

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.2.1 DELIVERY TO NEAREST MAGISTRATE

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

100.2.2 CORRECTIONS DIVISION PEACE OFFICERS

Sworn members of this office who are employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operation of the county jail, including the custody, care, supervision, security, movement and transportation of inmates, shall be considered peace officers pursuant to Penal Code §830.1, subsection (c). The authority of any such peace officer extends to any place in the State of California, as follows:

- (a) Only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments; or,
- (b) When performing other law enforcement duties directed by this office during a local state of emergency.

100.2.3 ANIMAL CONTROL PEACE OFFICERS

Animal control officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if those officers successfully complete a course in the exercise of those powers pursuant to Section 832.

100.2.4 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE MENDOCINO COUNTY SHERIFF'S OFFICE

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

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

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

100.2.5 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE MENDOCINO COUNTY SHERIFF'S OFFICE

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

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

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

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

100.2.6 TIME OF MISDEMEANOR ARRESTS

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

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - 1. A misdemeanor committed in the presence of the deputy.
 - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

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- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.3 POLICY

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

Mendocino County Sheriff's Office History

101.1 HISTORY OF THE MENDOCINO COUNTY SHERIFF'S OFFICE

The evolution of the sheriff's profession began back in the midst of time. From the very beginning, there has been a constant development of policing. It began when primitive people banded together for mutual benefit and security. Then only rudimentary rules of conduct were enforced. As communities were established, certain customs, regulations and rules were developed to preserve life and safeguard property. Later, states or provinces were formed of hamlets and towns. These developed into territories and later into nations. Each had its laws, customs and traditions.

The first separate law enforcement agency was under Augustus of Rome before the birth of Christ. It was short lived, but was revived during the rule of Charlemagne in France in 756 A.D. The Norman conquest of England by William the Conqueror in 1066 A.D. saw the origin of the office of sheriff. England was divided into territorial shires, usually identical with a county, originally under an earl and later under the sheriff; officer of the king. A reeve in Old England was an administrative official who was, in part, a steward, bailiff, or overseer. The reeve of a shire, then, meant the chief executive officer of the county, charged with execution of the laws and preservation of the peace. The title eventually became known as shire-reeve and then was contracted into one word "Sheriff". The sheriff's duties included the execution of all processes from the courts of the shires or counties, effecting their judgments within his jurisdiction, to take charge of prisoners pending trial, carry out court sentences, take charge of the county jail, be the chief conservator of the public peace, to apprehend and confine to prison all persons who break the peace or attempt to exercise the posse comitatus (power of the county), if necessary, in the execution of these or any other of his duties.

The office of the sheriff was carried over from the English system into the United States laws when our government was organized following the revolution and the position was made an elective one instead of appointive. Although a United States county sheriff is not now appointed by a king and is no longer charged with ministerial duties, he still represents the people who have elected him as their steward, bailiff and overseer and just as his counterpart in the middle ages, to put down breaches of the peace and serve the common interest.

In the early history of Mendocino County, the sheriff's office was a one-man operation. He was responsible for 3,509 square miles spreading approximately 100 miles from north to south in length and 35 miles east to west in width. This territory comprises the fifteenth largest county in the state. Vast changes have occurred in Mendocino County since its inception; the population having increased from the native American Indians and a few hundred settlers in 1870 to approximately 86,000 today. The one-man sheriff's office of yesteryear has been supplemented and today Sheriff Matthew Kendall commands a department which includes a staff of over 100 personnel to handle the many responsibilities assigned to the sheriff's office.

SHERIFFS - Past and Present

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DATES SERVED NAME OF SHERIFF LENGTH OF TERM:

- 1858-1862 J. B. Price - Four Years
- 1862-1864 W. Tainter - Two Years
- 1864-1868 L. M. Warden - Four Years
- 1868-1872 David C. Crockett - Four Years
- 1872-1876 S. J. Chalfant - Four Years
- 1876-1880 J. R. Moore - Four Years
- 1880-1882 J. H. Donohoe - Two Years
- 1882-1886 J. M. Standley - Four Years
- 1886-1888 D. H. Osborne - Two Years
- 1888-1892 J. M. Standley - Four Years
- 1892-1898 J. R. Johnson - Six Years
- 1898-1906 J. H. Smith - Four Years
- 1906-1910 R. E. Donohoe - Four Years
- 1910-1930 Ralph R. Byrnes - Twenty Years
- 1930-1942 E. L. Williams - Twelve Years
- 1942-1954 Beverley Broaddus - Twelve Years
- 1954-1975 Reno H. Bartolomie - Twenty Years
- 1975-1983 Thomas W. Jondahl - Eight Years
- 1983-1991 Tim Shea - Eight Years
- 1991-1999 James Tusso - Eight Years
- 1999-2005 Anthony J. Craver - Six Years
- 2005-2007 Kevin Broin, Interim Sheriff - Two Years
- 2007-2019 Thomas Allman-Twelve Years
- 2019-- Matthew C. Kendall

RESPONSIBILITY

The duties of the sheriff are well defined in various sections of the Government and Penal Codes. The Government Code provides the sheriff shall preserve the peace, prevent and suppress affrays, arrest violators and investigate public offenses. In addition, the sheriff shall attend all

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sessions of the county superior courts. To carry out these duties, the sheriff may command the assistance of citizens when necessary. It also provides the sheriff with the privilege of appointing deputies to assist him in his duties and he may appoint as many deputies as necessary for a prompt and faithful discharge of those duties. The Government Code also requires the sheriff to maintain a county jail and furnish proper custodial care for all prisoners incarcerated in the jail. It shall be the duty of the sheriff to serve all processes of the court. The California Penal Code further defines these duties. It also regulates selection procedures and training of those persons who shall be considered to be peace officers, including the sheriff and deputy sheriffs.

Chief Executive Officer

102.1 PURPOSE AND SCOPE

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and dispatchers employed within the State of California shall receive certification by POST within prescribed time periods.

102.1.1 SHERIFF CANDIDATE REQUIREMENTS

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

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 OATH OF OFFICE - FORM AND CONTENT

The oath of office shall be administered by a person authorized by law to administer oaths. The oath shall be in the form specified in Section 3 of Article 20 of the California Constitution:

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

104.1.2 CODE OF ETHICS - FORM AND CONTENT

The Code of Ethics shall be read aloud by the member being sworn in. After the reading of the document the member shall then sign the document as will the Sheriff. A copy of this document will be placed into the personnel file for the member and the original will be returned to the member.

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

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

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

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

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Oath of Office

104.2 POLICY

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

104.3 OATH OF OFFICE

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

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

104.4 MAINTENANCE OF RECORDS

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

Law Enforcement Code of Ethics

105.1 PURPOSE AND SCOPE

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

105.2 POLICY

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

105.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

105.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

Policy Manual

107.1 PURPOSE AND SCOPE

The manual of the Mendocino County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this office. All members are to conform to the provisions of this manual. The policies listed in this Policy Manual are intended to regulate both patrol and corrections functions. However, to the extent that any policy in this Policy Manual conflicts with, or is less specific than, any policy of the Mendocino County Sheriff's Office Corrections Division Policy and Procedure Manual, the policies of the Corrections Division Policy and Procedure Manual controls as to all Corrections Division functions.

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

107.1.1 DISCLAIMER

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

107.2 POLICY

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

107.2.1 DISCLAIMER

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

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107.2.2 STAFF

Staff shall consist of the following:

- Sheriff
- Undersheriff
- Captains from each division

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

107.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander who will consider the recommendation and forward to staff.

107.3 AUTHORITY

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

107.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as "DD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

107.3.2 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Mendocino.

Department /MCSO - The Mendocino County Sheriff's Office.

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

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

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May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Mendocino County Sheriff's Office including sworn deputies, reserve deputies, civilian employees and volunteers.

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

Deputy/Sworn - Those employees, regardless of rank, who are sworn employees of the Mendocino County Sheriff's Office.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

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

Rank - The job classification title held by a deputy.

Shall or will - Indicates a mandatory action.

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

USC - United States Code

107.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall not be distributed but rather the policy manual will be maintained and is available via web interface to which all employees will be given a personal sign in and password to access the manual from appropriate departmental personnel:

The computerized version of the Policy Manual will be updated as needed and made available for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from the Administrative Services Commander.

107.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Mendocino.

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

Department/MCSO - The Mendocino County Sheriff's Office.

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DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

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

May - Indicates a permissive, discretionary or conditional action.

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

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

Deputy - Those employees, regardless of rank, who are sworn peace officers of the Mendocino County Sheriff's Office.

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

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

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

Rank - The title of the classification held by a deputy.

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other office members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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

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

USC - United States Code.

Policy Manual

107.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual are available online on Lexipol.

Notification of changes will be sent to every employee via department email and it is the employee's responsibility to check their email at least once each workday. Each employee shall review the revisions and seek clarification as needed.

107.5 ISSUING THE POLICY MANUAL

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

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

107.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

107.7 REVISIONS TO POLICIES

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

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

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

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