

## Chapter 8 - Support Services

## Communications Division

### 800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Communications. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

### 800.2 POLICY

It is the policy of the Mendocino County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Communications and office members in the field.

### 800.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow deputies know the status of deputies, their locations and the nature of cases.

#### 800.3.1 DEPUTY IDENTIFICATION

Identification systems are based on factors such as beat assignment and deputy identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

### 800.4 CLETS/NCIC INFORMATION

**PURPOSE** - Audits of records entered in CLETS/NCIC revealed that many records are improperly entered, do not contain all information contained in the crime report, or have not been canceled when persons, property, or vehicles have been located and returned. This general order requires strict adherence so that CLETS/NCIC records will contain all current information.

#### 800.4.1 POLICY

Field Services Division personnel shall be responsible to report to Communications any information that needs to be entered or removed from CLETS/NCIC.

#### 800.4.2 PROCEDURES

(a) CLETS/NCIC - ENTRIES

1. The following procedure shall apply to all CLETS/NCIC entries:
  - (a) Information collected by Field Services Division personnel shall be reported to Communications for entry in CLETS/NCIC in a timely manner by any of the following methods:

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1. Telephone,
  2. Facsimile,
  3. Computer
- (b) Provide the information necessary for the entry as requested by the Communications Dispatcher. Be sure to provide all descriptors you are including in your report so the report will match the DOJ CLETS entry.
- (c) Even if notified of the report by Communications, (i.e. Missing Person), Field Services Division Deputy must request Communications make the entry(ies).
- (d) The Field Services Division Deputy shall note the date, time, method, and Communications personnel notified of the request in the narrative portion of the incident report.
- (e) Once entry has been completed in CLETS/NCIC, Communications personnel shall route a copy of the entry(ies) to the requesting deputy.
- (f) Deputy shall:
1. Verify the entry against the computer report for accuracy;
  2. Notify the appropriate person/supervisor of any discrepancies to be corrected; and
  3. Note in the appropriate data field of the computer system's incident report, verification of entry(ies).
- (g) Corrections to entries shall follow the same format as: a. Section I. A. 1. through 6.
- (b) CLETS/NCIC - REMOVAL OF INFORMATION
1. The following procedure shall apply to removal of all CLETS/NCIC information:
    - (a) Field Services Division personnel are responsible for notifying Communications personnel of any CLETS/NCIC removal(s).
    - (b) Information concerning removal from CLETS/NCIC shall be reported to Communications for removal from CLETS/NCIC in a timely manner by any of the following methods:
      1. Telephone,
      2. Facsimile,
      3. Computer.
    - (c) Communications staff will be given the file control number (FCN#) or other requested information to cancel the entry.
    - (d) Even if notified of the cancellation by Communications (i.e. MP returned home), Field Services Division deputy must request that Communications remove the entry(ies).

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- (e) The Field Services Division Deputy shall note the date, time, method, and Communications personnel notified of the request in the narrative portion of the incident report.
- (f) When removal has been completed in CLETS/NCIC, Communications personnel shall route a copy of the removal(s) to the requesting Deputy.
- (g) Deputy shall:
  - 1. Verify the removal against the computer report for accuracy;
  - 2. Notify the appropriate person/supervisor of any discrepancies to be corrected; and
  - 3. Note in the appropriate data field of the computer system's incident report, verification of removal(s).
- (h) Corrections to removals shall follow the same format as: a. Section II. A. 1. through 7. c.

### 800.5 RADIO CALL NUMBERING

Purpose - To effectively dispatch deputies to calls for service; provide the Communication Center, command personnel, supervisors and other officers with a means of determining who is responsible for what assignment, beat or area; and to accurately record location, activity and status in the Sheriff's Office Computer Aided Dispatch System.

#### 800.5.1 POLICY

All members whose duties involve receiving or transmitting on Sheriff's Office radio frequencies or other public service band radio frequencies shall be issued a unique radio identifier which shall form the basis for their radio call sign.

Members should use their radio call sign whenever transmitting on a Sheriff's Office radio frequency or when transmitting on any other public service band radio frequency during the course of duty.

This policy shall not apply to operation of amateur band (HAM) radio during the course of duty. Members operating HAM radios shall do so only if properly licensed and then only in accordance with the regulations of the FCC.

#### 800.5.2 PROCEDURE

- (a) Radio call numbers shall be established and maintained as outlined below. The following terms are used to define the method of radio call numbering:
  - 1. **Area** - A geographic sector or area of Mendocino County
  - 2. **Beat** - A small geographic division within an area, for purposes of patrol and reporting. Beat radio call numbers are always assigned before rover radio call numbers.
  - 3. **Configuration** - Term which identifies the beat structure in each area of the county.

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4. **District** - Broad term which may refer to an operational area, special report area, specialized unit or the entire county.
  5. **Rover** - A geographic division within an area, encompassing one or more beats. Rover radio call numbers are always assigned after beat radio call numbers.
- (b) Number System
1. **Prefix** - The first digit in the radio call number system which reflects the area, division or type of assignment.
    - (a) Central Operations
    - (b) North Coastal Operations
    - (c) Northern Operations
    - (d) South Coastal Operations
    - (e) Reserved for Fort Bragg PD (dispatch contract)
    - (f) Corrections & Courts
    - (g) Detectives, COMMET & MCMCTF
    - (h) Probation & DA's office
    - (i) Sheriff's Administration, Personnel, Internal Affairs, Training, Computer Operations & Communications, Animal Control.
  2. **Alpha** - The second character in the radio call number system which could reflect either beat assignment, rover assignment, district assignment or rank.
    - (a) Beat assignment:
      1. A "Adam" Beat
      2. B "Boy" Beat
      3. C "Charles" Beat
      4. D "David" Beat
      5. X "X-Ray" Rover Beat
      6. Y "Yellow" Rover Beat
      7. Z "Zebra" Rover Beat
    - (b) District assignment: (alphabetical order)
      1. E - "Edward" for To Be Assigned
      2. F - "Frank" for Coastal Area - detective
      3. G - "George" for To Be Assigned
      4. H-J - NOT USED
      5. K - "King" for Lake Mendocino Patrol
      6. M - "Mary" for Marijuana Suppression Program

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7. N - "Nora" for Major Crimes Task Force
  8. P - "Paul" for County of Mendocino Probation
  9. Q - NOT USED
  10. T - "Tom" for Prisoner Transport Units
  11. U - "Union" for Central Area - detective
  12. V - "Victor" for Court Services
  13. W - "William" for Northern Area - detective
- (c) Rank assignment:
1. L "Lincoln" for Lieutenant
  2. S "Sam" for Sergeant
  3. O "Ocean" for OIC
  4. R "Robert" for Reserves
3. **Unique Identifier** - A two digit number which, in conjunction with the first number of the call sign will serve to identify a specific individual. The unique identifier shall be assigned by a Directive.
- (a) I.D. NUMBERING:
- (a) Sheriff's Administration - Prefix 901 - 913
  - (b) Animal Control - 920-923
  - (c) Patrol Operations - Prefixes 1, 2, 3 & 4
    - 14 For Two Person Patrol Units
    - 42 - 98 For Supervisors & One Person Units
    - 99 - County Mortuaries
  - (d) Investigative Services - Prefix 710 - 730
    - Mendocino County Major Crimes Task Force - 710 - 716
    - Detectives - 717 - 724
    - C.O.M.M.E.T. - 726 - 734
  - (e) Corrections Division - Prefix 601 - 690
  - (f) Court Services - Prefix 601 - 610 (with V "Victor" alpha designator)
  - (g) Work Release - Prefix 691 - 694
  - (h) Probation & Outside Agencies -
    - Prefix 801 - 809 District Attorney's Office
    - Prefix 810 - 847 Probation (with p "Paul" alpha designator)
- (c) Beat Configurations and Rover Assignments:

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- (a) Central Operations Area
  - (a) North Beat A "Adam"
  - (b) Central Beat B "Boy"
  - (c) South Beat C "Charles"
  - (d) Anderson Valley Beat D "David"
  - (e) Rover - All Beats X "X-Ray", Y "Yellow", Z "Zebra"
- (b) North & South Coastal Operations Areas
  - (a) North Beat A "Adam"
  - (b) Central Beat B "Boy"
  - (c) South Beat C "Charles"
  - (d) Rover - All Beats X "X-Ray" or Y "Yellow"
  - (e) Rover - South Beat Z "Zebra"
- (c) Northern Operations Area
  - (a) Willits Beat A "Adam"
  - (b) Laytonville Beat B "Boy"
  - (c) Covelo Beat C "Charles"
  - (d) Willits Rover X "X-Ray"
  - (e) Laytonville Rover Y "Yellow"
  - (f) Covelo Rover Z "Zebra"
- (d) The beat/rover assignment procedures are designed to establish a beat configuration for each of the four areas of Mendocino County, for each area by shift. This configuration allows the Computer Aided Dispatch System to properly recommend a beat unit for response to calls.
  - (a) Mendocino County is divided into four areas for configuration and area identification purposes. Each area has three possible patrol beat assignments and three possible rover patrol assignments.
  - (b) Configurations shall be determined by shift.
  - (c) To establish a configuration, supervisors shall:
    - (a) Determine the number of patrol deputies who would be on duty during a shift in each area.
    - (b) Assign beat designators, using the primary designators "A", "B" and "C" or the rover assignments "X", "Y" and "Z".
  - (d) Once the configuration for each area and shift is determined, the shift supervisor or officer-in-charge shall report this to the Communications

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Center to enable proper configuration of the Computer Aided Dispatch System.

- (e) K-9 Units will be considered a rover unit unless needed as a beat unit.
- (d) Radio Call Signs for Deputies on Routine Business
  - (a) Deputies who are conducting Sheriff's Office business but are not responsible for beats shall use radio numbers which identify area and individual. Generally, this will require using only the prefix number and the two digit unique identifier.
    - (a) **Example:** An officer issued the two digit designator of "60," assigned to the Northern Area, while on duty and working the Willits "A" beat would use the call sign "3A60." If handling routine business without normal beat responsibilities (such as traveling to and from court or training), this officer would use the call sign "360."
- (e) Radio Call Signs for Reserve Deputies
  - 1. Reserve deputies who are not working under the supervision and in the presence of a regular deputy shall use radio numbers which symbolize area, reserve status and two digit unique identifier. Example: 2R28 would be Reserve 28 working the North Coastal Operation Area.
  - 2. Reserve deputies who are working under the supervision and in the presence of a regular deputy will utilize that deputy's call sign.
- (f) Radio Call Signs for Officers-In-Charge, Corporals, Sergeants and Lieutenants
  - 1. Supervisors shall use radio numbers which symbolize area, rank and two digit unique identifier.
  - 2. This section shall not apply to members with administrative assignments.
- (g) Radio Call Signs for Administrative Personnel
  - 1. Administrative units not responsible for any specific area or beat shall use a three digit radio call sign in the range of 901 through 913. These call signs shall be assigned by Directive.
  - 2. Permanent Configurations:
    - (a) 901 - Sheriff
    - (b) 902 - Undersheriff
    - (c) 903 - Field Services Division Commander

## 800.6 RESPONSIBILITIES

### 800.6.1 DISPATCH SUPERVISOR

The Sheriff shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Undersheriff or the authorized designee.

The responsibilities of the Dispatch Supervisor include, but are not limited to:



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- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.
  - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  - 2. Ensuring dispatcher compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.

### 800.6.2 ADDITIONAL PROCEDURES

The Dispatch Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Shift Supervisor contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.

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- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

### 800.6.3 DISPATCHERS

Dispatchers report to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  1. Emergency 9-1-1 lines.
  2. Business telephone lines.
  3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  4. Radio communications with office members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of office members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Dispatch, office and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring office video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Shift Supervisor or field supervisor of emergency activity, including, but not limited to:
  1. Vehicle pursuits.
  2. Foot pursuits.
  3. Assignment of emergency response.

### 800.7 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?

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- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

### 800.7.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding office members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Supervisor shall be notified of pending emergency calls for service when office members are unavailable for dispatch.

### 800.7.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

## 800.8 RADIO COMMUNICATIONS

The sheriff's radio system is for official use only, to be used by dispatchers to communicate with office members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.

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- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

### **800.8.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Mendocino County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

### **800.8.2 RADIO IDENTIFICATION**

Radio call signs are assigned to office members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the office member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate office member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the office station name or number.

### **800.9 DOCUMENTATION**

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Call or Incident Number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

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### **800.10 CONFIDENTIALITY**

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast. Other confidential information such as Criminal History System or Criminal Offender Record Information shall not be broadcast over the radio listing specific charges or conviction dates. Only minimal information such as confirmation of prior felony convictions or prohibiting misdemeanor convictions shall be broadcast over the radio, while not including the subjects full name and other personal identifying information (such as date of birth, DL / ID number, Social Security Number, etc.).

#### **800.10.1 UNENCRYPTED RADIO COMMUNICATIONS**

It shall be the responsibility of the dispatcher to ensure these procedures are followed for the use of unencrypted radio channels related to the protection of Criminal Justice Information (CJI) obtained from the Criminal Justice Information System databases and Personally Identifiable Information (PII).

The Federal Bureau of Investigation and the California Department of Justice establish policies and procedures related to the usage and protection of CJI that govern the usage of the California Law Enforcement Telecommunications System (CLETS). These policies limit the amounts and types of information that can be broadcast over unencrypted radio channels and are meant to protect CJI.

California statute typically defines PII as an individual's first name, or first initial, and last name in combination with any one or more specific data elements. The most common data elements encountered during field operations include a driver license (DL) number, ID number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual. To ensure compliance with statutory protections and applicable policy, and ensure that PII and CJI are not inadvertently broadcast over the radio, the following procedures will be followed:

- Whenever possible, personnel should use an available computer (Mobile Data Terminal [MDT], or terminal) or telephone on a recorded dispatch line to perform records checks for situations when immediate information is not needed for public or officer safety purposes (e.g. static scene, investigative follow-up, etc.).
- To ensure protection of PII with routine radio traffic, only enough information to complete the request should be given over the radio in a single continuous transmission. Any further information should be completed in a separate radio transmission.

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- Whenever possible, address information should be limited on the radio to the city and street name of the address in order to not provide full address information in a single radio transmission.
- Procedures for dispatchers and field units during warrant and supervised release checks will follow the policy below so PII and CJI information is not broadcast together on unencrypted radio channels. Whenever possible, the initial dispatch return will begin on the radio and the CJI and PII information will be sent to the field unit MDT or can be completed on a recorded dispatch telephone line.
- Procedures for dispatchers and field units regarding wants / warrants checks on vehicles, guns, and property will also follow this policy so CJI and PII information is not broadcast together on unencrypted radio channels. Whenever possible, the initial dispatch return will begin on the radio and the CJI and PII information will be sent to the field unit MDT or can be completed on a recorded dispatch telephone line.
- The main impact of this section will be regarding driver's license inquiries and all systems checks (10-29 X), as these transmissions often contain PII and confidential information.
  - Procedures when querying by a DL / ID number:
    - On the first transmission, the dispatcher should repeat the information provided by the field unit to confirm accurate information was received.
    - On the second transmission (CLETS return), the dispatcher shall provide either the last name last name and associated DL / ID number and CLETS return (not in combination with the DOB or first name / initial).
  - Procedures when querying by name and date of birth:
    - On the first transmission, the dispatcher should repeat the information provided by the field unit to confirm accurate information was received.
    - On the second transmission (CLETS return), the dispatcher shall provide the last name only (associated DL / ID number if applicable), and the CLETS return (not in combination with the DOB or first name / initial).
- Additional information such as address, date of birth, and physical descriptors should only be provided when requested by a field unit, and during a separate radio transmission.
- When broadcasting a Be-On-The-Lookout (BOLO) and calls for service, the same process will be followed as is listed above to limit PII being transmitted on the radio. In these instances, it is acceptable to broadcast the subject's name, descriptors, and reported age.
- If officer or public safety is in jeopardy, only enough information should be broadcast to aid in identifying and / or locating a potential suspect. Once the suspect is apprehended, dispatchers and field units should be cognizant of CJI and PII broadcast limitations.

These limitations do not apply to encrypted radio channels, as the encryption of the radio traffic allows full CJI and PII information to be broadcast.

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The Mendocino County Sheriff's Office does not allow Criminal History System or Criminal Offender Record Information to be transmitted over the radio. Dispatch and field personnel shall continue to follow procedures related to these returns as outlined in this manual.

### **800.11 TRAINING AND CERTIFICATION**

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

## Property and Evidence

### 802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

### 802.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

**Found property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

### 802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, appropriately identified. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking.

An MCSO Property Receipt will be provided to all persons whom property (non-contraband) is obtained from.

See attachment: MCSO Property Receipt.pdf

#### 802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:



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- (a) Complete the appropriate property section of the report describing each item of property separately
- (b) Mark each item of evidence with the deputy assigned identification number, booking employee's initials and identification number, the report number and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) When the property is too large to be placed in a locker, the item may be retained in the supply room. Advise the shift supervisor and property clerk via e-mail.
- (d) Complete an 'MCSO Request For Evidence Examination' form and attach to item, if appropriate.
- (e) The MCSO Property Receipt will be scanned and a digital copy attached to the report.

### 802.3.2 NARCOTICS AND DANGEROUS DRUGS

All Narcotics and dangerous drugs shall be booked separate from other items of evidence and or property using a separate property record. Paraphernalia such as glass smoking pipes and hypodermic needles will be photographed and destroyed with the photograph(s) being placed into evidence.

The deputy seizing the narcotics and dangerous drugs, should package them using a K-Pack or transparent vacuum seal packaging. The substance should not be presumptively tested due to the hazards of Fentanyl poisoning. Once packaged, the evidence will be placed in an evidence locker along with a completed evidence examination request inside a California DOJ BFS envelope.

As needed, a Member of the Mendocino County Major Crimes Task Force will be contacted to conduct a presumptive examination of the suspected narcotics using the TruNarc laser device. The examiner will complete a presumptive examination form which will be scanned into the case report and forwarded to the District Attorney.

The Narcotics will only be sent to the California Department of Justice upon the request of the District Attorney, or a specific request from the Criminal Investigations Supervisor.

### 802.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Supervisor. A bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be brought in to the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

### 802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

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- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Evidence Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Evidence Technician, or placed in the bicycle storage area until a Evidence Technician can log the property.
- (d) All cash should be counted in the presence of a supervisor, or a second deputy if a supervisor is not available, and the envelope initialed by the booking deputy and the supervisor/witness deputy. The Shift Supervisor shall be contacted for cash in excess of \$1,000 for special handling procedures.
- (e) Do not place syringes and drug related smoking paraphernalia into evidence. It is sufficient to take a photograph of the item and place that photograph into evidence prior to destroying the item. Make sure the quality of the photograph accurately depicts the item, the case number, date/time, the Deputy's initials and ID number. These paraphernalia items should be destroyed by use of a bio-hazard container which does not allow for retrieval of the items once placed inside the container. Destruction of paraphernalia items are important to minimize any potential health risk associated with the repeated or prolonged handling of the items.
- (f) Electronic cigarettes, Vape Pens, etc. shall not be placed in property due to the history of fire danger that they present.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

### 802.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
  1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon

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and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Evidence Technician shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

### **802.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

#### **802.4.1 PACKAGING CONTAINER**

All sharp items; fixed knives, broken glass, pieces of metal, etc. shall be packaged separately in a suitable container available for its size. The container must be constructed in such a fashion that it provides a safe means for others to handle it. NOTE: "SHARP" on the outside of the container.

Items with bodily fluids are to be completely dry before packaging. Do not dry the item in direct sunlight or in a hot area. These items are to be packaged separately. Note "BIO HAZARD" on the outside of the container.

### **802.5 RECORDING OF PROPERTY**

The Evidence Technician receiving custody of evidence or property shall record his/her where the property will be stored in the AEGIS Computer System.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property.

Any changes in the location of property held by the Mendocino County Sheriff's Office shall be noted in the computerized property record.

### **802.6 PROPERTY CONTROL**

Each time the Evidence Technician receives property or releases property to another person, he/she shall enter this information on the computerized property record. Deputies desiring property for court should contact the Evidence Technician at least one day prior to the court day.

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### 802.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Evidence Technician. This request may be filled out any time after booking of the property or evidence.

### 802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the computerized property record and the request for laboratory analysis.

The Evidence Technician releasing the evidence must complete the required information in the computerized property record and the evidence. The lab forms will be transported with the property to the examining laboratory.

### 802.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to deputies for investigative purposes, or for court, shall be noted in the computerized property record, stating the date, time and to whom released.

The Evidence Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the computerized property record, indicating date, time, and the person who returned the property.

### 802.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigative Bureau should authorize the disposition or release of all evidence and property coming into the care and custody of the Department, unless there is a court order or district attorney property release.

### 802.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period,

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property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports, or forms.

A Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, ammunition, or other deadly weapon longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, ammunition, or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

### 802.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

### 802.6.7 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the Evidence Technician shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code 6389(g); Penal Code § 33855).

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### 802.6.8 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

### 802.6.9 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Mendocino County Sheriff's Office determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

### 802.6.10 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

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### **802.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days.

An MCSO Case Research Form will be completed and signed off by the Investigative Services Sergeant.

#### **802.7.1 EXCEPTIONAL DISPOSITIONS**

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

#### **802.7.2 UNCLAIMED MONEY**

Except as otherwise provided by law, money, excluding restitution to victims, that is not the property of the office that remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the office after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the treasurer of the office may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the office. At the expiration of the three-year period, money representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the office for purposes of victim services. (Government Code § 50050). The notice shall state the amount of money, the fund in which it is held, and that it is proposed that the money will become the property of the office on a designated date not less than forty-five days nor more than sixty days after the first publication of the notice (Government Code § 50051).

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Any individual items of less than fifteen dollars (\$15), or any amount if the depositor's name is unknown, which remain unclaimed in the treasury or in the official custody of an officer of the office for the period of one year or upon an order of the court may be transferred to the general fund by the legislative body without the necessity of publication of a notice in a newspaper. (Government Code § 50055).

### **802.7.3 RETENTION OF BIOLOGICAL EVIDENCE**

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigative Services Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigative Services Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the Investigative Services Division supervisor should be consulted and the sexual assault victim should be notified.

### **802.8 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.



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- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Sheriff.
- (c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Sheriff) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

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## Records Bureau

### 804.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Mendocino County Sheriff's Office Records Bureau. The policy addresses office file access and internal requests for case reports.

### 804.2 POLICY

It is the policy of the Mendocino County Sheriff's Office to maintain office records securely, professionally, and efficiently.

### 804.3 RESPONSIBILITIES

#### 804.3.1 RECORDS SUPERVISOR

The Sheriff shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Administrative Services Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Bureau.
- (b) Scheduling and maintaining Records Bureau time records.
- (c) Supervising, training, and evaluating Records Bureau staff.
- (d) Maintaining and updating a Records Bureau procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
  1. Homicides.
  2. Cases involving office members or public officials.
  3. Any case where restricted access is prudent.

#### 804.3.2 RECORDS BUREAU

The responsibilities of the Records Bureau include but are not limited to:

- (a) Maintaining a records management system for case reports.
  1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.

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1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
  1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
  2. Suspected hate crimes (Penal Code § 13023).
  3. Complaints of racial bias against deputies (Penal Code § 13012; Penal Code § 13020).
  4. Civilian complaints made against deputies (Penal Code § 832.5; Penal Code § 13012).
  5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
    - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

### 804.3.3 RECORDS BUREAU PROCEDURE MANUAL

The Records Supervisor should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.

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- (e) Managing a warrant and wanted persons file.

### **804.4 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by deputies of the Mendocino County Sheriff's Office and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the Investigative Bureau Supervisor and the County Counsel for review. After such review and consultation with the County Counsel, the Investigative Bureau Supervisor and the Administrative Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

### **804.5 FILE ACCESS AND SECURITY**

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Shift Supervisor.

The Records Bureau will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

### **804.6 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting office member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

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All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.

### **804.7 CONFIDENTIALITY**

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

### **804.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Field Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The California DOJ is notified.

## Restoration of Firearm Serial Numbers

### 806.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

### 806.2 PROCEDURE

Any firearm coming into the possession of the Mendocino County Sheriff's Office as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

#### 806.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

#### 806.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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### 806.2.3 DEPUTY RESPONSIBILITY

The deputy may make a request of the evidence technician receiving a firearm when the serial numbers have been removed or obliterated to arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

### 806.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

### 806.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Evidence Technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

## **806.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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## Records Maintenance and Release

### 808.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

### 808.2 POLICY

The Mendocino County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

### 808.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of office public records.
- (b) Maintaining and updating the office records retention schedule including:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the office division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).
- (g) Determining how the office's website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that all office current standards, policies, practices, operating procedures, and education and training materials are posted on the office website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.



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### **808.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

#### **808.4.1 REQUESTS FOR RECORDS**

Any member of the public, including the media and elected officials, may access unrestricted records of this office, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain office records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
  - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).
  - 2. If the record requested is available on the office website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the

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redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

### 808.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any office record including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 6254.29).
- (c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
  - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
  - 2. The identity of any deputy subject to any criminal or administrative investigation shall not be released without the consent of the involved deputy, prior approval of the Sheriff, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).
  - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

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2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating deputies (Evidence Code § 1041; Government Code § 6254).
  1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
  1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this office (Government Code § 6254).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (n) Records relating to the security of the office's electronic technology systems (Government Code § 6254.19).

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- (o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

### **808.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

### **808.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

Each audio/video recording released should include the office name and to whom the record was released.

### **808.8 SEALED RECORD ORDERS**

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police

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investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

### 808.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

### **808.9 SECURITY BREACHES**

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

### 808.9.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
  1. The date of the notice.

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2. Name and contact information for the Mendocino County Sheriff's Office.
  3. A list of the types of personal information that were or are reasonably believed to have been acquired.
  4. The estimated date or date range within which the security breach occurred.
  5. Whether the notification was delayed as a result of a law enforcement investigation.
  6. A general description of the security breach.
  7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Mendocino County Sheriff's Office has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
  2. When the breach involves an email address that was furnished by the Mendocino County Sheriff's Office, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

### 808.9.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
1. Written notice.
  2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
  3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
    - (a) Email notice when the Department has an email address for the subject person.

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- (b) Conspicuous posting of the notice on the office's webpage for a minimum of 30 days.
- 4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
  - (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

### **808.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a deputy, or depicts an incident in which the use of force by a deputy against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Sheriff or the Professional Standards Bureau supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

#### **808.10.1 DELAY OF RELEASE**

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

#### **808.10.2 NOTICE OF DELAY OF RELEASE**

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would

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substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

- (b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Sheriff in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

### 808.10.3 REDACTION

If the Custodian of Records, in consultation with the Sheriff or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

### 808.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

- (a) The person in the recording whose privacy is to be protected, or his/her authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).



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The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

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## Protected Information

### 810.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Mendocino County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 810.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Mendocino County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 810.2 POLICY

Members of the Mendocino County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 810.3 RESPONSIBILITIES

The Sheriff shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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### **810.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Mendocino County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **810.4.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

#### **810.4.2 RELEASE OF CORI**

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer
- (b) Records Supervisor
- (c) Full-time employees of the Records Bureau
- (d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

#### **810.4.3 RELEASE OF CORI TO FIELD PERSONNEL**

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the deputy or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

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### **810.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **810.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

### **810.6 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

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### 810.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

### **810.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

#### 810.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Bureau, Dispatch and in the Investigative Bureau to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

#### 810.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

#### 810.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Supervisor, unless otherwise directed by the Administrative Services Division Commander, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administrative Services Division Commander may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administrative Services will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

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### **810.8 TRAINING PROGRAM**

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

### **810.9 PENALTIES FOR MISUSE OF RECORDS**

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

### **810.10 CALIFORNIA RELIGIOUS FREEDOM ACT**

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

## Computers and Digital Evidence

### 812.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

### 812.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, deputies should document the following in related reports:
  1. Where the computer was located and whether or not it was in operation.
  2. Who was using it at the time.
  3. Who claimed ownership.

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4. If it can be determined, how it was being used.
  - (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

### **812.2.1 BUSINESS OR NETWORKED COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

### **812.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

### **812.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.



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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

### **812.4 SEIZING PCDS**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

### **812.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Deputies handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

#### **812.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

#### **812.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The media will be downloaded to a department computer and burned onto a CDR or DVDR.
- (b) The CDR or DVDR will be placed into evidence as indicated in Policy 802 Property and Evidence
- (c) The original file will be deleted from the computer and device.

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### 812.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) The media will be downloaded to a department computer and burned onto a CDR or DVDR.
- (b) The CDR or DVDR will be placed into evidence as indicated in Policy 802 Property and Evidence
- (c) The original file will be deleted from the computer and device.

### 812.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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## Animal Control

### 818.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for animal control officers and Mendocino County Sheriff's Office personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

### 818.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Animal Control Officer (ACO) duties include enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ACO shall be under the operational control of the Field Operations Division. The Animal Control Officer's assigned working hours will be scheduled by the Animal Control Commander, or designee.

During hours when the ACO is on duty, requests for animal control services shall be assigned by Dispatch or the Shift Supervisor.

Requests for assistance by the ACO shall be acknowledged and responded to promptly by patrol deputies.

### 818.3 DEPUTY RESPONSIBILITY

During hours when the Animal Control Officer is off-duty, or if the ACO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty deputy.

Deputies may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding deputies generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when a deputy may consider acting before the arrival of the ACO:

- (a) When there is a threat to the public safety.
- (b) When animal has bitten someone, deputies should take measures to confine the animal and prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- (e) When the animal is gravely injured.

#### 818.3.1 ANIMAL CRUELTY COMPLAINTS

Deputies shall conduct all criminal investigation on felony reports of animal cruelty and work in conjunction with an ACO for follow-up. Deputies shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may be requested to assist with

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the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

### **818.3.2 ANIMAL BITE REPORTS**

Deputies shall obtain as much information as possible for forwarding to the ACO for follow-up. Deputies shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

### **818.3.3 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Deputies shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Deputies will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding deputies cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency.

All requests to call in the ACO must be approved by a field supervisor.

### **818.4 DECEASED ANIMALS**

Deceased animals on public property will be removed and properly disposed of by the ACO. Deputies will remove deceased animals when the Animal Control Officer is not on duty. The deceased animals may be placed in the dead pan of the Animal Control Officer's truck.

- (a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing in the ACO truck. Large animals should be double bagged and left next to the ACO truck, out of public view.
- (b) Neither the ACO nor any deputy will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

### **818.5 INJURED ANIMALS**

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code 597.1).

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

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- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
  - 1. When the need to kill a seriously injured or dangerous animal is necessary, the department Firearms Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty shift-supervisor.
- (d) Injured wildlife should be referred to the SPCA, Marine Mammal Center or Department of Fish and Wildlife as applicable. The SPCA will not pick up common pigeons (red legs), starlings, bats or skunks.
- (e) When handling dead or injured animals department employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (f) Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off duty, the information will be forwarded for follow-up.

### 818.5.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic. A list of after-hours veterinarians will be maintained by dispatch.
- (c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

### 818.5.2 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

### 818.5.3 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize damage to the vehicle.
- (c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

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- (d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

### **818.6 CITATIONS**

It should be at the discretion of the handling deputy or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

### **818.7 POST-ARREST PROCEDURES**

The arresting deputy should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

### **818.8 POLICY**

It is the policy of the Mendocino County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### **818.9 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

### **818.10 STRAY DOGS**

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

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### **818.11 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.