who wishes to have the firearm returned, to submit a Law Enforcement Gun Release (LEGR) Application to the California Department of Justice (DOJ) for a determination by the DOJ as to whether he or she is eligible to possess a firearm. Upon review, should DOJ determine that the claimant is eligible to possess a firearm, the DOJ will furnish the claimant written notification of this finding. The claimant may then present this to Sheriff's Property and retrieve their firearm.
5. Medical treatment
- a. Obtain authorization for release of medical records from victim and secure medical records, if possible.
 - b. Obtain name of treating physician(s).
 - c. Document extent of injuries/treatment, if known.
 - d. Obtain names, addresses and phone numbers of fire, ambulance or paramedic personnel treating the victim.

- e. Obtain name of reporting party. Document if reporting party is a mandated reporter.

II. Enforcement of Laws

- A. The dominant aggressor shall be arrested when there is reasonable cause to believe that a felony (e.g. 245 PC, 243(d) PC, 273.5 PC, etc.) has occurred.
- B. The dominant aggressor shall be arrested when there is reasonable cause to believe that a misdemeanor (e.g. 240 PC, 242 PC, 243(e)(1) PC, etc.) has occurred:
 - 1. In the presence of the deputy.
 - 2. Pursuant to a private person's arrest.
 - a. Deputies shall make a good faith effort to inform the victim of his/her right to make a private person's arrest.
 - b. Whenever possible, such discussion should be held out of the presence of the suspect.
 - c. Deputies shall not dissuade the victim from making a private person's arrest.
 - d. Deputies may make a warrantless misdemeanor arrest of the suspect for assault or battery upon his or her spouse, former spouse, a current or former cohabitant as defined by Section 6209 of the Family Code, a person with whom the suspect is having or has previously had an engagement or dating relationship, a person with whom the suspect has parented a child, or is presumed to have parented a child, when the deputy has reasonable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has been committed, and the deputy makes the arrest as soon as reasonable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has been committed. (836 (d) PC).
- C. When the suspect is arrested for a felony, the victim should not be asked if he/she wishes to "press charges" or "drop charges." Investigative personnel should not ask a victim if he/she wants to "prosecute" his/her partner.
- D. In cases in which a misdemeanor is committed out of the presence of the deputy, and the victim refuses to make a private person's arrest, the deputy will consider the applicability of a warrantless misdemeanor arrest pursuant to 836 (d) PC. If an arrest is not made, but the element of a crime is present, a crime report documenting the incident will be prepared

and submitted to the District Attorney's Office for a criminal complaint ("Warrant Request").

- E. In domestic violence cases in which the involved parties are alleging crimes have been committed by the other, deputies should try to determine:

Was one party in actual fear of the other?

Did one party escalate the level of violence, i.e. did a man react to a slap by beating the woman?

Who called the Sheriff's Office?

Was one party physically larger or stronger than the other?

Was there a history of violence by one of the parties against the other? Against other people?

Is one party usually the aggressor?

Did any injuries appear to be defense wounds?

When deputies cannot determine who the dominant aggressor is (due to conflicting statements, lack of corroborating injuries, etc.), separate investigations and reports shall be completed and arrests will be made accordingly. This practice may preclude prosecution of either party by the District Attorney's Office.

- F. All suspects arrested for felonies shall be booked into the County Jail.

- G. Suspects arrested for misdemeanors should be booked into the County Jail.

1. If the deputy can identify and articulate in his/her report a strong likelihood that the offense will not continue once the deputy leaves the scene, that there has been no prior history of domestic violence AND there are no other factor(s) to preclude the suspect's release on a notice-to-appear (e.g. offense likely to continue, the suspect being too intoxicated to care for him/herself, the suspect having one or more outstanding warrants, etc.), the arresting officer may request approval by his/her supervisor to cite and release the suspect.

III. Reporting

- A. A retrievable crime report shall be written in all cases of domestic violence. The "domestic violence box" will be checked on all domestic violence reports and the "weapon box" will be checked if a weapon was involved. The type of weapon must be listed in the narrative portion of the report. (PC 13700 et seq.)

1. A notation of whether the officer or officers who responded to the domestic violence call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance.
 2. A notation of whether the officer or officers who responded to the domestic violence call determined if any law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser of the victim.
- B. Domestic violence reports should be factually written with all elements of crimes clearly documented. Avoid the use of personal opinions as to the character of the involved parties and/or their comments.
- C. "Incident" reports shall not be used to document domestic violence cases in which the elements of one or more crimes can be established.
- D. A Domestic Violence Report Form should be completed in all domestic violence cases.

IV. Follow-up Investigation

- A. All domestic violence reports should be reviewed and given follow-up investigation by the Investigations Division, as needed.
- Investigations shall review all written reports submitted by mandated health care providers. Investigations shall determine whether an investigation has been initiated with regard to the report. In the event an investigation has not begun, the Investigations Division shall, at once, begin an investigation.
- B. Follow-up investigations should be geared to the requirements of the District Attorney's Domestic Violence Unit.
1. Follow-up investigations should include the following:
 - a. Verify the inclusion of all preliminary investigative steps regarding patrol deputy response/investigation.
 - b. Obtain medical records, if available, and/or have victim sign a medical release form.
 - c. Interview/re-interview witnesses as necessary to clarify the events of the incident. Obtain statements from parties not previously contacted.
 - d. If reasonably possible, obtain follow-up photographs of injuries to the victim (irrespective of whether photos were taken by the responding officer).
 - e. Record name, address and phone number of two close friends or relatives of the victim who will know the victim's whereabouts 6-12 months from the time of the incident.

- f. Verify that a complete criminal history, to include CII record of the suspect, is provided to the District Attorney's Office.
 - g. Obtain a statement from the suspect if not done by the responding officer. A tape-recorded statement is recommended.
 - h. Obtain tape copy of victim's initial report to 9-1-1 or law enforcement agency.
2. All cases should be submitted to the District Attorney's Office to be reviewed for filing.
 3. Aggravating circumstances (PC 1170.76) the judge may consider at time of sentencing include:
 - a. Whether the victim was pregnant at the time of the incident.
 - b. Whether a restraining order existed at the time of the incident.
 - c. Whether children were present during the incident.

These circumstances should be documented during the course of the investigation.

V. Enforcement of Domestic Violence Court Protective Orders

A. Domestic violence restraining orders shall be enforced by all law enforcement officers. Under Penal Code Section 273.6(a), it is a misdemeanor to willfully and knowingly violate any of the protective orders issued pursuant to the Uniform Parentage Act, any orders issued pursuant to Section 6320 or Section 6218 of the Family Code, the Domestic Violence Prevention Act or the Civil Harassment Prevention Act. Penal Code Section 273.6 makes it a felony to violate a restraining order, with violence or threat of violence, after suffering a prior conviction for violation of Penal Code Section 273.6, within seven years. The elements of the crime require intentional and knowing violation of the terms of the order. Proof of Service shows that the suspect has knowledge to be in violation of the order. Each agency shall ensure the original Proof of Service is filed with the court issuing the order and a copy retained with the police report.

NOTE: The terms and conditions of the restraining order remain enforceable, in spite of the actions of the victim or suspect, and may be changed only by order of the court.

Penal Code Section 273.6 shall apply to the following orders:

1. An order enjoining any party from contacting, telephoning, contacting repeatedly by mail with the intent to harass, molesting, attacking, striking, threatening, sexually assaulting, battering, harassing or disturbing the peace of the other party or other named family and household member.
2. An order excluding one party from the family dwelling or the dwelling of the other party or other named family and household member.
3. An order enjoining a party from specified behavior which the court determined was necessary to effectuate the orders.

In those cases in which a complaint, information or indictment charging a crime of domestic violence, as defined in Penal Code Section 13700, has been issued, a restraining order or protective order against the defendant issued by the criminal court in that case has precedence over any other outstanding court order against the defendant. [136.2 (2) PC].

- B. All Restraining Orders and Protective Orders will be entered into the CLETS system. These orders are valid until such time as the order is terminated or modified at which time the CLETS system will be updated. The CLETS system will also indicate if proof of service is needed.
1. Orders from any other county in the state are enforceable in this county. Orders issued by any other state, tribe or territory are enforceable in this county if those orders are registered with a court in this state.
- C. Deputies may verbally notify the party restrained by a Protective Order. He/she should inform the respondent of the conditions and terms of the order and the court where a copy of the order can be obtained. The order has had valid service and is enforceable after verbal notice. Deputies should notify Records to enter the verbal service in CLETS.
- D. Deputies will make arrests for any violations under the above sections that they observe. A victim still retains his/her right to make a private persons arrest. A misdemeanor warrantless arrest may be made if a deputy has reasonable cause to believe that the suspect had notice of the order and has committed an act in violation of the order although the act occurred outside of the presence of the deputy. The deputy shall, as soon as possible after the arrest, confirm the order unless the victim provides the deputy with a copy of the order (836(c) PC).

All persons arrested for violation of a domestic violence restraining order shall be taken to jail instead of being issued a citation unless there is not a reasonable likelihood the offense would continue or resume. If there is not a reasonable likelihood the offense would continue or resume, and the safety of persons or property would not be imminently endangered by release of the person arrested, the arresting officer may request approval by his/her supervisor to cite and release the suspect. (PC 853.6)

- E. If, at the scene of a domestic disturbance, a person shows or informs the deputy of the existence of a restraining order, it is crucial to establish the present status and terms of the order. This shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms and effective date of protective orders in effect.
1. Upon request, law enforcement agencies shall serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody. Once the order is served, an arrest may be made if the suspect refuses to comply with the terms of the order.
 2. If the deputy cannot verify the order, it may be enforced through a private person's arrest procedure. If it is the officer's opinion that the elements of the crime do not exist, the officer may then consider a release per Penal Code Section 849(b).
 3. If a restraining order violation has occurred, and the suspect is not present, the officer will submit a crime report of the appropriate violation.

Under no circumstances shall a deputy fail to prepare a crime report on a restraining order violation simply because the suspect is no longer present.

VI. Tenancy

- A. Request a person who is not in lawful possession of the premises to leave when:
1. The complainant is in lawful possession of the premises, and
 2. The complainant has requested that the person leave the premises.
- B. The suspect may be arrested under Penal Code Section 602.5 if the suspect does not leave upon request.
- C. The deputy should refer the complainant for a temporary restraining order or other appropriate civil remedy if the complainant requesting removal cannot show proof of lawful possession. "Lawful possession" of the premises is shown by a rental agreement, cancelled rent check, lease, grant deed, verification from landlord, court order or other document showing person(s) to be removed.

VII. Victim Assistance

- A. If a victim has injuries, visible or not, which require medical attention, deputies shall administer first aid, as appropriate, and offer to arrange for proper medical treatment.
- B. In the absence of a restraining order, when a party in a domestic violence incident requests police assistance in removing a reasonable amount of

personal property (e.g. a suitcase) to another location, a deputy shall standby a reasonable amount of time until the party has safely done so.

C. In all domestic violence incidents, a deputy should:

1. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for their safety or the deputy determines a need exists.
2. Explain options available to the victim, including the private person's arrest process, temporary restraining orders, Emergency Protective Orders and, in cases of arrest, the follow-up procedures and ensuing criminal proceedings.
3. Provide the victim with a Community Resource Card and document that the victim received the referral per Penal Code Section 13701 et seq.
4. Verify and enforce court issued protective orders pursuant to this policy.

VIII. Officer Safety

Exercise reasonable care for the safety of yourself, cover officers and parties involved. No provisions of this policy shall supersede that responsibility.



STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.50

Date: 07/19/07

SUBJECT: EMERGENCY PROTECTIVE ORDERS (EPO)

POLICY

It shall be the policy of this Office that deputies may request issuance of an emergency protective order if they become aware of events that would reasonably cause a person to fear an immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse or stalking (including workplace violence or civil harassment).

PURPOSE

An emergency protective order may be used in situations of domestic violence, child abuse, child abduction, elder or dependent adult abuse or stalking (including workplace violence or civil harassment) to aid in the immediate (although temporary) removal or eviction and restraining of a person committing acts of domestic violence, child abuse, child abduction, elder or dependent adult abuse or stalking (including workplace violence or civil harassment). The decision on whether or not to pursue such an order is based on discretion and good judgment.

REFERENCES

Family Code Section 6203, 6209, 6211, 6215, 6240-6257, 6270-6273

Penal Code Sections 166(a)(4), 273.6, 13700, 13710, 12021(g), 646.9, 646.91(a)

DEFINITIONS

“Abuse” – Intentionally or recklessly causing, or attempting to cause, bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself or another.

“Domestic Violence” – Abuse committed against an adult or any minor who is a spouse, former spouse, cohabitant, former cohabitant or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship. The victim and suspect may be of the same sex.

“Stalking” – Any person who willfully, maliciously and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in

reasonable fear for his or her safety, or the safety of his or her immediate family, is guilty of the crime of stalking.

“Harasses” – For the purpose of stalking, harasses means to engage in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person and that serves no legitimate purpose.

“Credible Threat” - means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal, written or electronic statements, and conduct made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety, or his or her family, and made with the apparent ability to carry out the threat as to cause the person, who is the target of the threat, to reasonably fear for his or her safety or the safety of his or her family.

PROCEDURE

I. Emergency Protective Orders

- A. Deputies investigating cases of domestic violence, child abuse, child abduction, elder or dependent adult abuse or stalking (including workplace violence or civil harassment), may consider obtaining an emergency protective order when they can reasonably assert that events occurred that cause a person to fear:
1. There is an immediate and present danger of domestic violence, based on the person’s allegation of a recent incident of abuse, or threat of abuse, by the person against whom the order is sought.
 2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse, or threat of abuse, by a family or household member.
 3. A child is in immediate and present danger of being abducted by the person against whom the order is sought.
 4. There is an immediate and present danger of elder or dependent adult abuse, based on the person’s allegation of a recent incident of abuse, or threat of abuse, by the person against whom the order is sought. No EPO shall be issued based solely on an allegation of financial abuse.
 5. A person is in immediate and present danger of being stalked based upon the person’s allegation that he or she has been willfully, maliciously and repeatedly followed or harassed by another person who has made a credible threat with the intent of placing the person who is the target of the threat in reasonable fear of his or her safety or

the safety of his or her immediate family, within the meaning of Penal Code Section 646.9.

The purpose for obtaining an emergency protective order is to prevent the recurrence of acts of violence and sexual abuse and to provide for a separation of the persons involved in the domestic violence for a period sufficient to enable these persons to seek a resolution of the causes of the violence.

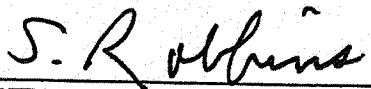
- B. Deputies shall first consult with their supervisor for approval prior to contacting the designated Judge.
- C. Upon approval, deputies shall complete the top portion of the Application for Emergency Protective Order (CLETS) form. The forms are available to all patrol personnel and may be carried while on patrol duties.
- D. After completing the top portion of the form, deputies will contact the primary duty Judge or, if unavailable, the secondary duty Judge via NetCom. If both the primary and secondary duty Judge is unavailable, a court commissioner may be contacted at home to issue an Emergency Protective Order. The Presiding Judge of the Superior Court has established policy with NetCom in regard to contacting the primary and secondary Judge. (If a judge is needed between the hours of 8am and 5pm on days when court is in session, the Superior Court Secretary may be contacted by phone to connect the deputy with the duty Judge for that day.)
- E. If the emergency protective order is not approved, deputies should indicate that on the form. Any unapproved emergency protective order form shall be filed with the report.
- F. When an emergency protective order is approved, deputies shall complete the remainder of the form, noting the terms and conditions imposed by the Judge.
 - 1. The expiration date of the emergency protective order shall be the earlier of the following times:
 - a. The close of judicial business on the fifth court day following the day of issuance (not including the day of issuance), or,
 - b. The fifth court day following the day of its issuance (not including the day of issuance).
- G. Requirements of the requesting officer pursuant to the Family Code:

1. The officer shall reduce the order to writing and sign it.
 2. The officer shall serve the order on the restrained person, if the restrained person can reasonably be located.
 3. The officer shall give a copy of the order to the protected person or to the parent or guardian if the protected person is a minor child.
 4. The officer shall cause the order to be filed with the court as soon as practical after issuance.
 5. A law enforcement officer shall use every reasonable means to enforce an emergency protective order.
 6. A law enforcement officer who acts in good faith to enforce an emergency protective order is not civilly or criminally liable.
 7. The requesting officer shall carry copies of the emergency protective order while on duty.
- H. The original completed emergency protective order shall be turned in with a report by the end of the reporting deputy's work shift. When at all possible, the requesting deputy will contact Sheriff's Records by phone or fax and then forward the EPO information. Sheriff's Records shall forward the order to the appropriate court.
- I. Upon receipt of a report involving issuance of an emergency protective order, Records personnel shall:
1. Attach a photocopy of the order to the report.
 2. Place the "issuing agency" copy of the original order into the "temporary restraining order" binder.
 3. Enter the order into CLETS if sufficient information is available on the restrained person and note if service was completed or is needed.
 4. Forward the original order to the Superior Court Judge granting the order via the folder hand-carried to the Superior Court Monday through Friday by Records personnel.
 5. If the restrained person was not served a copy of the order, Records personnel shall determine if the restrained person has been taken into custody so they can be served at the jail.
- J. Violation of an emergency protective order is a misdemeanor pursuant to

Number: O.50
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Penal Code Sections 166(a)(4) or 273.6.

- K. It is a felony for a restrained person to purchase, attempt to purchase or otherwise obtain a firearm, pursuant to Penal Code section 12021(g).


STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.52
Date: 02/21/06

SUBJECT: VICTIMS OF VIOLENT CRIMES STATUTE

POLICY

It shall be the policy of this Office to aid victims of violent crimes in seeking financial redress from the State of California for physical injuries or death resulting from the commission of a violent crime.

PURPOSE

To insure that a liaison exists between the Sheriff's Office and the County's Victim-Witness Program.

REFERENCES

Government Code Section 13959

PROCEDURE

- I. Victims of Violent Crimes Statute
 - A. Investigation Division Person Crimes Section Sergeant shall periodically provide, and explain to all deputies, information relevant to the provisions of the Victims of Violent Crime program. All new officers, upon entering service, shall be advised by their superiors of all particulars regarding the program.
 - B. Investigation Division Person Crimes Section Sergeant shall be designated as the Sheriff's Office "Victims of Violent Crimes Liaison Officer", as provided by statute, and shall coordinate with the District Attorney's Victim-Witness Program.
 - C. All reports of crimes investigated by this Office involving crimes of violence wherein a victim sustains physical injury or death as a direct result of the crime's commission shall be made available to the Victim-Witness staff.


STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.54
Date: 12/6/05

SUBJECT: DEATH INVESTIGATIONS

- I. Deaths
- II. Death Notifications
- III. Indigent Burials

POLICY

It shall be the policy of this office to investigate reports of deaths, make death notifications and assist the Public Administrator in determining Indigent status.

PURPOSE

To provide guidelines for deputies assigned to investigate death cases and in making death notifications.

REFERENCE

Sections 102850, 102950, 120130 of the California Health and Safety Code and Sections 27491-27521.1 of the California Government Code.

PROTOCOL

- I. Deaths – Coroner’s Investigation
 - A. Sudden or Due to Trauma
 - 1. Accident - (drowning, electrocution, fall, traffic accident, etc.)
 - 2. Suicide - (pills, carbon monoxide, hanging, gunshot, etc.)
 - 3. Homicide
 - 4. Unable to determine how death occurred, but trauma is present or foul play is suspected.

B. Natural - Reportable

1. The deceased has been diagnosed by a physician, licensed in California, who will sign a death certificate indicating cause and disposition of remains is not an issue; however, one or more of the following conditions exists:
 - a. The physician has not attended the deceased within 20 days preceding death;
 - b. The deceased was in an acute care hospital for less than 24 hours preceding death, i.e., death pronounced in the emergency room;
 - c. The deceased suffered from a communicable disease contributory to death, i.e., AIDS, any form of hepatitis, meningitis, tuberculosis, etc.
 - d. Fetal deaths (i.e., stillborn) which are 20 weeks or more of gestation.
 - e. Patient is unconscious when admitted to hospital and expires without regaining consciousness.
2. Reportable deaths require only a death investigation worksheet and entry into the Coroner's Register. No further inquiry or report is necessary.

C. Natural Death - Coroner's Investigation

1. The deceased has no recent medical history whereby a licensed physician can state cause of death.
2. The attending physician is not available or cannot be contacted.
3. The attending physician has treated the deceased for a non-terminal illness and cannot state cause of death.
4. A death occurs while the decedent is in custody.
5. No person responsible for the remains of the deceased can be notified and/or no known pre-need arrangements have been made by the deceased. The Coroner is required to take possession of the remains.

6. The attending physician cannot reasonably determine cause of death based on the decedent's medical history:
 - a. If the person dies after being in hospital less than 24 hours.
 - b. If the person is admitted unconscious and expires without regaining consciousness.
7. If the person has fallen and doctor believes it to be contributory towards death.

D. Investigation Procedure

1. Notification of Coroner

- a. Reports of confirmed deaths due to trauma will immediately be reported to the on-duty or on-call Deputy Coroner during all hours.
- b. Reports of confirmed deaths by natural causes will be referred to the on-duty or on-call Deputy Coroner between the hours of 0600 - 2200.
- c. Reports of confirmed deaths by natural causes will be referred to the appropriate on-duty beat or roving deputy between the hours of 2200 - 0600. The deputy will telephone (or respond if within assigned beat) to the location of occurrence where classification and disposition will be determined.

2. Natural - Reportable Deaths

- a. The remains may be released following inquiry. The completed Coroner's worksheet will be referred to the Coroner's Section for assignment of a referral/reportable number by the Coroner's Section and entry into the Coroner's Register. Note: Deputies shall not request a case number for reportable cases.

3. Natural - Patrol Deputy Response

- a. The assigned patrol deputy, upon arrival, will carry out a preliminary death investigation to determine if a "Coroner's Case" exists. In Coroner's cases, the on-call Deputy Coroner will be paged with the approval of the on-duty patrol supervisor.

- b. The deputy will, in all Coroner cases, complete a Coroner's Worksheet and write a report documenting his or her preliminary investigation of the death.
 - c. The on-call Deputy Coroner, upon arrival, will assume responsibility for any follow-up investigation necessary as well as the removal and disposition of the decedent.
 - d. When death occurs in a hospital facility, the assigned deputy will request that the remains be kept in the facility's morgue pending removal by the on-duty Deputy Coroner the following morning. The on-call Deputy Coroner will be paged and advised of the death case circumstances by the deputy.
 - e. A worksheet will be completed including a brief statement indicating the reason that the natural death is a Coroner's investigation, i.e., no medical history, doctor not available, doctor will not sign death certificate because _____.
 - f. The worksheet will be referred to the Coroner's Section for follow-up at the end of the deputy's shift.
4. The Coroner's Section will, at all times, have a Deputy Coroner available to assist or respond in any death investigation. When a death occurs due to any traumatic injury, the on-call Deputy Coroner will be immediately notified to respond to the death site.

E. Natural - Not Reportable

1. The deceased has been diagnosed by a physician licensed in California who has attended the person within 20 days preceding death and will sign the death certificate indicating cause.
2. A person responsible for the remains has been notified.
3. A mortuary has been chosen or the decedent has made arrangements with a mortuary for disposition. Requires no further inquiry or report.

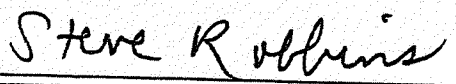
II. Death Notifications

- A. Upon receipt of a request from an outside agency for death notification, a teletype or fax from the requesting agency shall precede notification.

- B. The officer assigned shall make notification in person. Any exception shall be only after all reasonable efforts have been exhausted and with approval of the on-call Deputy Coroner and the officer's supervisor.
- C. Upon notification, the assigned officer shall offer assistance to recipients which may include notification of other relatives or friends. When applicable, the officer making notification may be accompanied by on-call Victim/Witness, Chaplain, or other appropriate persons who may be of assistance to the recipients.
- D. A responding teletype or fax to the originating agency shall be sent as soon as possible notifying them of the results of their request (who was contacted and relationship to the decedent). If no one home, attempt periodic personal contacts. Do not leave a note unless specifically requested by the requesting agency. Such request must be stated in the teletype or fax.
- E. The assigned officer shall prepare a report of the death notification attempt, including copies of the requesting and response teletypes.
- F. Requests from Santa Cruz County Sheriff's Office personnel to outside jurisdictions for death notifications shall include a request for personal notification and a response teletype or fax.

III. Indigent Burials

- A. When a mortuary has a deceased person who they believe may be indigent, they will contact the Public Administrator and/or the Coroner's Office.
- B. The Public Administrator will investigate possible indigent status of the deceased in conjunction with the Coroner's investigators to determine indigent status on a case-by-case basis. The Public Administrator will authorize all indigent cases. The Coroner will determine the mortuary and make the arrangements.


STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.56

Date: 01/20/06

SUBJECT: LESS LETHAL DEVICES / MUNITIONS

PURPOSE

To establish guidelines for the use and deployment of Less Lethal Devices / Munitions by Office personnel in those situations where a lesser level of force would be ineffective or inappropriate. The operational goal is to gain compliance from, or to incapacitate, a potentially dangerous person as safely as possible with minimum possibility of causing death or serious bodily injury.

POLICY

It shall be the policy of this office that trained personnel may utilize less lethal force in the form of less lethal devices / munitions to gain compliance from those who demonstrate a threat of serious injury to the lives of others or themselves. The use of less lethal force, in the form of less lethal devices /munitions, falls within the same category as the baton as set forth in Sheriff's Office Policy O.86 – Use of Force.

REFERENCE

Defense Technology Corporation of America, Training Academy, Less Than Lethal Course.

Less Lethal Impact Ammo Instructor Development Course, South Bay Regional Public Safety Training.

DEFINITIONS

Less Lethal Devices: Include, but are not limited to, Stinger Grenades and Distraction Devices

Less Lethal Munitions: Include, but are not limited to, Bean Bag rounds and 40 mm Exact Impact rounds.

Less Lethal Force: Is that force which law enforcement uses with the knowledge that the force has the possibility of causing death or serious bodily injury (as opposed to a

substantial risk of causing death or serious bodily injury). This force is used to protect the subject from harming him or herself or others, overcome resistance, and effect arrest as necessary and consistent with Sheriff's Office Policy O.86 – Use of Force.

PROCEDURE

1. Training in the use of Less Lethal Devices / Munitions
 - A. Less lethal devices / munitions may only be used by personnel who have completed an office approved training course in the use of less lethal devices / munitions.
2. Use of Less Lethal Devices / Munitions
 - A. As with any use of force, justification for each use of less lethal force must exist prior to deployment.
 - B. Less lethal force may be used at any incident where its use is justified. The decision to use such force will be the decision of the deputies on scene. The shift supervisor shall be notified in all cases where less lethal force is used.
 - C. Less lethal force can be used during an incident at the direction of the on-scene SWAT or Rapid Response Team (Crowd Control) Commander or in a riot type situation by the on-scene Commander.
 - D. When deploying less lethal devices or munitions, there should be a tactical plan and additional law enforcement personnel assigned to provide the operator / shooter with deadly force coverage. One consideration of the plan should be to alert law enforcement personnel on scene that less lethal force is being deployed to preclude sympathetic fire. Another consideration of the plan should be determining appropriate target area for less lethal munitions. Your target area may change (i.e. head, neck/throat, chest or solar plexus) as the lethality of the incident increases or decreases.
 - E. Medical clearance is required before booking or final disposition of the subject who has been struck with less lethal munitions. This is because internal injuries may not be readily visible and these injuries may be serious. Custodial staff will be advised if the arrestee / detainee was struck with less lethal munitions.
3. Prohibited and Not Recommended Use of Less Lethal Devices / Munitions
 - A. Less lethal devices / munitions will not be used on compliant, unconscious, or incapacitated persons.

- B. Unless deadly force is justified, less lethal devices / munitions should not be used on pregnant women or small children.
 - C. Unless deadly force is justified, less lethal devices / munitions should not be used in situations where such use will place a subject in danger of falling from a bridge or tall structure.
4. Documentation of Use Less Lethal Devices / Munitions
- A. Except in training, whenever less lethal device / munitions are used, a report shall be written to document the incident. Injuries should be photographed and remnants of the device / munitions will be booked into evidence. Def-Tech #15 Stinger Grenades and Def-Tech #25 Distraction Devices have several serial numbers registered with A.T.F. Whenever either of these is used, written notice should be sent to:

Bureau of Alcohol, Tobacco and Firearms
National Firearms Act Branch
650 Massachusetts Ave.
Washington, DC 20006


STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.58

Date: 07/25/07

SUBJECT: CRIMINAL STREET AND PRISON GANGS

POLICY

It shall be the policy of this office to identify, monitor and document criminal street gangs / prison gangs as they relate to criminal activity within Santa Cruz County.

PURPOSE

Street gang activity, participation and violence are on the rise in Santa Cruz County. This growing problem must be addressed by pro-active law enforcement in a comprehensive, uniform manner. This shall be accomplished by providing expert training on street gangs for office personnel, and submitting gang Field Interview (FI) information via a legally prescribed manner into the Sheriff's Records Management System (RMS) system.

REFERENCES

Penal Code, 186.20, et seq 186.30, 186.31, 186.32, 186.33
Criminal Intelligence File Guidelines, Department of Justice

DEFINITIONS

"Criminal Street Gangs" - Any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in 186.22(e) P.C., having common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

"Gang Member" - an individual who has been identified by the Sheriff's Office in a manner described in this policy.

PROCEDURE

I. Criminal Street Gangs

A. When office personnel, trained in gang identification, during the normal course of their duties encounter a subject suspected of being involved in criminal street/prison gang activity under one or more of the following conditions:

1. Consensual contact
2. Lawful detention
3. In custody via lawful arrest,

B. And observe or detect one or more of the following criteria during the contact: (Two are required for a person to be considered an "active participant"; however, any information is useful and should be submitted.)

1. Subject has admitted to being a gang member.
2. Subject has been arrested with known gang members for offenses consistent with usual gang activity.
3. Subject has been identified as a gang member by a reliable informant/source.
4. Subject has been identified as a gang member by an untested informant.
5. Subject has been seen displaying gang symbols and/or hand signs.
6. Subject has been seen frequenting gang areas.
7. Subject has been seen wearing gang dress.
8. Subject is known to have gang tattoos.
9. In custody Classification interview. (All others require two criteria)

C. Gang Information Card

1. The officer will use a "Santa Cruz County Gang Field Interview Report" (SHF-0467, revised 08/01/07 pocket sized) to document data obtained. The officer will indicate the type of contact (Procedures Section I) and the observed gang identification criteria (Procedures Section II) in the remarks section of the card. The officer may indicate criteria observed checking the corresponding criteria on the card. A photograph is desirable for more specific identification.

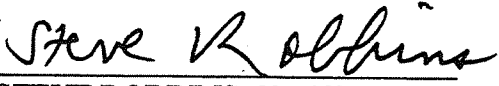
- a. The officer will then submit the Gang Information Card and photograph (if available) by placing it in the Criminal Street Gang

in-basket located in the Patrol roll-call room.

- b. When possible (with the subject's permission, unless arrested, then no permission is needed) a photo will be attached to the card.
2. The submitted gang information cards will be collected and reviewed by the Sheriff gang investigator(s). The information will be entered into the Sheriff's Records Management System as a gang FI. The hard cards will be stored for five years then purged unless updated. The following are criteria for certification and retention of FI information and purging.
 - a. The information was obtained by a manner described in Procedure Section I.
 - b. TWO or more gang criteria have been compiled to identify the individual as an active participant. (Procedure Section II)
 - c. All material, which identifies an individual, as an active street/prison gang participant will be reviewed on a continual basis.
 - d. If no fresh information is received identifying an individual as a gang participant during a five-year period, that individual will be purged from the hard card file.

D. Gang Registration

1. Per Penal Code 186.30, the Sheriff's Office will maintain a gang registration file for the purpose of registering those individuals as gang participants when instructed to do so by the court system and are County of Santa Cruz residents.
2. A Sheriff's CSO or designee will register gang participants on established day(s) using the attached form. Juveniles and adults who are ordered by the court to register will submit to finger printing and photographing.
3. All registration requirements set forth in 186.32 P.C. shall terminate five years after the last imposition of a registration. After termination, the file shall be transferred to the subject's Sheriff's "S" file.


STEVE ROBBINS, Sheriff-Coroner

Type or print neatly and complete all fields. Be sure to have the registrant sign this form and initial each registration requirement.

<input type="checkbox"/> Initial Registration		<input type="checkbox"/> MOVING INTO/WITHIN THIS JURISDICTION		<input type="checkbox"/> MOVING OUT OF THIS JURISDICTION	
FULL NAME OF REGISTRANT		Last		First	
ALIASES/GANG MONIKERS		DOB	PLACE OF BIRTH	RACE	SEX
HEIGHT	EYE COLOR	HAIR COLOR	WEIGHT	BUILD	SOCIAL SECURITY NUMBER
TEETH <input type="checkbox"/> BRACES <input type="checkbox"/> BROKEN <input type="checkbox"/> FALSE <input type="checkbox"/> DECAYED <input type="checkbox"/> BUCK <input type="checkbox"/> CROOKED <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> SILVER <input type="checkbox"/> SPACES <input type="checkbox"/> STAINED		FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> LOWER LIP <input type="checkbox"/> CLN. SHAVE <input type="checkbox"/> MUSTACHE <input type="checkbox"/> FU MANCHU <input type="checkbox"/> SIDEBURNS <input type="checkbox"/> FUZZ <input type="checkbox"/> UNSHAVEN <input type="checkbox"/> GOATEE <input type="checkbox"/> VAN DYKE		COMPLEXION <input type="checkbox"/> ACNE/POCK <input type="checkbox"/> MEDIUM <input type="checkbox"/> DARK <input type="checkbox"/> PALE <input type="checkbox"/> FRECKLED <input type="checkbox"/> SALLOW <input type="checkbox"/> LIGHT/FAIR	
HAVE MEMBERS OF YOUR GANG BEEN CONVICTED OF ANY OF THE FOLLOWING CRIMES? (CHECK ALL THAT APPLY). <input type="checkbox"/> DRUG SALES <input type="checkbox"/> ROBBERY <input type="checkbox"/> KIDNAPPING <input type="checkbox"/> WITNESS INTIMIDATION <input type="checkbox"/> BURGLARY <input type="checkbox"/> MURDER OR MANSLAUGHTER <input type="checkbox"/> RAPE <input type="checkbox"/> SHOOTING FROM A CAR <input type="checkbox"/> GRAND THEFT <input type="checkbox"/> SHOOTING AT A OCCUPIED HOME OR CAR <input type="checkbox"/> ASSAULT WITH A DEADLY WEAPON					
SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS		LOCATION	DESCRIPTION	PICTURE	TEXT
NAME OF REGISTRANT'S GANG		CUQUE NAME	HOW LONG IN GANG?	* OF MEMBERS IN GANG	
AREAS FREQUENTED BY GANG/TERRITORY		NAMES OF AFFILIATES		MONIKER	DOB
		1. _____			
		2. _____			
		3. _____			
HOME ADDRESS	STREET NUMBER	STREET NAME		APARTMENT OR UNIT NUMBER	
	CITY	COUNTY	STATE	ZIP CODE	TRANSIENT YES <input type="checkbox"/> NO <input type="checkbox"/>
WORK ADDRESS OR SCHOOL INFORMATION	STREET NUMBER	STREET NAME		APARTMENT OR UNIT NUMBER	
	CITY	COUNTY	STATE	ZIP CODE	NAME OF SCHOOL ATTENDING TELEPHONE NUMBER () -
PARENT OR LEGAL GUARDIAN	NAME				
	STREET NUMBER	STREET NAME		APARTMENT OR UNIT NUMBER	
	CITY	COUNTY	STATE	ZIP CODE	TELEPHONE NUMBER () -
PAROLE/PROBATION OFFICER		PAROLE/PROBATION OFFICER LOCATION		PAROLE/PROBATION OFFICER TELEPHONE # () -	
VEHICLE #1	LICENSE PLATE NUMBER	STATE	YEAR	MAKE AND MODEL	STYLE
VIN NUMBER		DRIVER'S LICENSE NUMBER		STATE	YEAR OF EXPIRATION

- Subject admits being a gang member during the incarceration classification procedure
- Subject admits gang membership in a non-custodial situation
- Subject has been identified as a gang member by a reliable informant or source or is required to register with law enforcement as a gang member (PC 186.30)
- Subject has been identified as a gang member by an untested informant or source with corroborative evidence
- Subject has been seen wearing gang clothing
- Subject has been seen displaying gang symbols and/or hand signs
- Subject has identifiable gang tattoos
- Subject has been seen frequenting gang areas
- Subject has been seen affiliating with documented gang members
- Subject has been arrested with known gang members for offenses consistent with usual gang activity

REGISTRATION NOTIFICATION STATEMENT

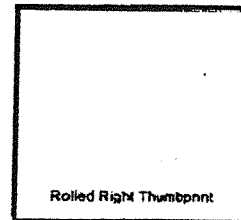
- _____ My responsibility to register as a convicted gang member lasts for 5 years after the last imposition of a registration requirement pursuant to P.C. § 186.30.
- _____ I have been advised that the gang to which I belong, associate with, or commit crimes with called _____ is a criminal street gang whose members engage in or have engaged in a pattern of criminal activity as described in subdivision (e) of Penal Code Section 186.22.
- _____ I must register with the law enforcement agency having jurisdiction over the area where I live, or am located, *within 10 days* of coming into that area.
- _____ Upon changing my location or place of residence, either within the present registering agency's jurisdiction, or anywhere inside or outside of the state, I must inform the law enforcement agency where I last registered of the change of location or residence. This notification must be in person and must take place *within 10 days* of the change of location or place of residence.
- _____ Upon release from incarceration, placement, or commitment, I must register or re-register if I have previously registered, with the law enforcement agency having jurisdiction over the area where I live or am located *within 10 days*.
- _____ *Within 10 days* of changing my name, I must notify the law enforcement agency having jurisdiction over the area where I am registered or am required to register, notifying them about the name change.
- _____ I understand if I have no residence address, that I am still required to register pursuant to P.C. § 186.30.
- _____ Every registrant who is a parolee must provide proof of registration to his/her parole agent *within 10 days* of release on parole.
- _____ Every registrant who is a probationer must provide proof of registration to his/her probation officer, or if summary probation to the probation office, *within 10 days* of being placed on probation. If the probationer remains in custody after he/she is placed on probation, the probationer must provide proof of registration *within 10 days* of being released from custody.
- _____ I must submit to fingerprinting and photographing, which may include photographing of any tattoos, by any law enforcement agency with whom I am required to register. I must comply with this requirement within the registration time requirements of the applicable section.

I have been notified of my duty to register as a convicted gang member under PC § 186.30. I have read, understood, and initialed each registration notification requirement specified above.

I certify, *under penalty of perjury*, the above information is true and accurate.

REGISTRANT'S SIGNATURE

DATE OF NOTIFICATION/REGISTRATION



REGISTERING AGENCY	NAME OF AGENCY (DO NOT ABBREVIATE) SANTA CRUZ SHERIFF	REGISTERING OFFICERS NAME AND TITLE	PHONE NUMBER () -
REGISTERING AGENCY CONTACT PERSON	UNIT	NAME	PHONE NUMBER () -
C# NUMBER		CDC NUMBER	CYA NUMBER
FBI NUMBER		SOCIAL SECURITY NUMBER	ORIGINATING AGENCY CASE NUMBER
CONVICTION CAUSING REGISTRATION	COURT CASE NUMBER	DATE OF ARREST	ARRESTING AGENCY



Santa Cruz County Sheriff-Coroner

Number: O.60

Date: 09/21/07

SUBJECT: RESPONDING TO JUVENILE MATTERS

POLICY

It shall be the policy of this Office to handle matters involving juveniles when the individuals involved fit the requirements of the Welfare and Institutions Code.

PURPOSE

To standardize the procedure for handling juvenile runaways and those juveniles involved in truancy and curfew violations.

REFERENCES

Welfare and Institutions Code

County Ordinances 8.21.030, 8.21.020, 8.21.010, 8.21.040, 8.21.50, 8.21.060 "Youth Protection Curfew"

Business and Professional Code: 25662

DEFINITIONS

"Juvenile" - any person under the age of 18 years.

"Minor" - any person under the age of 21.

"Dependent child" - any juvenile who meets the criteria of Section 300 of the Welfare and Institutions Code.

"Ward" - any juvenile who fits the descriptions as listed in Section 601 of the Welfare and Institutions Code.

"Delinquent" - a juvenile who commits a violation of any criminal law or statute as listed in Section 602 of the Welfare and Institutions Code.

"Welfare and Institutions Code" - Section 625 makes it mandatory to advise juveniles taken into temporary custody as "601's", "602's", escapees or violators of court orders, of their rights per Miranda, whether or not the juvenile is to be subject to a custodial interrogation.

“Tarry” – remaining, wandering, strolling or playing without apparent purpose and while not under the control, or supervision, of a parent, guardian or adult designated by a parent or guardian.

“Public Place” – Any outdoor area to which the public has access, including, but not limited to, streets, sidewalks, highway, parks, playgrounds or other public grounds and the outdoor common areas of an establishment including, but not limited to, the entry ways and parking lots.

PROCEDURE

I. Responding to Juvenile Matters

A. Runaway/Beyond Parental Control

1. All Santa Cruz County residents found to be runaways are to be returned to their home, if at all possible.
2. Runaways/individuals, beyond parental control, may be turned over to the Youth Services in Santa Cruz County during the following hours 0900 to 2200 hours. Contact should be made with Youth Services at [REDACTED] to arrange pick up or delivery of the minor/juvenile.
3. Between 2200–0900 hours, these juveniles may be transported and temporarily housed at Juvenile Hall at the Probation Center.

B. Truancy

1. All pupils subject to compulsory education found during school hours away from school, may be stopped, identified and have their school contacted to determine if they are truant or otherwise absent without a valid excuse. If they are truant, they shall be returned to the school.

C. Curfew Violators

1. It is unlawful for an unemancipated minor to tarry in any public place between the hours of 2300 and 0500.

Exemptions: The minor was:

- a. Accompanied by the minor’s parent or guardian.
- b. On an errand at the direction of the minor’s parent or guardian, without detour or stop.

- c. In a motor vehicle involved in interstate travel.
 - d. Engaged in a lawful employment activity or going to, or returning home, from a lawful employment activity without detour or stop.
 - e. Acting in the response of an emergency.
 - f. On the sidewalk abutting the minor's residence or abutting the residence which is immediately adjacent to the minor's residence.
 - g. Returning directly home, without detour or stop, from a school, religious, cultural, sport, amusement, entertainment or recreation activity, organized rally, demonstration, meeting or similar activity.
 - h. Waiting at a train or bus station for transportation.
 - i. Emancipated in accordance with the California Family Code or other applicable state law.
2. Juveniles contacted who are in violation of the County Curfew will be subject to a warning on the first contact. Deputies will complete a field interview card and write "curfew" across the top for submittal to Records. Records staff will enter the information from the field interview card into Tiburon.
 3. Juveniles contacted who are in violation of the County Curfew, who have previously been issued a warning, may be issued a misdemeanor citation on the second violation. Deputies will contact records to confirm a warning has been issued and note the date of the initial violation. Cited juveniles will be referred to Juvenile Probation. In cases where a citation has been issued, deputies will complete a crime report documenting the circumstances for the contact and documentation of the previous warning.
 4. In all cases, deputies will attempt to contact a minor's parent or guardian.

D. Youth Services will not accept:

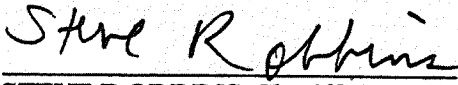
1. Any juvenile described in 300 W&I (although some cases may be "borderline" 300 or 601 W&I situations, i.e., juvenile claiming to have been "kicked out" of home, which they will accept). "300's"

include runaways from group homes which should be referred back to the home or to the Child Protective Service (1040 Emeline Street, Santa Cruz, [REDACTED], or 420 Main Street, Watsonville, [REDACTED]).

2. Any juvenile described in 602 W&I (criminal offender) who should be referred to the Probation Center. This includes juveniles who are on probation.
3. Any juvenile refusing to cooperate with Youth Services, since they have a non-secure facility.
4. Any juvenile beyond parental control should be referred, along with parents, to Youth Services for an appointment.

E. Additional Information

1. Under no circumstance, will the Probation Center accept for intake a juvenile arrested or temporarily detained for an infraction.
2. All juveniles who are to be transported to the Probation Center who are under the influence of any drug and/or other than "very slight" alcohol intoxication must be medically cleared at a hospital prior to intake.


STEVE ROBBINS, Sheriff-Coroner



Santa Cruz County Sheriff-Coroner

Number: O.63
Date: 06/15/08

SUBJECT: PAWNSHOPS AND SECONDHAND DEALERS

Seizing Property from Licensed Pawnshops or Secondhand Dealers

POLICY

Patrol deputies will place a 90 day hold on any object found in a licensed pawnshop or secondhand dealer store, reported to be stolen property. Deputies will photograph the item and complete an Evidence and Photographic report listing the item or items as evidence. The location of the item will be the pawnshop or secondhand dealer location where the hold has been placed.

PURPOSE

To provide standardized procedure in handling suspected stolen property lawfully acquired by licensed pawn operators or licensed secondhand dealer stores.

REFERENCES

California Business and Professions Code Section 21647.
Investigations Division Pawnbroker and Secondhand Dealer Procedures and Information Manual
Pawn and Secondhand Dealer 90 Day Hold Notice (Copy Attached)

PROCEDURE

- I. Handling Suspected Stolen Property
 - A. If a suspected item of stolen property is located in the custody of a licensed pawnshop or a licensed secondhand dealer, a Sheriff's Office Pawn and Secondhand Dealer 90 Day Hold Notice shall be completed and given to the pawnbroker or secondhand dealer. The item will be listed as evidence on an Evidence and Photographic report form, with the location listed as the particular pawnshop or secondhand store. The item will be left at the pawnshop or secondhand store.



County of Santa Cruz

Sheriff-Coroner

701 Ocean Street, Room 340, Santa Cruz, CA 95060
(831) 454-2414 FAX: (831) 454-2353

Steve Robbins
Sheriff-Coroner

PAWN AND SECONDHAND DEALER 90-DAY HOLD NOTICE

DATE: _____

TO: _____

Pursuant to California Business and Professions code section 21647, the SANTA CRUZ COUNTY SHERIFF'S OFFICE, is placing a 90-day "HOLD" on the property itemized below. This property is suspected of being stolen or is evidence of a crime.

The Investigator assigned to this case is Detective _____ Badge # _____ of the SANTA CRUZ COUNTY SHERIFF'S OFFICE.

You may contact the Property Crimes Unit at (831) 454-2311. Correspondence may be sent to SANTA CRUZ COUNTY SHERIFF'S OFFICE, ATTN: Property Crimes, 701 Ocean Street #340, Santa Cruz, CA. 95060.

CASE NUMBER: _____

THIS PROPERTY IS EVIDENCE IN A CRIME. YOU ARE DIRECTED TO "HOLD" THESE ITEMS OR ITEM FOR 90 DAYS, OR NOTIFIED OTHERWISE BY A PROPERTY CRIMES DETECTIVE.

ITEMIZED LIST OF PROPERTY TO BE HELD:

Items purchased from Customer Name: _____ Buy ticket # _____

- | | | |
|----------|--------------|--------------|
| 1) _____ | SCENE# _____ | ITEM # _____ |
| 2) _____ | SCENE# _____ | ITEM # _____ |
| 3) _____ | SCENE# _____ | ITEM # _____ |
| 4) _____ | SCENE# _____ | ITEM # _____ |
| 5) _____ | SCENE# _____ | ITEM # _____ |

Steve Robbins, Sheriff-Coroner

By _____
Deputy Sheriff



Santa Cruz County Sheriff-Coroner

Number: O.66
Date: 07/19/07

SUBJECT: SEXUAL ASSAULT INVESTIGATIONS

- I. Introduction and Responsibilities
- II. Detective Notification Guidelines
- III. Sexual Assault Nurse Examination
- IV. Child Sexual Abuse Investigations
- V. Juvenile Sex Offender Investigations

POLICY

It shall be the policy of this Office to investigate reported incidents of sexual assault occurring in the unincorporated area of the county.

PURPOSE

To provide a consistent method of conducting sexual assault investigations in a sensitive manner and to promote proper investigative procedures.

REFERENCES

Santa Cruz County Protocol for Child Sexual Abuse Cases
Santa Cruz County Protocol for Juvenile Sex Offender Cases
Santa Cruz County Protocol for the use of the Sexual Assault Response Team
Sexual Assault Nurse Examiner Contracts

PROCEDURE

I. INTRODUCTION AND RESPONSIBILITIES

During the investigation of a sexual assault allegation, cooperation among several disciplines is often necessary; it is, therefore, important to have a clear understanding of their respective roles.

- A. **Sexual Assault Response Team (S.A.R.T.):** The Sexual Assault Response Team will consist of a peace officer from the jurisdictional agency, a sexual assault nurse examiner (S.A.N.E.) and a victim advocate.
1. **Law Enforcement:** Responsible for conducting interviews of victims, witnesses, suspects, the collection of evidence and the arrest of the suspect, when appropriate.
 2. **Sexual Assault Nurse Examiner:** Responsible for the collection and interpretation of medical-legal evidence from the persons of adult and juvenile victims and suspects.
 3. **Family and Children Services:** Responsible for the safety of minors who live in a home with the suspect or where the suspect has access to minors within the home and where the parents are not protective.
 4. **Advocate:** Responsible for promoting the rights of the victim and assisting the victim in obtaining services.
 5. **Assistant District Attorney:** Responsible for case preparation and prosecution.

II. DETECTIVE NOTIFICATION GUIDELINES

Sexual Assault investigations are often complex and therefore the case will benefit from the early involvement of a detective under certain circumstances.

- A. Upon notification of a sexual assault, the responding deputy shall conduct a preliminary investigation to establish probable cause that a crime was committed in the Sheriff's Office jurisdiction. The deputy shall write a report in all cases.
- B. If the sexual assault was a felony and occurred within 72 hours of the report, the deputy will contact the Watch Commander for approval of a detective call out. This procedure will apply to cases involving adults and children.
- C. The on-call detective will respond to conduct an investigation or, when appropriate, coordinate investigative follow-up with the patrol deputy. The detective will assist in evaluating the need for a sexual assault examination and coordinate the examination, if appropriate.

- D. If a sexual assault occurred outside of Santa Cruz County, the jurisdictional law enforcement agency must be contacted to coordinate an investigative plan. The jurisdictional law enforcement agency may request and authorize a sexual assault examination by the Sexual Assault Nurse Examiner. In addition to the allied agency approving the exam, all outside agency exam authorizations must be approved by the Sheriff's Office Sexual Assault Unit Supervisor or designee. During non-business hours, approval may be obtained from the on-call Investigations Sergeant. A report shall be written and forwarded to the jurisdictional agency. The outside agency will be billed by the hospital. If the Sexual Assault Nurse Examiner is requested to testify in court on a later date by the allied agency, the Sexual Assault Nurse Examiner will bill the agency based on a pre-established hourly rate.

III. SEXUAL ASSAULT NURSE EXAMINER (S.A.N.E.)

Sexual Assault examinations may be authorized by law enforcement only. In general, an examination may prove beneficial if the assault occurred within 72 hours of the report. There are cases, however, where an examination may be indicated even though the assault occurred more than 72 hours after report, depending on the circumstances of the case.

- A. When the victim needs immediate medical care, medical attention takes precedence over the physical evidence examination.
- B. Sexual Assault Nurse Examiners are on-call through NETCOM and will respond to the indicated hospital to conduct an examination of the sexual assault victim or suspect.
- C. Arrange to speak to the Sexual Assault Nurse Examiner by phone and provide the following information: age of the victim, primary language, hospital to be used, estimated time of arrival to the hospital, and any special needs or considerations.
- D. Victim examinations are conducted in a specially equipped room at each hospital. Suspect examinations are conducted in the county jail, hospital emergency room or other location by arrangement.
- E. The deputy will arrange for the victim to be taken to the examination. The deputy should meet with the Sexual Assault Nurse Examiner to provide information concerning the circumstances of the assault and the type of evidence the examination may detect. Law enforcement personnel are not to enter the

S.A.R.T. room(s) prior to the Sexual Assault Nurse Examiner's arrival unless there is prior authorization from S.A.N.E. staff.

1. For authorization of an exam, the victim must be able to consent. Intoxicated victims must be alert and able to communicate reasonably. Blood alcohol levels of victims may vary. These issues will be treated on a case-by-case basis. The Sexual Assault Nurse Examiner and the deputy will consult and make the determination. Exams may be delayed for overly intoxicated victims.
 2. Exams will only be authorized in cases where the victim is cooperative with law enforcement in a criminal investigation. Victims requesting solely sexually transmitted disease (STD) and/or pregnancy testing will be referred to an alternate medical facility for treatment.
 3. Victims, 12 years of age and older can consent to an exam without parental consent.
- F. The deputy should be present for the medical history portion of the examination conducted by the Sexual Assault Nurse Examiner to receive any additional information the victim may provide. The Sexual Assault Nurse Examiner should not be the primary interviewer outside of gathering medical history. Whenever possible, this interview should be recorded by the deputy.
- G. The victim is entitled to the presence of an advocate and/or support person as long as the investigation is not impeded. A person who is a witness in the case should not be used as a support person. Victim advocates are trained in dealing with the victims of sexual assault. The Sexual Assault Nurse Examiner will notify the on-call advocate to participate in the process. The deputy will brief the advocate with the necessary information on the case when requested.
- H. After the physical evidence examination is complete and the Sexual Assault Nurse Examiner has packaged all evidence, the deputy will take possession of the evidence box and immediately store it in a secure bin within Sheriff's Office Property. The deputy will also take possession of any other evidence collected during the examination. The deputy will obtain the original Office of Criminal Justice Planning (OCJP) medical report which will be attached to the crime report.
- I. In the event a sexual assault suspect is arrested, the Sexual Assault Nurse Examiner will be paged for a suspect examination. A deputy must be present

during all aspects of a suspect examination for security purposes. Blood will be collected for the purpose of blood typing, DNA analysis and, if appropriate, drug and alcohol analysis. All blood evidence must be immediately stored in the Sheriff's Office refrigerator. At no time will a suspect examination take place within the designated S.A.R.T. room of the hospital(s).

- J. During the course of their investigation, Sexual Assault Nurse Examiners collect evidence, record findings and complete documentation that must be retrievable for court. To that end, Sexual Assault Nurse Examiners will retain these records until space limitations require an alternate storage site.
- K. The Sexual Assault Nurse Examiner will discuss the results of the exam with the victim. Any findings or medical questions will be addressed by S.A.N.E. These issues are discouraged from being discussed between the deputy and the victim.

IV. CHILD SEXUAL ABUSE INVESTIGATIONS

The primary emphasis of these investigations is to ensure that the victim is safe, the alleged perpetrator is not allowed access to the victim and statements are obtained from children in a manner which supports reliability.

- A. When the alleged perpetrator is a caretaker, relative or member of the household, has access to minors in his or her own home or when a parent or guardian is determined by law enforcement to be non-protective of the child, Family and Children Services will be contacted immediately or, as soon as practical, by the deputy when a possible crime has occurred or there are child safety concerns. Family and Children Services will assist in assessing the victim's safety and the safety of any other minors accessible to the suspect.
- B. In inter-family sexual abuse cases, the non-offending parent will be interviewed to determine if he or she knew or, should have known, of the abuse and failed to protect the victim. The deputy and the Family and Children Services social worker must determine if the child is safe in the home. If possible, the offender, rather than the child, should leave the home in inter-family abuse cases.
- C. Under no circumstances should the victim and suspect be left together if there is reasonable suspicion that a crime has occurred. An emergency protective order may be obtained ordering the suspect to stay out of the home and away from the victim until the case has been investigated.

- D. Whenever possible, interviews of victims under 14 years of age should be conducted by a detective at a site removed from the location of the incident.
- E. Cases which require a sexual assault exam in which the victim is 12 years of age or older, do not need parental approval for authorization. Minors 12 years and older can authorize their own exam.
- F. Cases may arise where the victim, regardless of age, will need to be interviewed immediately. In these cases, the deputy must determine the victim's ability to know the difference between fact and fiction, truth and lies and conduct an interview avoiding the use of leading questions.
- G. The interviews of victims and witnesses should be conducted while parties are separated from one another.
- H. If the victim's safety is not an issue and the reported incident is more than 72 hours old, the deputy may obtain the information solely from the reporting party to determine jurisdiction and if a crime has occurred. The reporting party may have received sufficient information for the deputy to determine if a crime has occurred and if protective custody should be initiated.
- I. When possible, a joint interview involving the Sheriff's Office, District Attorney's Office and Family and Children Services should be conducted in order to reduce the number of interviews the minor will participate in and ensure each agency is able to obtain information relevant to their responsibilities.
- J. Whenever possible, interviews of victims and suspects should be audio or video recorded. Interviews may be monitored by agencies participating in a joint investigation to reduce the number of professionals conducting the interview.
- K. All completed investigations which are not deemed false or unfounded in which a suspect has been identified, shall be forwarded to the District Attorney's Office for review.
- L. At the completion of the investigation, the case agent shall complete a Department of Justice Child Abuse Investigation Report (DOJ form SS 8583).

V. JUVENILE SEX OFFENDER INVESTIGATIONS

Management of the juvenile sex offender requires an interagency approach in order to be effective.

- A. Deputies will act to protect the community and victim from further victimization.
- B. Deputies will work cooperatively with Family and Children Services in a coordinated, multi-disciplinary response in the case of sexual abuse within the same household. A joint investigation, if appropriate, is preferable.
- C. Deputies shall consider and document the following during the course of their investigation:
 - 1. Is the offender's sexual behavior appropriate for his or her age and developmental level?
 - 2. Was any violence, force, or coercion used in the commission of the act(s)?
 - 3. Do the ages of the involved minors differ by more than two to three years?
 - 4. Is there a significant difference in the size, physical stature or developmental levels of the minor involved, such that it would be clearly indicative of an imbalance of power; or are they peers with respect to age, size, cognitive abilities, and life experiences?
 - 5. Has the offender ever been the victim of sex abuse?
- D. If the deputy is unable to determine if a sex act between two minors constitutes an offense, the report should be written and forwarded to the Juvenile Probation Department within 24 hours for further consideration.
- E. If, after investigation, it has been determined that a sexual offense has occurred, all offenders 12 years of age and older may be transported to the Juvenile Hall. Offenders 11 years and under should be cited or a referral be made to the Probation Department. In all cases, a report will be forwarded to the Probation Department within 24 hours.
- F. The considerations delineated in Section 26 of the Penal Code, regarding a minor, under the age of 14, knowing the wrongfulness of his or her act, shall be addressed by law enforcement during investigation. Factors which may effect an