



San Francisco Sheriff's Department  
Policy & Procedure Manual  
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January 1, 2020

**ADOPTED/REVISED**

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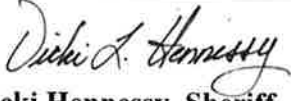
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<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>09/16/1994</b>	Policy #: <b>SFSD 01-01</b>
	Last Revised: <b>04/07/2018</b>	
	Related Policies: SFSD 03-01 Employee Rules and Regulations SFSD 03-02 Discrimination and Harassment SFSD 03-03 Seniority	
	Approved By:  <b>Vicki Hennessy, Sheriff</b>	
Chapter: <b>01 Administration</b>	Title: <b>Department Organization and Chain of Command</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) is an organization using the **chain of command** to designate specific lines of authority, accountability and communication. These lines will prevail in all SFSD functions.

**PURPOSE:** To identify SFSD organization and the chain of command. The Sheriff or designee may authorize specific exceptions as needs arise.

**I. General:**

- A. All employees are accountable to the Sheriff.
- B. Supervisors may delegate supervisory authority and duties to subordinates, but not supervisory accountability.
- C. Divisions are divided into jail facilities, sections or units that have separate and specific operational and jurisdictional functions within a division.
- D. Communications within the SFSD will be through the chain of command.
  - 1. Nothing in this policy shall prevent an employee from contacting employees outside of the chain of command on matters of a personal nature or in an emergency.
- E. Employees are accountable to their immediate supervisor(s) and to all other supervisors in their chain of command.
  - 1. Subordinates shall obey any lawful order or **directive** (written or oral), issued by any supervisor in the course of duty.
  - 2. **Internal Affairs Officers** are designated as special investigators. They fall outside the normal chain of command and are not subject to supervision or orders of supervisors other than the Sheriff, Undersheriff or Assistant Sheriff, except:
    - a. in case of a declared emergency;
    - b. when detailed to the Emergency Services Unit or a special event;
    - c. when working overtime outside of their duties in the Internal Affairs Unit and / or
    - d. when assigned to training.

## II. Procedures:

A. Transfer of authority during absences will be based on the rank structure as follows:

1. In the absence of the Sheriff, transfer of authority will proceed to the Undersheriff.
2. In the absence of the Undersheriff, transfer of authority will proceed to the Assistant Sheriff.
3. In the absence of the Assistant Sheriff, transfer of authority will proceed to a Chief Deputy according to seniority in rank and permanent before temporary employees.
4. In the absence of the Administration and Programs Division (APD) Chief Deputy, transfer of authority will proceed to the APD Captain according to seniority in rank and permanent employees before temporary employees.
5. In the absence of the Custody Operations Division (COD) Chief Deputy, the transfer of authority will proceed to a COD Captain according to seniority in rank and permanent employees before temporary employees.
6. In the absence of the Field Operations Division (FOD) Chief Deputy, transfer of authority will proceed to the FOD Captain or designee.
7. In the absence of the Planning and Projects Division (PPD) Chief Deputy, transfer of authority will proceed to the PPD Captain.
8. In the absence of a captain, transfer of authority will proceed to a lieutenant or designee according to seniority in rank and permanent employees before temporary employees.
9. On a watch / shift where there are supervisory minimums, the transfer of authority in the absence of the watch commander will proceed to the next subordinate supervisor at that facility / section / unit. If there is no available subordinate supervisor, a supervisor from another facility / section / unit within the division may be detailed.
  - a. In the absence of a watch commander, on a watch / shift, where there is no supervisory minimum, the transfer of authority will proceed to sworn employees according to seniority in rank and permanent employees before temporary employees.
    - i. Sworn employees may decline watch commander duties. In this situation, the transfer of authority will continue to proceed according to seniority in rank until a sworn employee accepts the watch commander duties.

B. Managerial Scope of Authority:

1. The Sheriff is the head of the SFSD and has final authority for all SFSD functions.
2. The Undersheriff is the first designee of the Sheriff for the interpretation and application of all SFSD **policies and procedures**.

## Department Organization and Chain of Command

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3. The Assistant Sheriff is the second designee of the Sheriff for the interpretation and application of all SFSD policies and procedures.
4. Chief Deputies are Division Commanders and designees of the Sheriff for the interpretation and application of all SFSD policies and procedures of their respective divisions.

C. The chain of command structure is found in the organizational charts.

1. All civilian employees fall within their division chains of command.
2. Operational and / or law enforcement needs may necessitate sworn employees giving direction to civilian employees.

### **III. Forms:**

Not Applicable

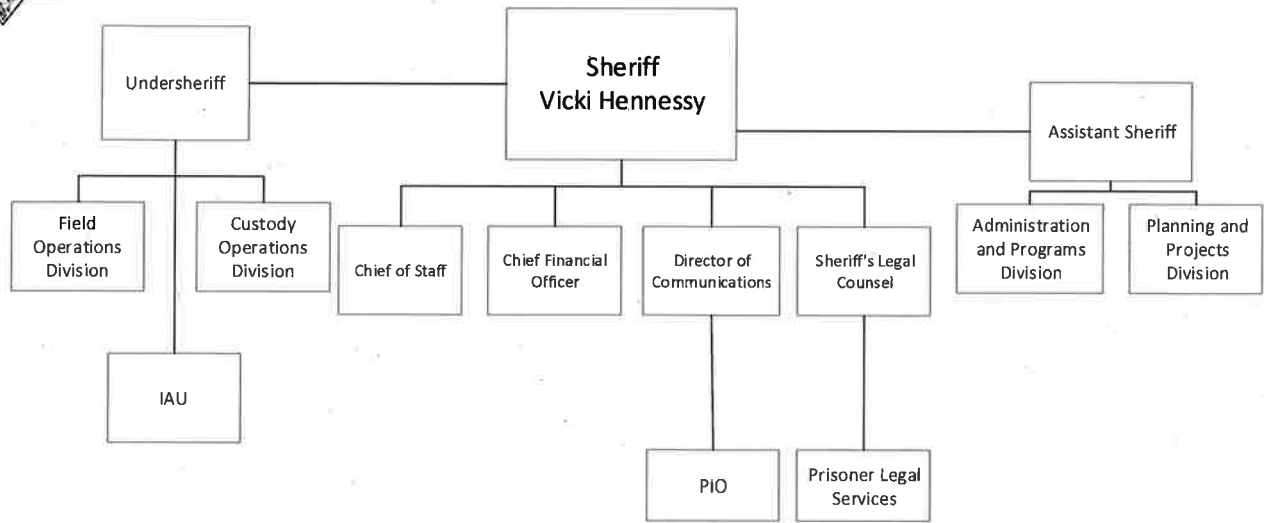
### **IV. Reference:**

Department Organization Charts





# SAN FRANCISCO SHERIFF'S DEPARTMENT DEPARTMENT ORGANIZATION

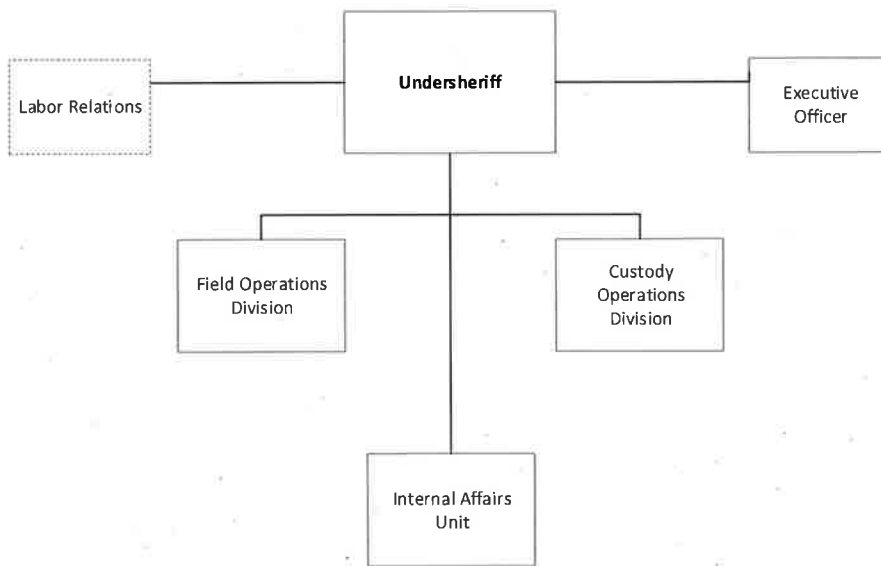


**Legend:**  
IAU - Internal Affairs Unit  
PIO - Public Information Officer

Dotted box denotes collateral assignment or volunteer unit



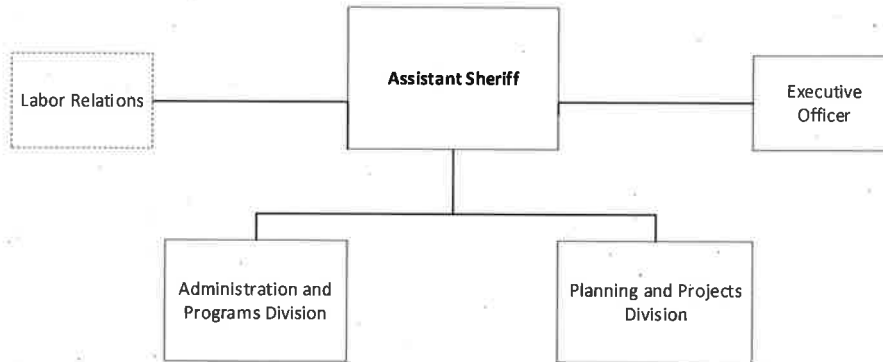
## SAN FRANCISCO SHERIFF'S DEPARTMENT DEPARTMENT ORGANIZATION



Dotted box denotes collateral assignment or volunteer unit



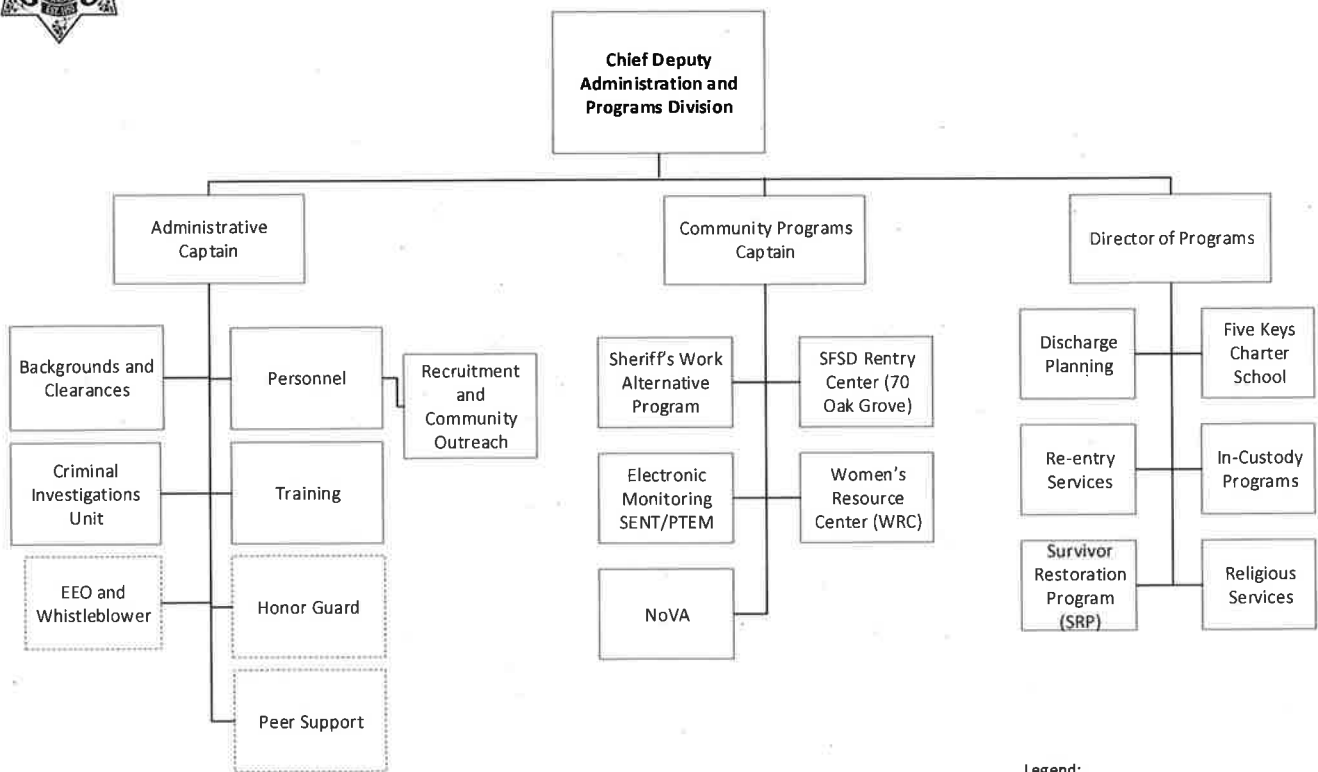
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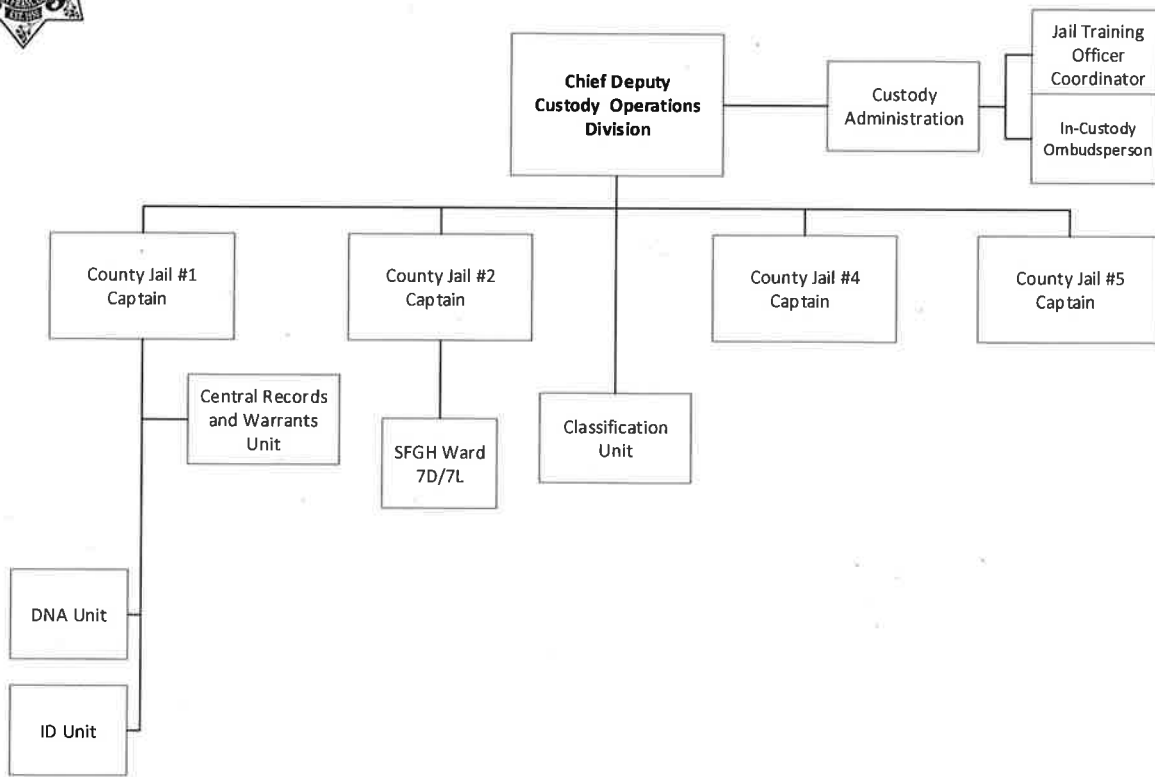
**Legend:**  
**EEO**- Equal Employment Opportunity  
**NoVA**- No Violence Alliance  
**PTEM**-Court Ordered Pre-Trial Electronic Monitoring  
**SENT**- Sentenced Electronic Monitoring  
**SWAP**- Sheriff's Work Alternative Program

Dotted box denotes collateral assignment or volunteer unit





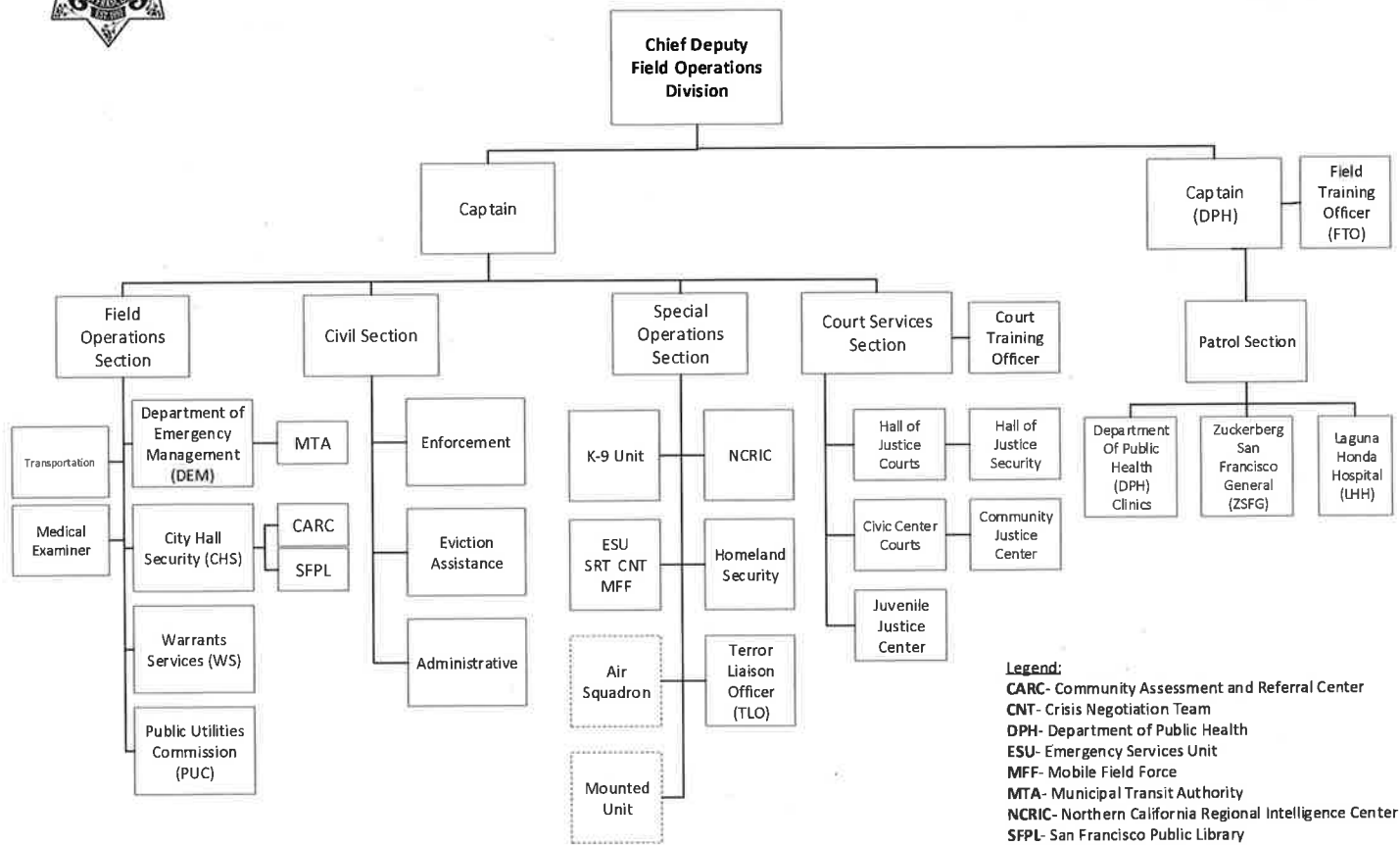
# SAN FRANCISCO SHERIFF'S DEPARTMENT DEPARTMENT ORGANIZATION



Dotted box denotes collateral assignment or volunteer unit



# SAN FRANCISCO SHERIFF'S DEPARTMENT DEPARTMENT ORGANIZATION

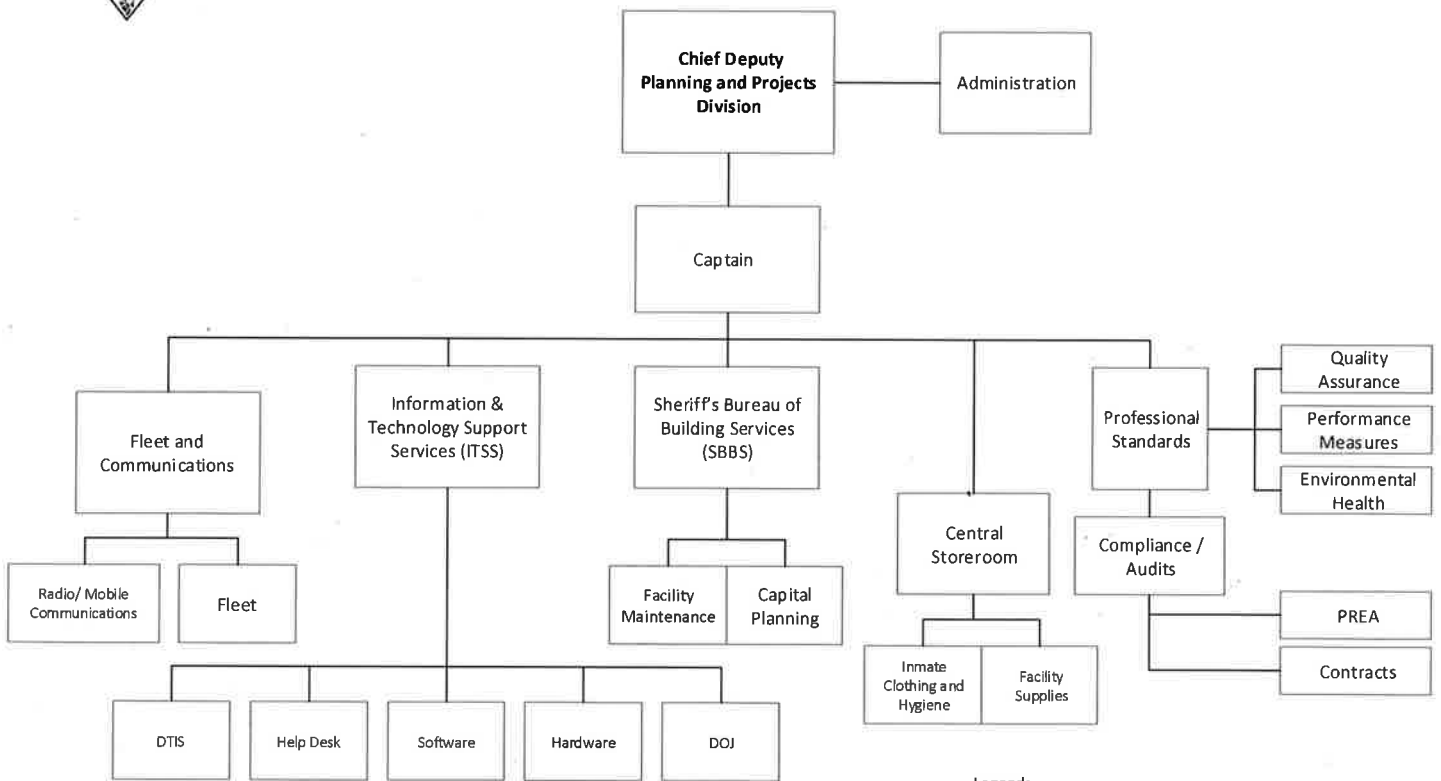


**Legend:**  
**CARC**- Community Assessment and Referral Center  
**CNT**- Crisis Negotiation Team  
**DPH**- Department of Public Health  
**ESU**- Emergency Services Unit  
**MFF**- Mobile Field Force  
**MTA**- Municipal Transit Authority  
**NCRIC**- Northern California Regional Intelligence Center  
**SFPL**- San Francisco Public Library  
**SRT**- Special Response Team

Dotted box denotes collateral assignment or volunteer unit



# SAN FRANCISCO SHERIFF'S DEPARTMENT DEPARTMENT ORGANIZATION

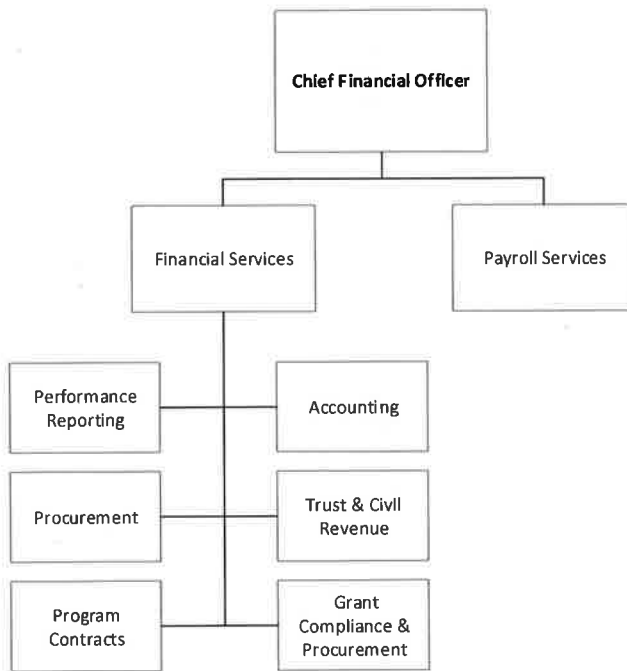


**Legend:**  
 DOJ- Department of Justice  
 DPH- Department of Public Health  
 DTIS- Department of Telecommunications and Information Services  
 PREA- Prison Rape Elimination Act



Dotted box denotes collateral assignment or volunteer unit



## SAN FRANCISCO SHERIFF'S DEPARTMENT DEPARTMENT ORGANIZATION



Dotted box denotes collateral assignment or volunteer unit

<p align="center"><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p align="center"><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: <b>03/02/1993</b></p> <p>Last Revised: <b>01/03/2013</b></p>	<p>Policy #: <b>SFSD 01-02</b></p> <p><i>Formerly A-03, SFSD 01-36</i></p>
<p>Chapter: <b>01 Administration</b></p>	<p>Related Policies: SFSD 01-04 Policy and Procedure Manual SFSD 01-10 Computer Data and Security</p> <p>Approved By:  <b>Ross Mirkarimi, Sheriff</b></p> <p>Title: <b>Public Information Plan</b></p>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) shall make reasonable efforts to provide information allowed and / or required by law to media representatives, other government agencies and the public.

**PURPOSE:** To establish a standard for the dissemination of information to media representatives and the public in compliance with laws pertaining to the release of authorized public information. To establish guidelines for the release of information to media representatives, other government agencies and the public regarding facility rules and procedures.

**I. General**

A. The following is considered public information that can be released:

1. full name;
2. booking number;
3. physical description;
4. arrest information:
  - a. date and time of arrest
  - b. location of arrest
  - c. arresting agency
  - d. arresting officer and
  - e. case number;
5. active charge(s), warrant(s), and hold(s);
6. bail, type of future release, release date and;
7. available court information.

B. The following information is not authorized for release:

1. Information associated with juvenile offenders.
  - a. Exception: juveniles who have been certified by the court or by a direct filing from the Office of the District Attorney for prosecution as an adult.
2. Information not related to the charges for which an inmate is currently incarcerated (i.e. **criminal history**);
3. Information pertaining to the movement of an inmate outside the jail facility;

## Public Information Plan

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4. Information that another agency has requested not to be released to the public and that request has been approved by the Chief of Staff or designee;
  5. Information about inmates in custody for **safekeeping**.
- C. Information that is authorized for release by the Chief of Staff includes:
1. All SFSD news and / or press releases;
  2. Inquiries from the public or media regarding;
    - a. death or serious injury to an employee or inmate;
    - b. assaults, disturbances, escapes or disruptive conduct;
    - c. conditions of confinement (including medical care) or
    - d. accusations that an employee committed a violation of the law.
- D. An employee shall not represent the SFSD, in an interview, to the media or the public without the direct permission of the Sheriff, Undersheriff or Chief of Staff.
1. The unauthorized release of information may lead to discipline up to and including termination as well as criminal prosecution.

### II. Procedures:

- A. Specific procedures for the release of information will be found in division and / or facility / section / unit manuals.
- B. Releasing Authorized Information
1. When releasing information, an employee shall identify him / herself by rank / title, last name and upon request, star number (if applicable).
  2. An employee may release information regarding procedures that directly affect inmates or the public (i.e. mail, visiting, money, etc.).
  3. An employee shall release public information if it pertains to an inmate currently **in custody**.

### III. Forms:

Not Applicable

### IV. References:

Government Code § 6254 – Records Exempt from Disclosure Requirements

Penal Code § 13300-13305

Penal Code § 11075

Title 15 (Minimum Jail Standards 2008) section 1045 – Public Information Plan



**SAN FRANCISCO SHERIFF'S DEPARTMENT**

Facility Record Storage List

<b>BOX #</b>	<b>Year</b>	<b>Months</b>	<b>Item</b>	<b>Notes</b>	<b>Destruction Date</b>	<b>Storage Company Label Number</b>
03-2010-001	2010	All	Requests for Discipline		2013	CJ100967
03-2011-002	2010	All	Inmate Grievances		2013	CJ100968
03-2011-003	2010	All	Watch Sheets		2015	CJ100969
		All	Holiday Sign Up Sheets			
		All	Payroll			
		All	Daily Reports			
03-2011-004	2010	All	OT Sign Up Sheets		2015	CJ100970
		All	OT Sheets - Faxed to Payroll			

**SAMPLE**







## San Francisco Sheriff's Department

### Record Retention Schedule

Name of Record	Type of Record	Years Stored
3056 / State Parole Log Sheets	Inmate	3
Admin Records, Misc.	Admin	3
Administrative Segregation Log / Sheets	Inmate	3
Annual Reports (e.g. Board of Corrections)	Admin	5
Audio Recordings - ISU & EEO	Admin	7
Audio Recordings not Otherwise Specified	Admin	3
Audit Reports	Financial	3
Budget Files	Financial	3
Calendar (Sheriff's)	Admin	3
CAL-OSHA Records	Personnel / HR	5
CCW Application	Admin	5 from date of application
Citizen Complaints	Admin	3
Civil Judgment Enforcement Records	Admin	3
Civil Process Service Records	Admin	3
Claims	Personnel / HR	3
Classification Files / Reports	Admin	3
Clothing Locker Locations	Admin	3

Compensatory Time Records	Personnel / HR	5
Communicable Disease List	Inmate	3
Contract Correspondence	Contract / Grant	5
Contracts / Agreements / Memorandum of Understanding	Contract / Grant	5 after expiration of contract
Correspondence, Misc.	Admin	3
Correspondence, Sheriff's	Admin	3
CWB Felony Warrants / Abstracts	Admin	5
CWB Log Books / CORI Release Log	Admin	3
CWB Misdemeanor Warrants / Abstracts	Admin	5
Daily Count Sheets	Jail Facility - Admin	3
Daily Food Quality Reports	Admin	3
Daily Staff Report	Jail Facility - Admin	5
Daily Watch Sheets / Holiday	Admin	5
Discrimination and Harassment Claims	Personnel / HR	5
Employee Applications / Resumes	Personnel / HR	3
Equal Opportunity Plan	Personnel / HR	3
Exchanged Drafts of Agreements	Contract / Grant	3
Family Medical Leave Acct	Personnel / HR	5
Financial Records of Accts Receivable and Payments through SF Revolving Accts	Admin	5
Financial Records, Misc.	Financial	5

Financial Records-Judgment Debtor Payments	Admin	5
Grand Jury Reports & Responses	Admin	3
Gun Locker Locations	Admin	3
Holiday Watch Sheets / Signups	Admin	5
Housing Logs	Jail Facility - Inmate	3
Housing Round Sheets	Admin	3
Incident Reports	Admin	5
Inmate Welfare Fund Reports	Financial	3
Inspection Reports and Responses (Fire, Health, Med)	Admin	3
Intake Video Recordings	Jail Facility - Inmate	3
Interdepartmental Correspondence	Admin	3
Internal Affairs Investigations (Deaths)	Admin	Permanent
Internal Affairs Investigations (Other than Deaths)	Admin	Final Dispo + 5 years
Invoices	Financial	5
Jail Inspection Reports - Weekly	Jail Facility - Inmate	3
Laundry Exchange Sheets	Admin	3
Lease Files	Contract / Grant	5
Overtime	Personnel / HR	5
Payables (Invoices)	Financial	6
Payroll Records	Personnel / HR	5

Petty Cash Records (Revolving Fund)	Financial	7
Inmate Action Requests	Jail Facility - Inmate	3
Inmate Disciplinary / Hearing Records	Jail Facility - Inmate	3
Inmate Disciplinary Sheets	Jail Facility - Inmate	3
Inmate Grievance	Jail Facility - Inmate	3
Inmate Interview Log	Jail Facility - Inmate	3
Inmate Misdemeanor and Felony Jackets	Jail Facility - Inmate	5
Inmate Request for Discipline	Jail Facility - Inmate	3
Inmate Property Receipts	Jail Facility - Inmate	3
Inmate Transportation Log	Jail Facility - Inmate	3
Inmate Trust Fund Documentation	Financial	5
Inmate Visiting Log	Admin	3
Less than English Proficient (LEP) Complaint	Admin	5
Property Disposition	Admin	3
Property / Evidence sheets	Admin	Permanent
Purchase Orders	Financial	5
Range Logs	Admin	3
Request for Proposal (RFP) Scoring Records	Contract / Grant	3
RFPs, Requests for Quote and Responses	Contract / Grants	3
Settlement Agreements	Financial / Admin	3

TASER Log	Admin	3
Time Rosters	Personnel / HR	5
Time Sheets	Personnel / HR	5
Training Records	Personnel / HR	Separation + 3 yrs
Travel and Reimbursement Records	Personnel / HR	5
Video Recordings - ISU & EEO	Admin	7
Video Recordings (not Otherwise Specified)	Admin	3
Work Orders and Payments	Financial	7





## Record Retention, Storage and Destruction

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2. month(s) and / or year(s);
  3. contents of box (e.g. "Payroll Records – March to June 2008");
  4. destruction date and
  5. off-site record storage facility identification label provided by the vendor.
- E. The administrative supervisor or designee will create and maintain a facility / section / unit master list showing the information recorded on the label.
- F. The administrative supervisor or designee shall inspect the contents of each box (on site or about to be shipped off-site) to ensure that the records identified on the labels or the Facility Record Storage List are complete.

### **III. Forms:**

Facility Record Storage List

### **IV. Reference:**

SFSD Record Retention Schedule

Sunshine Ordinance - Chapter 67 of the Administrative Code







## San Francisco Sheriff's Department Policy Recommendation Form

**Instructions:** An Employee submitting recommendations shall fill out the blue-shaded areas of the form. For SFSD Policy & Procedure Manual recommendations, submit the form to the Chairperson of the Policy and Procedure Committee for review. For all other manuals (division or facility/section/unit), submit the form through the chain of command.

<b>Date:</b>	<b>Manual:</b>	<b>Policy Number:</b>	<b>Submitted By:</b>
Reason for Change:			
Recommended Change:			
Do not write below this line			
<b>Date Received:</b>	<b>Receiving Authority:</b>		
<b>Date Reviewed:</b>	<b>Date Referred (if necessary):</b>		
<b>Recommendation:</b>	Approve	Approve w/Changes	Disapprove
Referral Comments:			

**NOTE:** When the recommendation has been approved or disapproved, the person with final approval authority (or designee) shall send a copy of this form to the employee who submitted the recommendation.



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>11/01/1991</b>	Policy #: <b>SFSD 01-04</b>
	Last Revised: <b>01/03/2013</b>	<i>Formerly A-06</i>
	Related Policies: SFSD 01-03 Public Information Plan	
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>01 Administration</b>	Title: <b>Policy and Procedure Manual</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) shall provide information to employees in order to perform their jobs effectively and efficiently. When practical, this information shall be contained in the SFSD Policy and Procedure Manual and / or the facility / section / unit manuals.

**PURPOSE:** To provide employees with the SFSD philosophy and goals and to comply with federal, state and local laws.

**I. General:**

- A. **Policies and procedures** remain in effect until amended, superseded or cancelled by the appropriate authority.
  - 1. The Captain of Administration or designee shall serve as keeper of amended, superseded or cancelled policies.
- B. Unless authorized, copies of any SFSD policies, procedures or directives shall not be left in an area where inmates or members of the general public may gain access.
- C. No part or reproduction of the SFSD Manual shall be disseminated to media representatives, other government agencies and / or the general public without the written consent of the Sheriff, Undersheriff, Assistant Sheriff, Chief of Staff or Sheriff's Legal Counsel.
  - 1. **Prisoner Legal Services** can disseminate authorized information to inmates as described in Title 15.
- D. All policies and procedures are effective from the issued or revised date – whichever is later.
  - 1. When a policy is removed in its entirety, the date of removal shall be noted in the Table of Contents and the policy number shall not be re-issued.
- E. The Policy and Procedure Committee shall convert a **Letter of Agreement** into a draft policy within 60 calendar days of its signing.
- F. The SFSD Manual will be identified by chapter and policy number. For example, "SFSD 02-06" is the sixth policy in the second chapter of the manual.
- G. The SFSD Manual is indexed in two ways:
  - 1. alphabetically by subject title

2. numerically by specific policy

**II. Procedures:**

- A. Each division / facility / section / unit commander shall maintain a copy of the SFSD Manual for his / her division / facility / section / unit.
  1. The Policy and Procedure Committee shall review the manual at least every two years and update as necessary.
- B. Any employee may request the initiation or revision of a policy or procedure.
  1. The employee shall submit a Policy Recommendation Form to the Policy and Procedure Committee Chair for review.
  2. The Committee Chair or designee will forward the Policy Recommendation form to the initiating employee's Division Commander.
    - a. The Division Commander shall notify the initiating employee of the receipt of the policy recommendation form.
  3. The Policy and Procedure Committee will review the form and submit the form with the committee's recommendations to the Undersheriff.
  4. If a final draft policy is approved by the Undersheriff, the policy shall be submitted to the Sheriff for approval.
  5. If approved by the Sheriff, the newly created or revised policy shall be distributed to every facility/section/unit commander.
  6. When a proposed policy/procedure or revision is approved or disapproved, the form will be returned to the initiating employee with an explanation of approval, modification or disapproval.
- C. All employees shall comply with the policies and procedures outlined in SFSD Manual, as well as policies and procedures in their division and facility/section/unit manuals.
  1. Facility / section / unit manuals are subject to the annual review of the Division Commander.
  2. Failure to read or understand the policies and procedures contained in any manual shall not be a defense in disciplinary actions taken against employees.
  3. It is the responsibility of employees to seek clarification from their supervisors if they have questions regarding the meaning or execution of any particular policy.
- D. Specific procedures for making recommendations revisions to division / facility / section / unit manuals shall be found in those manuals.
- E. Whenever a new policy is issued or removed from the policy and procedure manual Administration shall notify the SFSD of the update through the muster board.

**III. Forms**

Policy Recommendation Form

**IV. Reference:**

Title 15 (Minimum Jail Standards 2008) Section 1029 Policy and Procedures Manual



San Francisco Sheriff's Department

Request for Revolving Fund Reimbursement / Advance

Certification of Invoice

Amount: \_\_\_\_\_

Items Purchased: \_\_\_\_\_

Purpose / Uses: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Amount Received by:

\_\_\_\_\_  
Employee Name

Date: \_\_\_\_\_

Approval:

\_\_\_\_\_  
Department Head

Index Code: \_\_\_\_\_

Sub-Object: \_\_\_\_\_

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Attach Original Invoice Here

Use this space when invoice is a Cash Register type of invoice.







# SAN FRANCISCO SHERIFF'S DEPARTMENT

## Revolving Fund Allocation Chart

<b>Holder of Fund</b>	<b>Amount of Fund</b>
Admin / Programs	\$ 300.00
Civil	\$ 100.00
Custody Division	\$ 400.00
Field Support & Services – Homeland Security	\$ 200.00
Field Support & Services	\$ 200.00
Programs San Bruno	\$ 200.00
Programs Hall of Justice	\$ 200.00
Sheriff's Bureau of Building Services – Hall of Justice	\$ 1,000.0
Sheriff's Bureau of Building Services – San Bruno	\$ 1,000.00
Transportation	\$ 1,000.00





<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>09/01/1983</b>	Policy#: <b>SFSD 01-05</b>
	Last Revised: <b>01/03/2013</b>	<i>(formerly A-07)</i>
	Related Policies:	
	Approved By:	 <b>Ross Mirkarimi, Sheriff</b>
Chapter: <b>01 Administration</b>	Title: <b>Revolving Fund Usage</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) shall establish an accounting system to enable employees to purchase SFSD-related equipment and supplies that cannot be obtained through purchase order, office supply order or SFSD storekeeper order procedures.

**PURPOSE:** To establish guidelines in the use and accounting of the **Revolving Funds** (Fund) available to the divisions.

**I. General:**

- A. The division commander is responsible for the fund. Authority for expenditures from the fund rests with the division commander or designee.
  - 1. Non-authorized expenditures will be considered private transactions and the individual involved will be solely liable.
- B. Fund monies shall be expended solely for purposes that benefit the SFSD and shall never be used for any purpose that benefits an individual or that could be construed as a private transaction.
- C. No material item costing \$200 or more shall be purchased or ordered through the fund.

**II. Procedures:**

- A. Each facility / section / unit commander shall request funds from the division commander or designee through the Request for Petty Cash Reimbursement (Request) form.
- B. The division commander or designee shall approve or disapprove the request.
  - 1. If the request is approved,
    - a. money will be disbursed to the requestor;
    - b. the requestor will sign for the money and
    - c. the request form shall be placed in a designated location.
  - 2. When the requestor returns with the receipt, it shall be attached to the request form.
- C. The division commander or designee shall complete a Revolving Fund Voucher Form each month.
- D. The division commander or designee shall sign the form and submit it to Fiscal Operations

## Revolving Fund Usage

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by the 10<sup>th</sup> of the month.

### **III. Forms:**

Request for Revolving Fund Reimbursement / Advance

Revolving Fund Voucher Form (This form is not included in this policy since it belongs to the Controller's Office)

### **IV. References**

Revolving Fund Allocation Chart



San Francisco Sheriff's Department

Request for Inmate Welfare Fund Reimbursement / Advance

Certification of Invoice

Amount: \_\_\_\_\_

Items Purchased: \_\_\_\_\_

Purpose / Uses: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Amount Received by:

\_\_\_\_\_  
Employee name

Date: \_\_\_\_\_

Approval:

\_\_\_\_\_  
Department Head

Index Code: \_\_\_\_\_



Sub-Object: \_\_\_\_\_

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Attach Original Invoice Here

Use this space when invoice is a cash register type of invoice.



<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	Date Issued: <b>01/22/1996</b>	Policy #: <b>SFSD 01-06</b>
	Last Revised: <b>01/03/2013</b>	<i>Formerly F-01</i>
	Related Policies: CDM 2.04 Jail Facility Revolving Fund CDM 2.05 Inmate Welfare Fund    CDM 2.06 City Purchasing Req. CDM 2.07 Contraband Money	
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>01 Administration</b>	Title: <b>Inmate Welfare Fund</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) shall maintain an Inmate Welfare Fund (IWF) for the primary benefit of services and items for persons confined within the SFSD jails.

**PURPOSE:** To outline criteria for use of the IWF in compliance with local and state laws.

**I. General:**

- A. Funds may be credited to the IWF. This includes, but is not limited to:
  - 1. commissary revenue;
  - 2. inmate telephone system revenue;
  - 3. vending machine revenue from inmate designated machines;
  - 4. fund raising activities approved by the Sheriff;
  - 5. donations;
  - 6. interest earned on the IWF and / or
  - 7. confiscated contraband money.
- B. The IWF shall be deposited into an account authorized by SFSD Fiscal Operations.
- C. Fiscal Operations shall maintain the accounting records for the IWF. This will include the processing of all receipts and disbursements reconciling the fund monthly.
- D. Each month the Chief Financial Officer (CFO) or designee shall submit an IWF cash flow report to the Sheriff or designee. The Sheriff or designee shall authorize the payment of invoices by the CFO.
- E. The IWF shall be used primarily for the benefit, education and welfare of the inmates.
- F. Fiscal Operations shall audit the IWF account as outlined by the San Francisco Controller's Office guidelines. The audit shall be the basis for the annual expenditure report to the San Francisco Board of Supervisors.
- G. The CFO will expend IWF for inmate education / recreation programs and / or personal service contracts. Items not on the list will not be purchased without direct authorization from the CFO or the appropriate Chief Deputy or designee responsible for the IWF. The following items may be purchased from IWF:

## Inmate Welfare Fund

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1. envelopes;
  2. writing paper / writing utensils;
  3. hygiene products;
  4. transportation for released inmates;
  5. legal materials;
  6. library materials;
  7. religious materials;
  8. education / recreation supplies and / or services.
- H. Any item / service requiring an expenditure of \$200 or more shall be submitted by requisition to the CFO.
- I. An inmate may submit a request for items / services for the inmates by submitting on an Action Request.

### **II. Procedures:**

- A. Each facility / section / unit commander shall request funds from the division commander or designee through the Request for Inmate Welfare Fund Reimbursement / Advance (Request).
- B. The division commander or designee shall approve or disapprove the request.
1. If the request is approved,
    - a. money will be disbursed to the requestor,
    - b. the requestor will sign for the money and
    - c. the request shall be placed in a designated location.
  2. When the requestor returns with the receipt, it shall be attached to the request.
- C. The division commander or designee shall complete an IWF Voucher each month.
- D. The division commander or designee shall sign the form and submit it to Fiscal Operations by the 10<sup>th</sup> of the month.
- E. Confiscated contraband money shall be submitted to a division commander or designee along with an incident report. The division commander or designee shall forward the confiscated money and a copy of the incident report to the CFO.

### **III. Forms:**

Request for Inmate Welfare Fund Reimbursement / Advance

### **IV. References**

Inmate Welfare Fund Allocation Chart

Penal Code §4025

Revolving Fund Voucher Form (Controller's Office form)



# SAN FRANCISCO SHERIFF'S DEPARTMENT

## Inmate Welfare Fund Allocation Chart

<b>Holder of the Fund</b>	<b>Amount of the Fund</b>
Custody Division	\$ 500.00
Programs - Out of Custody	\$ 1,000.00





<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>07/13/1983</b>	Policy #: <b>SFSD 01-07</b>
	Last Revised: <b>01/03/2013</b>	Formerly <i>C-02</i>
	Related Policies:	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>01 Administration</b>	Title: <b>Punitive Damage Awards</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) shall ensure that all employees are aware they may be personally liable for punitive damages.

**PURPOSE:** To notify all employees that they may be liable for punitive damages.

**I. General:**

- A. The United States Supreme Court has held that punitive damage awards may be made under the Federal Civil Rights Act.
  - 1. Plaintiffs do not have to prove intent to violate civil rights as a justification for punitive damage awards; plaintiffs need only show that conduct of employee(s) is reckless or demonstrates callous disregard of, or indifference to, the rights or safety of others.
- B. The City and County of San Francisco is not authorized to pay for judgments for punitive damages on behalf of employees.

**II. Procedures:**

Not Applicable

**III. Forms:**

Not Applicable

**IV. Reference:**

Federal Civil Rights Act





# San Francisco Sheriff's Department Administrative Clearance Request Form

## Clearance Request Submission ( 60 days or less)

Date submitted: \_\_\_ / \_\_\_ / \_\_\_ Department/Agency/Unit: \_\_\_\_\_

Submitted by: \_\_\_\_\_ Telephone #: \_\_\_\_\_

*Print Last name / First Name*

Fax#: \_\_\_\_\_ Reason for clearance: \_\_\_\_\_

# of days requested: \_\_\_\_\_ Sequential dates: Start date \_\_\_ / \_\_\_ / \_\_\_ End date \_\_\_ / \_\_\_ / \_\_\_

Single or non-sequential date(s): \_\_\_ / \_\_\_ / \_\_\_ , \_\_\_ / \_\_\_ / \_\_\_ , \_\_\_ / \_\_\_ / \_\_\_ , \_\_\_ / \_\_\_ / \_\_\_

Access requested to County Jail(s) *(circle only jails needed)*      1      2      3      4      5      6

### **INDIVIDUAL REQUIRING JAIL CLEARANCE**

Name: \_\_\_\_\_ Date of birth: \_\_\_ / \_\_\_ / \_\_\_

Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Race:  White  Black  Hispanic  Asian  Other      Gender *(circle one)*      M      F

Social Security #: \_\_\_\_\_ Driver License #: \_\_\_\_\_

Alternate ID / Type: \_\_\_\_\_ Out of State *( State )* \_\_\_\_\_  
*(If applicable)*

### **ADMINISTRATIVE CLEARANCE**

Date received: \_\_\_ / \_\_\_ / \_\_\_ Date faxed to the jail(s): \_\_\_ / \_\_\_ / \_\_\_

Check conducted by: \_\_\_\_\_ Star #: \_\_\_\_\_  
*Deputy's name*

#### **Formats checked:**

	Completed	Not Applicable
DMV - in/out of state <i>(by name / DL#)</i>	_____	_____
QN <i>(by name / SS# / DL#)</i>	_____	_____
CII & FBI <i>(by name / SS# / DL#)</i>	_____	_____
WPS <i>(by name / CII / FBI / DL# / SS#)</i>	_____	_____

Results of computer check:  Clear  Not Clear



If not clear, give reason:  Criminal history *(no specific criminal history information can be provided)*  
 Other: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_  
*Supervisor's name / star#*

<b>60 day or less Jail Clearance</b>	
<input type="checkbox"/>	<b>Approved</b>
<input type="checkbox"/>	<b>Denied</b>
<b>Supervisor only</b>	

Fax to person requesting & to jail(s)



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>04/19/1993</b>	Policy #: <b>SFSD 01-08</b>
	Last Revised: <b>01/03/2013</b>	Formerly E-02
	Related Policies: SFSD 01-02 Public Information Policy SFSD 01-09 CORI Security	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>01 Administration</b>	Title: <b>Jail Clearance</b>	

**POLICY:** It is the policy of the San Francisco Sheriff's Department (SFSD) to ensure individuals that provide approved services to the SFSD have a method of obtaining an approved clearance to enter secure facilities (jails / San Francisco General Hospital Ward 7D / 7L).

**PURPOSE:** To provide standards and guidelines for ensuring the safety and security of the jails while allowing access to individuals providing approved services to SFSD.

**I. General:**

- A. Criminal history checks are completed on individuals requesting admittance to a secure facility.
  - 1. Consistent with legal requirements, the SFSD reserves the right to query criminal justice information systems on any individual entering a jail for any reason.
- B. Administrative Jail Clearance forms should be submitted to the Jail Clearance Officer at least 48 hours prior to the anticipated time of admittance.
  - 1. The Custody Division Commander or the facility / watch commander may approve Administrative Jail Clearances at the facility level.
- C. Individuals requiring a **Long Term Jail Clearance** shall apply for a Long Term Jail Clearance at the same time as they apply for a Temporary Jail Clearance.
  - 1. Long Term Jail Clearances are valid from 61 days up to 2 years.
  - 2. Temporary Jail Clearances are valid from 1 through 60 days.
    - a. Temporary Jail Clearances may be renewed when services are required beyond a 60 day period.
- D. An individual issued a Jail Clearance card shall apply for a new Jail Clearance card at least 10 days prior to the expiration date of their current clearance card.
- E. Upon presentation of a current picture identification card, the following individuals do not require a Jail Clearance and may enter a secure facility at any time, excluding change of watch / shift as posted:
  - 1. sworn employees of law enforcement agencies on official business;
  - 2. local probation department officers;
  - 3. state and federal parole agency officers;

## Jail Clearance

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4. District Attorney (DA), Assistant District Attorneys, DA Investigators, Public Defender (PD), Deputy Public Defenders and PD Investigators;
    - a. The DA / PD offices may provide the SFSD with a current list of active attorneys and investigators to be kept at all entrances to jail facilities to expedite access.
  5. City Attorney and Deputy City Attorneys;
  6. Department of Social Services employees on official business and / or
  7. other state or city department employees on official business.
- F. Non-uniformed representatives of the above agencies must present a valid credential issued by their agency and wear such identification on their outermost clothing in their upper torso area.
- G. Attorneys may enter a jail facility at any time, excluding change of watch / shift as posted.
- H. Attorneys must present an unexpired California State Bar Association card and valid picture identification.
1. Attorneys with expired California State Bar Association cards may be allowed admittance at the discretion of the facility or watch commander.
- I. Attorney representatives or private investigators may enter a secure facility at any time, excluding change of watch / shift as posted.
1. An attorney representative or private investigator may interview only inmates represented by the attorney of record.
  2. A representative must present a letter on official letterhead identifying the bearer as a legal representative of the attorney of record or licensed private investigator. The letter must include:
    - a. capacity in which the representative is visiting the inmate;
    - b. specific inmate to be interviewed and
    - c. full name, date of birth and California Driver's License or other valid picture identification number of representative.
  3. The letter is valid up to one year.
  4. A copy of the letter will remain at the jail.
  5. Licensed private investigators must present:
    - a. a private investigator's license issued by the Department of Consumers Affairs, Bureau of Security and Investigative Services Division and
    - b. a private investigator's license identification card with a picture of the private investigator and the license number.
- J. A religious representative, who has jail clearance, may use an interview room to interview members of their congregation.
1. A religious representative, who does not have a jail clearance and wants access to

## Jail Clearance

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a jail, must contact the SFSD religious coordinator.

- K. A Jail Clearance may be suspended or revoked if there is written documentation of violations of jail rules and / or SFSD rules and regulations, including but not limited to:
  - 1. introduction of contraband or illegal items into the jail;
  - 2. sexual contact of any nature within the jail;
  - 3. use of jail access for purely social, non-business purposes and / or
  - 4. violations of any federal, state or local law.
- L. The facility commander or designee may authorize the termination of a visit or interview if inappropriate conduct is observed.
- M. The facility commander or designee may deny a jail clearance for any other articulable reason that indicates a possible threat to the security of the jail.
- N. Prior to any permanent revocation of a Jail Clearance, the facility commander or designee, when possible, should interview the subject of the revocation and obtain a statement of facts regarding the revocation.

### **II. Procedures:**

- A. When an SFSD employee is in a jail and not in uniform, his / her SFSD identification card / badge will be worn on his / her outermost clothing on his / her upper torso area.
  - 1. A civilian employee must wear their jail identification card on their outermost layer of clothing on his / her upper torso area.
- B. Any SFSD contractor or service provider may request an Administrative Jail Clearance for an individual with a valid reason for entering a jail for a specific period of time.
- C. When a facility commander recommends a permanent revocation of a jail clearance, the facility commander shall send all the relevant documents including the statement of facts to the division commander.
  - 1. The division commander shall forward these documents to the Undersheriff.
    - a. In the absence of the Undersheriff or designee, these documents shall be forwarded to the Assistant Sheriff or designee.
- D. The Undersheriff, or the Assistant Sheriff in the absence of the Undersheriff, shall either uphold or dismiss the permanent Jail Clearance revocation.
- E. If the Undersheriff upholds the permanent revocation, the Jail Clearance Officer will send notification to all SFSD facilities / sections / units.
- F. An appeal of jail clearance revocation may be made through the chain of command to:
  - 1. the Facility Commander of the facility who revoked the clearance;
  - 2. the Custody Division Commander;
  - 3. the Undersheriff / Assistant Sheriff or
  - 4. the Sheriff (whose decision is final).
- G. A service provider, without jail clearance, requires a sworn escort in any area accessible

## Jail Clearance

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to inmates.

1. For service providers requiring access to administrative areas, the sworn escort is at the discretion of the facility / watch commander.

### **III. Forms:**

Jail Clearance Request Form

### **IV. Reference:**

Not Applicable





**San Francisco Sheriff's Department**  
Criminal Offender Record Information (CORI) Release Log

**Facility / Section / Unit:** \_\_\_\_\_ **Shift:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Day:** \_\_\_\_\_ **Start Time:** \_\_\_\_\_ **End Time:** \_\_\_\_\_

**PRINT ALL INFORMATION**

No.	Time	Agency	Requester Name / ID	Subject's Name	Local ID No.	Booking No.	Extent/Type of Info. Released warrant incl. number / vehicle / misd / fcl / info only	VIA walk-in/phone teletype	Released By Name / ID No.





**San Francisco Sheriff's Department**  
Criminal Offender Record Information (CORI) Release Log


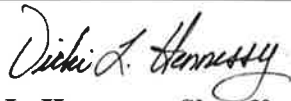
**Facility / Section / Unit:** \_\_\_\_\_ **Shift:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Day:** \_\_\_\_\_ **Start Time:** \_\_\_\_\_ **End Time:** \_\_\_\_\_

**PRINT ALL INFORMATION**

No.	Time	Agency	Requester Name / ID	Subject's Name	Local ID No.	Booking No.	Extent/Type of Info. Released warrant incl. number / vehicle / misd / fel / info only	VIA walk-in/phone teletype	Released By Name / ID No.



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>03/02/1993</b>	Policy #: <b>SFSD 01-09</b>
	Last Revised: <b>04/03/2017</b>	<i>Formerly D-06</i>
	Related Policies: SFSD 01-03 Record Storage SFSD 01-08 Jail Clearance SFSD 01-10 Computer & Data Security SFSD 01-17 CLETS	
	Approved By:	 <b>Vicki L. Hennessy, Sheriff</b>
Chapter: <b>01 Administration</b>	Title: <b>Criminal Offender Record Information Security</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) will ensure that Criminal Offender Record Information (CORI) is managed in a manner consistent with federal, state and local law.

**PURPOSE:** To provide guidelines for the handling of CORI to comply with federal, state and local law.

**I. General**

- A. SFSD employees (and persons who are contracted to access CORI through SFSD terminals) may have access to confidential criminal record information. Misuse of such information may adversely affect the civil rights of the individual concerned. Such misuse is a misdemeanor under California law and may subject an SFSD employee to criminal and / or civil proceedings and / or disciplinary action.
- B. SFSD or **contract employees** who release CORI shall determine the requestor's **right-to-know** and **need-to-know**. No information shall be released unless there is the legal basis on which to do so.
- C. SFSD and contract employees who are in possession of criminal history records shall be responsible for the physical security of the documents.
  - 1. CORI paper documents shall be destroyed by shredding.
- D. A record shall be maintained on each release of state summary criminal record information. These records shall be maintained at the facility / section / unit which disseminated the criminal record information. These records shall be stored as outlined in the SFSD 01-03 Record Retention, Storage and Destruction policy. Such record shall contain:
  - 1. the date of dissemination;
  - 2. the name of the agency and the person to whom the information was given;
  - 3. the extent of the information (i.e. range of or specific dates and / or arrests) and
  - 4. how the information was transmitted.
- E. If juvenile records come into the SFSD's jurisdiction, they will not be released except to Juvenile Court, Probation Department or other law enforcement agencies, except under an order from Juvenile Court.
- F. SFSD or contract employees may be authorized to have access to the California Law

## Criminal Offender Record Information Security

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Enforcement Telecommunication System (CLETS) terminal only after:

1. a record check has been completed on him / her;
    - a. Access will be granted or denied based on Department of Justice (DOJ) Policy, Practice and Procedures (PPP) standards.
  2. he / she has met the DOJ PPP standards for training and testing and
  3. he / she has read and signed the DOJ Employee / Volunteer Statement Form.
- G. Only authorized employees shall have access to CLETS – enabled terminals (computer work stations), or be in an area where there may be such access.
- H. All employees designated to view and / or release CORI shall be trained in the proper use and control of CORI.

### **II. Procedures**

- A. Specific facility / section / unit procedures relating to the access and dissemination of CORI will be found in their policy & procedure or operations manuals.

### **III. Forms**

SFSD CORI Release form



### **IV. References**

Penal Code § 11105

Penal Code § 11140-11144

Penal Code §13102

Department of Justice Policy, Practice and Procedures

<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>03/02/1993</b>	Policy #: <b>SFSD 01-10</b>
	Last Revised: <b>04/03/2017</b>	<i>Formerly I-32</i>
	Related Policies: SFSD 01-02 Public Information Plan SFSD 01-09 Criminal Offender Record Information Security SFSD 01-11 Personal Electronic Devices SFSD 01-17 CLETS	
	Approved By:	 <b>Vicki L. Hennessy, Sheriff</b>
Chapter: <b>01 Administration</b>	Title: <b>Computer and Data Security</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) will ensure that the use of computers and related equipment conforms to applicable federal, state and local law.

**PURPOSE:** To provide guidelines to SFSD employees ensuring that the SFSD complies with federal, state and local standards regarding computer use and data security.

**I. General**

- A. SFSD and **contract employees** with access to computer files may not release or disseminate information to others without authorization through the chain of command except as outlined in SFSD Policy and Procedure 01-02 and as permitted by federal, state and local law.
- B. Only software that has been authorized by the SFSD, purchased through an authorized City and County of San Francisco (CCSF) vendor and installed by either the SFSD Information and Technology Services Section or by the CCSF Department of Technology is permitted on CCSF or state-owned computers and related equipment. Computer software used by CCSF may not be duplicated or altered for personal use.
- C. SFSD employees may not use CCSF or state-owned computers, printers and information systems for personal business, amusement or any non-business related activity.
- D. Passwords are to be kept confidential.
- E. Without the permission of the SFSD Information and Technology Services Section (ITSS), no employee may:
  - 1. repair CCSF-owned computer hardware or software,
  - 2. change or upgrade CCSF-owned computer hardware or software, and / or
  - 3. move or store CCSF-owned computers or related equipment.
- F. All employees with access to a CCSF email account shall sign and abide by the email acceptable use policy agreement.
  - 1. Each time the CCSF updates the email acceptable use policy agreement all employees shall sign the update
    - a. The CCSF email acceptable use policy agreement shall be distributed by ITSS.

**II. Procedures**

- A. SFSD employees shall
  - 1. submit an ITSS Work Order to have SFSD computers or related equipment repaired, maintained, upgraded, moved or stored, and / or
  - 2. submit an ITSS Work Order to through their chain of command to request new software, computers or related equipment.
- B. SFSD employees working in an assignment that allows the use of non-SFSD computers or equipment and / or a non-SFSD network shall follow the procedures for that specific department that owns the computer equipment or network.



**III. Forms**

ITSS Work Order

**IV. References**

Not Applicable



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>05/06/2002</b>	Policy #: <b>SFSD 01-12</b>
	Last Revised: <b>01/03/2013</b>	<i>Formerly I-40</i>
<b>Related Policies:</b> SFSD 02-02 Critical Incident Notification SFSD 03-26 Psychiatric / Psychological Evaluations SFSD 03-27 Weapon Discharge Review Board SFSD 04-03 Peer Support and Critical Incident Response Team		
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>01 Administration</b>	Title: <b>Critical Incident: Administrative Action</b>	

**POLICY:** When a **critical incident** occurs that may overwhelm a San Francisco Sheriff's Department (SFSD) employee's usual ability to cope, the following steps will be reviewed to ensure that the employee is given access to necessary resources and to ensure continuity of administrative action. This policy does not address investigatory procedures, actions or operational concerns that may arise out of the incident.

**PURPOSE:** To provide administrative guidelines for SFSD employees in the event of a critical incident.

**I. General:**

- A. The Personnel Manager or designee is the single point of contact regarding work, firearm retention and return to duty status for an employee involved in a critical incident.
  - 1. The Personnel Manager or designee shall make all notifications to the employee in writing.
- B. Employees involved in a critical incident may be required to attend at least one session with the City and County of San Francisco's (CCSF) Employee Assistance Program (EAP) or with an equivalent program or resource approved by the SFSD.
  - 1. The only information the SFSD will request or obtain about that session (if required), in connection with the employee's employment status, is confirmation that the employee attended.

**II. Procedure:**

- A. If an employee is injured during the incident, the highest-ranking facility / section / unit supervisor available (in that employee's chain of command) shall make every effort to respond to the site / hospital to determine if the SFSD can render any assistance.
- B. If there is no injury to the employee, the Personnel Manager or designee may detail the employee to a no public – no inmate contact assignment for three days (or more with approval of the Sheriff or designee) to assist in recovery from the incident.
  - 1. For SFSD sworn employees involved in an **Officer-Involved Shooting**:
    - a. The employee shall surrender his / her firearm used in the shooting to the investigating agency.

## Critical Incidents – Administrative Action

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- b. Pending the completion of the Investigative Services Unit investigation the employee shall be assigned to a detail that does not require the use of a firearm.
- c. The Sheriff or designee will decide, on a case-by-case basis, whether the employee is allowed to **carry** a firearm on-duty and / or off-duty.

### **III. Forms:**

Not Applicable

### **IV. References:**

Not Applicable

<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>01/03/2013</b>	Policy #: <b>SFSD 01-13</b>
	Last Revised:	<i>Formerly L-1</i>
	Related Policies:	
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>01 Administration</b>	Title: <b>Management and Labor Meetings</b>	

**POLICY:** It is the policy of the San Francisco Sheriff's Department (SFSD) to comply with the Collective Bargaining Agreements (CBA) between the SFSD and its contract unions.

**PURPOSE:** To promote and provide for harmonious relations, cooperation and understanding between the Sheriff and SFSD employees.

**I. General:**

- A. Matters regarding representation, hours, wages, benefits and other management / employee rights are found within each union's respective CBA.
  - 1. **Management / Labor Meetings** shall be conducted at a mutually agreed upon date and time.
    - a. Either side may request a formal **Meet and Confer** session.
  - 2. **Caucus** time may be requested by either side.
- B. Both sides agree to treat each other with respect.

**II. Procedures:**

- A. The Sheriff or designee shall advise affected facility / section / unit commanders, in a timely manner, of any employee(s) requiring release time for union business.
  - 1. Such notification shall include:
    - a. the name of the employee;
    - b. the date the employee is to be released and
    - c. the specific hours the employee is to be released.
- B. For further procedures, refer to the respective union's current CBA.

**III. Forms:**

Not Applicable

**IV. Reference:**

- Meyers-Milias Brown Act
- Labor Agreement 1
- Employee Relations Division



<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	Date Issued: <b>01/03/2013</b>	Policy #: <b>SFSD 01-14</b>
	Last Revised:	
	Related Policies: SFSD 03-02 Discrimination and Harrassment	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>01 Administration</b>	Title: <b>Americans with Disabilities</b>	

**POLICY:** It is the policy of the San Francisco Sheriff's Department (SFSD) to comply with anti-discrimination laws relating to employment and the pre-employment process.

**PURPOSE:** To provide direction to employees and **qualified job applicants** about the process of requesting a **reasonable accommodation**.

**I. General:**

- A. All employees are required to perform the **essential functions** of their respective job classifications.
  - 1. A **disabled** employee, seeking a reasonable accommodation, may notify a supervisor or the Personnel Manager.
  - 2. The SFSD does not have permanent **modified duty** assignments.
- B. A qualified job applicant requesting a reasonable accommodation may contact the Personnel Analyst listed on the job application or the City and County of San Francisco Department of Human Resources (DHR).

**II. Procedures:**

- A. Once a supervisor has been made aware of a request for a reasonable accommodation that supervisor must contact the Personnel Manager immediately during business hours.



**III. Forms:**

Not Applicable

**IV. Reference:**

- Americans with Disabilities Act
- Fair Employment and Housing Act
- Civil Service Rule 103
- DHR-Employment Rights for Persons with Disabilities



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>06/23/2011</b>	Policy #: <b>SFSD 01-15</b>
	Last Revised: <b>01/03/2013</b>	
	Related Policies:	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>01 Administration</b>	Title: <b>Carry Concealed Weapon</b>	

**POLICY:** California Penal Code (PC) Sections 26150 through 26225 provide the legal framework and minimum criteria for issuing a Carry a Concealed Weapon (CCW) to members of the general public. The decision to issue a CCW license is discretionary. Penal Code section 26150 provides that the Sheriff may issue, but is not required to issue a CCW license.

**PURPOSE:** To establish a written uniform policy setting forth the general license requirements and application procedure for the issuance and / or denial CCW licenses.

**I. General:**

A. The Sheriff is authorized to issue two types of CCW licenses to members of the general public with no more than one concealable firearm per license and one license per person.

1. Employment:

a. The Sheriff may issue a CCW license to qualifying residents of other counties whose principle place of employment or business is in the City and County of San Francisco (CCSF) and who spend a substantial period of time at that location. These licenses are only valid in CCSF and expire in 90 calendar days. An employment license can only be renewed with the concurrence of the licensing authority in the county in which the license holder resides.

2. Resident:

a. These licenses may be issued to qualified applicants who reside within the CCSF for a term not to exceed two years. Resident licenses issued to qualifying state or federal judges, magistrates, or court commissioners may be authorized for a term not to exceed three years.

B. Any CCW license may contain additional restrictions and conditions such as time, place, manner, and circumstances in which the weapon may be carried and the length of time the license will remain valid. To be eligible for a license an applicant must be:

1. A San Francisco resident, for a residency license, or a non-resident whose principle place of employment is in San Francisco and who spends a substantial amount of time at that location for an employment license.
2. A citizen or legal resident of the United States of America.
3. At least 21 years of age at the time the application is submitted.

## Carry Concealed Weapon

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### C. Good Cause

1. The applicant must establish that there is good cause for the Sheriff to issue a CCW license. Good cause to issue a CCW license generally exists in the conditions of necessity. Applicants must supply convincing evidence of the following:
  - a. There is a presently existing significant risk of danger to life or of great bodily injury to the applicant and / or his or her spouse, domestic partner, and / or dependent(s);
  - b. the danger of harm is specific to the applicant and / or his or her immediate family and is not generally shared by other similarly situated members of the public;
  - c. existing law enforcement resources cannot adequately address the danger of harm;
  - d. the danger of harm cannot reasonably be avoided by alternative measures and
  - e. licensing the applicant to carry a concealed weapon is significantly likely to reduce the danger of harm.
2. While each of these factors is considered in the decision making process, a good cause determination is based on the totality of circumstances for each individual case and the Sheriff's determination is discretionary and final.

### D. Good Moral Character

1. If good cause is demonstrated, the SFSD shall conduct a background investigation in order to determine whether the applicant is of good moral character. To demonstrate good moral character the applicant must at a minimum:
  - a. Pass a background, including fingerprinting and personal references.
  - b. Be and remain qualified under state and federal law to possess, receive, own, and / or purchase a firearm.
  - c. Have no history of citations, arrests, convictions, civil lawsuits, employment discharges, dishonorable military discharges, license denials, license revocations or other actions indicating a possible propensity for violence, moral turpitude, drug and / or alcohol abuse, carelessness with weapons, and / or dishonesty.
2. The Sheriff shall make his moral character determination based on the results of the background investigation and any other pertinent information about the applicant's character and the totality of the circumstances. The Sheriff's decision is discretionary and final.

### E. Personal Suitability

1. The applicant must be free of any psychiatric and / or psychological conditions that may impact judgment when carrying a concealed weapon. The SFSD



## Carry Concealed Weapon

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requires all applicants to undergo a psychological examination administered by an approved SFSD provider.

### F. Firearms Training and Range Qualifications

1. The applicant must establish legal ownership and registration of the weapon to be licensed and must successfully complete 16 hours of training, as approved by the SFSD for purposes of CCW licensing. The applicant must successfully complete a range qualification class administered by the SFSD. Applicants are required to purchase and qualify with only an authorized firearm designated by the SFSD and are also responsible for providing their own ammunition.

### G. Additional Information

1. CCW license applications are available by contacting the Background Investigations Unit, located at 120-14<sup>th</sup> Street, San Francisco, California, 94103. Applicants may contact a Background Investigator at (415) 734-2301. Applicants should be aware that the application includes substantial personal information much of which may be subject to public access release under the Public Records Act and the Sunshine Ordinance.
2. Applicants who are denied a CCW license will be advised of the reason for the denial.

### II. Procedures:

Not Applicable

### III. Forms:

Not Applicable



### IV. Reference:

California Penal Codes 26150-26225

DOJ Application for License to Carry a Concealed Weapon (CCW)

SB 610



<p style="text-align: center;"><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p style="text-align: center;"><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: <b>01/03/2013</b></p>	<p>Policy #: <b>SFSD 01-16</b></p>
	<p>Last Revised:</p>	
	<p>Related Policies:</p>	
	<p>Approved By:</p>  <p style="text-align: center;"><b>Ross Mirkarimi, Sheriff</b></p>	
<p>Chapter: <b>01 Administration</b></p>	<p>Title: <b>Language Access</b></p>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) will comply with the City and County of San Francisco's (CCSF) Language Access Ordinance (LAO).

**PURPOSE:** To provide a guideline for SFSD employees on how and when to use language services, to formalize the SFSD's commitment to ensure access for less than English proficient (LEP) individuals, to establish qualified translation and interpretation services geared towards eliminating differential access and services for LEP individuals and to comply with federal, state and local law.

**I. General:**

- A. Under Title VI of the Civil Rights Act, law enforcement agencies that receive any federal assistance must take reasonable steps to ensure that their services are meaningfully accessible to those who are LEP.

**II. Procedures:**

- A. SFSD shall determine annually the percentage of LEP individuals who use the SFSD services and speak a language other than English. The determination is made by the following method:
  - 1. During a two week period each year, the SFSD will conduct a survey of contacts in specified locations.
  - 2. Completed surveys will be forwarded to the Sheriff or designee for review.
- B. SFSD shall inform LEP individuals of their right to request interpretation services by publicly posting (in languages as mandated by LAO) signage regarding SFSD services.
- C. Language access services are:
  - 1. telephone interpretation services (see attached instructions) and
  - 2. interpretation through multilingual CCSF employees
    - a. The SFSD shall maintain a list of multilingual SFSD employees.
- D. Recorded telephone messages:
  - 1. All facilities / sections / units with recorded telephone messages about the SFSD operation or services shall maintain such messages in each language mandated by LAO.

## Language Access

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### E. LAO complaints may be submitted to:

#### 1. Sheriff's Administration Division (Room 456, City Hall)

- a. Any facility / section / unit that receives a complaint should document actions taken to resolve the complaint. The complaint with the documented resolution should be forwarded to the Undersheriff or designee.
- b. The Undersheriff or designee will maintain the original complaint / resolution (for inclusion to the Annual Compliance Plan) and forward copies to the Immigrant Rights Commission (Commission) and the Office of Civic Engagement and Immigrant Affairs (OCEIA) within 30 days of receipt.

#### 2. The Investigative Services Unit

- ### F. The Sheriff or designee shall approve and file electronic copies of the Annual Compliance Plan by December 31st of each year (or as directed by the Mayor's Office) with the Mayor's Office, the Commission and the OCEIA.


### III. Forms:

Not Applicable

### IV. Reference:

San Francisco Administrative Code; Chapter 91: Equal Access to Services

Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.)

<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>04/03/2017</b>	Policy #: <b>SFSD 01-17</b>
	Last Revised:	
	Related Policies: SFSD 01-09 C.O.R.I. Security SFSD 01-10 Computer and Data Security	
	Approved By: <i>Vicki L. Hennessy</i> <b>Vicki L. Hennessy, Sheriff</b>	
Chapter: <b>01 Administration</b>	Title: <b>California Law Enforcement Telecommunications System (CLETS) Compliance</b>	

**POLICY:** Employees of the San Francisco Sheriff's Department (SFSD) will comply with all federal and state guidelines with regard to entries into the California Law Enforcement Telecommunication System (CLETS) database and the National Crime Information Center (NCIC).

**PURPOSE:** This policy is intended to ensure that all data entry, by full access users, into the CLETS system complies with CLETS policies, practices and procedures.

**I. General:**

- A. The accuracy of Criminal Justice Information System (CJIS) / NCIC records is an integral part of the CJIS / NCIC Systems. Data entered into CLETS and NCIC can result in the detention and / or restraint of individuals by law enforcement officers. It is imperative that all entries into CLETS / NCIC be accurate, updated and based on valid and official supporting documentation.
- B. CLETS entries shall be made only by authorized employees at the Central Warrant Bureau and by the Agency CLETS Coordinator, as needed.
- C. Every facility / section / unit tasked with entering CLETS data shall have in place detailed written orders for entering data into each CLETS system, including but not limited to:
  - 1. Wanted Persons System (WPS)
  - 2. Stolen Vehicle System (SVS)
  - 3. Missing and Unidentified Persons System (MUPS)
  - 4. Automated Firearms System (AFS)
  - 5. Restraining Order System (ROS / DVROS)

**II. Procedures:**

A. Second Party Data Validation

- 1. The entry must be validated by a second party before entry and that validation shall be documented.
  - a. The second party must be a full access user available at the time the entry is made.

2. The verification of a record shall:
  - a. ensure that all available cross-checks (e.g., Department of Motor Vehicle, Automated Criminal History System (ACHS), etc.) were made.
  - b. verify that data in the CJIS / NCIC record matches the data in the Master Case Record (MCR).
  - c. be recorded on the MCR.
- B. Periodic Review
  1. The entry must be subject to periodic review to determine if the item or person is still outstanding or wanted.
  2. The review must be documented. The Master Case File (MCF) or report that necessitated the entry must be kept accessible and on file by the facility / section / unit responsible for inquiries (hit responses).
- C. Validation and Recent Consultation
  1. Validation obliges the SFSD to confirm that the record is complete, accurate and still outstanding or active.
  2. Validation is accomplished by:
    - a. review of the entry and current supporting documents, and by
    - b. recent consultation with any appropriate complainant, victim, prosecutor, court, non-terminal agency or other appropriate source or individual.
- D. Hit Confirmation Procedures:
  1. Any SFSD sworn employee who receives a record(s) in response to a CJIS / NCIC inquiry must confirm the hit on any record(s) that appears to have been entered for the person or property inquired upon.
    - a. Confirmation ensures the validity of the hit before an arrest or seizure is made, thereby minimizing the potential for a false arrest and / or agency liability.
    - b. The CWB will be contacted for the purpose of validating a hit confirmation.
    - c. Confirmation must take place prior to taking any of the following actions based upon a CJIS / NCIC record hit:
      - i.* arresting the wanted person
      - ii.* detaining the missing person
      - iii.* seizing the stolen property
      - iv.* charging the subject with violating a protection order.

**III. Forms:**

Not Applicable

**IV. Reference:**

CLETS Policy, Practice and Procedure Manual

NCIC 2000 Operating Manual, Introduction, Section 3 – Quality Control, Validation and Other Procedures

CJIS Manual, Introduction – Policy and Procedures, Section 2.3

Facility / section / unit post orders for Central Records Unit and Central Warrant Bureau







# San Francisco Sheriff's Department

INTER-OFFICE CORRESPONDENCE

August 16, 2019  
Reference: 2019-096

To: All Inmates Housed in San Francisco County Jails  
From: Sheriff Vicki L. Hennessy *Vicki L. Hennessy*  
Subject: UPDATE: Milestone Credits Information and Frequently Asked Questions

Beginning May 13, 2019, the Sheriff's Department began allowing eligible inmates to earn Milestone Credits per Penal Code 4019.4.

To earn these credits, you must participate in the approved listed programs and achieve set benchmarks. Credits are only applied retroactively for unsentenced persons as noted in item 14.

1. **What are Milestone Credits?** Milestone Credits are credits for time off your county jail sentence that can be earned for completing approved educational, vocational or rehabilitation course work for this current incarceration.
2. **Do I have a right to earn Milestone Credits?** No. The opportunity to earn Milestone Credits is a privilege, not a right, and it is dependent on institutional security, available resources, and guidelines set forth by the sheriff.
3. **What if I am housed in Administrative Segregation or a disciplinary separation?** Inmates in special housing units may be permitted to earn Milestone Credits through independent study depending on availability. Inmates may not receive credit during a disciplinary separation in which there was a sustained Level 3 violation incurring a separation of more than five days.
4. **What if I am here as a federal prisoner or I am awaiting extradition?** Penal Code 4019.4 only applies to persons who are charged with state crimes. If you are here on a local matter and a federal or extradition case, then you may earn credits towards your local matter only. This does not prevent individuals from participating in available programs.
5. **How many days is one Milestone Credit?** Each Milestone is equal to seven days. You may not earn partial Milestones.
6. **Can my Milestone Credits be forfeited?** Yes, just like PC 4019 Good Time/Work Time Credits (half time), Milestone Credits can be taken away for sustained violations of jail rules.

7. **Is there a limit to how many Milestones I can earn?** Yes, you may only earn up to six Milestone Credits (42 days) per each 12 months of incarceration. If you earn more than six Milestone credits in a 12-month period, the excess credits will not be awarded until 12 months have passed from the date when you began earning your additional Milestone credits.
8. **Do I need to be sentenced to earn Milestone Credits?** No. However, you cannot be awarded the credits until you are sentenced.
9. **Will CDCR accept Milestone Credits that are earned in the county jail?** CDCR will not accept credits from the SFSD. However, the SFSD will, upon request, inform the court and probation of all credits earned prior to a state prison sentence. It is the discretion of the court whether to place those credits on your prison commitment.
10. **What happens to Milestone Credits that I earn if I post bail or am released on OR?** Inmates who earn Milestone Credits and are subsequently released prior to sentencing, who then return to custody on the same matter, may be entitled to the credits earned on the same case.
11. **What happens to my Milestone credits if I beat my case or am given CTS at sentencing?** Inmates who are given credit for time served at sentencing will not be afforded program Milestone Credit awards on the case for which they have been released from custody. This is true even if you are returned to custody on a probation violation for the same case. If you are found not guilty or your case is dismissed, you will not be able to carry over the credits earned for a future incarceration.
12. **What if I think I am due more Milestone Credits than I was awarded, or I am denied credits for not fully participating and I think I was participating?** If you have any issue with being awarded credits you should start by speaking with your instructor or program coordinator. If you are not satisfied with the response you may use the grievance procedure.
13. **What about AA, NA, Religious Services or other programs, classes or services offered by the community?** Only programs on the approved programming list are eligible for earning Milestone Credits. However, the SFSD strongly supports your participating in any class, program or service that will help you meet your goal of taking accountability for your actions and preparing for a future without further incarcerations.
14. **Can I obtain Milestone credits for programmatic activity that I engaged in prior to May 13, 2019?** If you are serving a county jail sentence or have a sentencing date scheduled for a CDCR sentence and you believe that you have earned Milestone credits prior to May 13, 2019, you may apply through Prisoner Legal Services for retroactive Milestone Credits by completing a PLS request form for this purpose. The Director of Programs will work with Records to determine if Milestone credits can be verified and awarded for the current incarceration. Retroactive credits for such cases will only be researched for the period of January 1, 2017 through May 13, 2019. Persons who were sentenced to CDCR after May 13, 2019 who believe that they may have earned retroactive milestone credits may have their attorneys contact PLS to determine if there are verifiable credits that may be applied.





# San Francisco Sheriff's Department

## INTER-OFFICE CORRESPONDENCE

15. **Am I entitled to credits for all classes/programming that I participate in while incarcerated?** No, you are entitled to credits for full participation in the approved list of programs. If you do not fully participate, are generally disruptive or do not follow the expected norms of the class and/or program you are participating in, you will not be given credits for that day and risk being removed from credit earning programs.
16. **Can the SFSD notify the court and/or Adult Probation of violations of jail rules and refusals to program or fully participate in programming?** The SFSD may at any time place information regarding refusal to take advantage of offered programs, and violations of jail rules in your jacket so they may be reviewed by APD and reported to the court.



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>08/01/2002</b>	Policy#: <b>SFSD 02-01</b>
	Last Revised: <b>05/23/2013</b>	Formerly <i>B-03</i>
	Related Policies: SFSD 02-02 Critical Incident Notification	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>NIMS / SEMS and Incident Command System</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) will institute an **Incident Command System (ICS)** that is appropriate to the situation and is consistent with the **National Incident Management System (NIMS)** and State **Standardized Emergency Management System (SEMS)** protocols when confronted with a man-made or natural, emergency / high-risk incident or event.

**PURPOSE:** To provide a systematic approach to event or incident management that guides involved employees toward a resolution that is consistent with the goals and objectives of the SFSD and the City and County of San Francisco (CCSF).

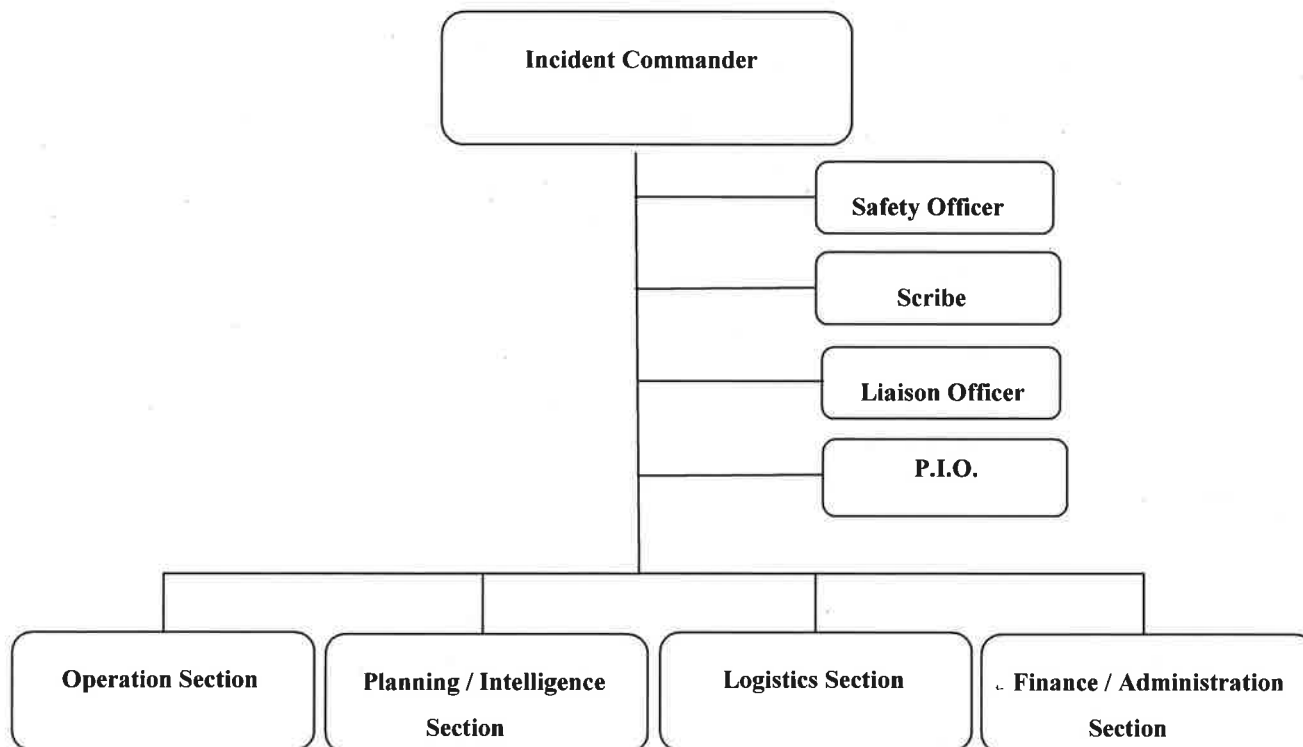
**I. General:**

- A. The intent of NIMS / SEMS is to be applicable across a full spectrum of potential incidents and hazard scenarios regardless of size or complexity.
- B. A key component of NIMS / SEMS is the Incident Command System (ICS). The ICS provides a standard, on scene, all hazard incident management system.
  - 1. The ICS is expandable or contractible as needed.
- C. The ICS is composed of five basic organizational functions:
  - 1. Command:
    - a. is composed of up to five members who are called "Incident Command Staff."
    - b. designates the **Incident Commander (IC)** as the overall person in charge of the incident or event.
  - 2. Operations Section:
    - a. coordinates activities at the scene;
    - b. develops tactical / operational objective(s);
    - c. directs resources dedicated to scene management and
    - d. carries out the tactical missions of the incident action plan.
  - 3. Planning / Intelligence Section:
    - a. gathers and evaluates all data;

- b. develops plans for consideration by the IC and Operations Sections and
  - c. maintains resource status.
4. Logistics Section:
- a. Provides and manages resources needed to support event management.
5. Finance / Administration Section:
- a. monitors SFSD costs related to event management;
  - b. monitors personnel and payroll issues;
  - c. provides for accounting and procurement and
  - d. develops cost analyses.
- D. The ICS provides for an IC. The primary functions of the IC are to:
- 1. establish the **Incident Command Post (ICP)**;
  - 2. assess the evolving situation (s);
  - 3. determine objectives and strategies;
  - 4. assign necessary staff;
  - 5. activate ICS elements;
  - 6. conduct initial briefing;
  - 7. approve all plans;
  - 8. approve resource orders;
  - 9. approve media releases;
  - 10. approve demobilization plan;
  - 11. ensure coordination of employees and
  - 12. manage an incident through the Operations Section **Officer in Charge (OIC)**.
- E. The IC works from within the ICP. The IC has an Incident Command Staff consisting of:
- 1. Scribe:
    - a. records decisions and makes a historical record;
    - b. maintains / distributes situation reports;
    - c. gathers information from other sections for ICP log;
    - d. refers newsworthy information to the **Public Information Officer (PIO)** and
    - e. ensures all messages are properly routed.
  - 2. Safety Officer:
    - a. participates in planning meetings;

- b. identifies hazardous situations;
  - c. reviews plan for safety implications;
  - d. stops unsafe acts (that are outside of the planned objectives / strategies);
  - e. investigates accidents and
  - f. develops a hazardous material site safety plan.
3. Liaison Officer:
- a. acts as the point of contact for agency representatives;
  - b. identifies agency representatives and communications link and locations;
  - c. identifies agency's ICS organizational contacts;
  - d. identifies potential inter-organizational problems and
  - e. provides information and maintains liaison with other agencies not on scene.
4. PIO:
- a. provides initial information summary;
  - b. works with IC for approval on all media releases;
  - c. facilitates meetings between incident personnel and media and
  - d. provides media briefings.

**The Incident Command System Structure**



**II. Procedures:**

- A. The IC is responsible for establishing the ICS in the command post to manage the operation effectively. A complete or partial ICS structure activation will be implemented appropriate to the severity of the incident or event.
  - 1. A **Department Operations Center (DOC)** may be activated when coordinating with other agencies and / or **Department of Emergency Management (DEM) / Division of Emergency Services (DES)** is indicated or when the SFSD is managing numerous events simultaneously.
    - a. In a large event where multiple agencies are involved in managing a major incident the **Unified Command (UC)**, of that event, may request the SFSD to employ a DOC.
    - b. The DOC may at times serve as both the ICP and DOC. In any incident or event requiring the activation of the DOC, the DOC will be staffed at a minimum of an Officer in Charge (OIC) and **Radio Telephone Operator (s) (RTOs)**.
- B. Planned events are managed by a Chief Deputy or designee.
- C. Unplanned events are managed by the initial sworn employee or highest ranking supervisor on scene. The initial IC may relinquish command to a higher ranking sworn supervisor or to a lower ranking sworn staff member who has superior technical knowledge and training to manage the incident or event.
  - 1. The highest ranking supervisor retains responsibility for the event although he / she may delegate command to a lower ranking supervisor.
- D. The IC:
  - 1. shall take immediate steps to protect life and property;
  - 2. shall take initial steps as outlined in the IC functions and assigns command staff as necessary;
  - 3. shall notify dispatch of the situation and ask for additional assistance if necessary and contact the SFSD 24-Hour Emergency Notification Line (Central Warrants Bureau (CWB));
    - a. Highest ranking supervisor or designee may contact the Emergency Services Unit (ESU) Coordinator and / or
    - b. the ESU Coordinator or his / her designee may activate the duty ESU squad if necessary.

**III. Forms:**

Not Applicable

**IV. Reference:**

Response Levels

NIMS / SEMS







San Francisco Sheriff's Department  
Critical Incident Notification Checklist

Day: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Watch Commander Information:
Name/Star: _____ Rank: _____ Facility: _____ Section: _____ Unit: _____
Describe Incident: _____ _____
Time of Incident: _____ Time of Discovery: _____ Location of Incident: _____ Criminal History Attached: Y or N
Who is involved:
Sworn Employee's Name/Star: _____ Rank: _____ Assignment: _____ Shift: _____ Tenure: _____
Sworn Employee's Name/Star: _____ Rank: _____ Assignment: _____ Shift: _____ Tenure: _____
Suspect's/ Inmate's Name: _____ DOB: _____ Charges: _____ Date booked: _____
Suspect's or Inmate's name: _____ DOB: _____ Charges: _____ Date booked: _____
Other Agencies Involved: _____
Other Individuals Involved: _____
Why and How Did the Incident Happen: _____ _____
Notifications To: <input type="checkbox"/> Facility Commander <input type="checkbox"/> Division Commander <input type="checkbox"/> CWB <input type="checkbox"/> ISU <input type="checkbox"/> WSU <input type="checkbox"/> Chief of Staff <input type="checkbox"/> Fire Dept. <input type="checkbox"/> Other Agencies:
Action Taken to Manage Incident: _____ _____



<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	Date Issued: <b>05/05/2010</b>	Policy #: <b>SFSD 02-02</b>
	Last Revised: <b>05/15/2013</b>	<i>Formerly B-04</i>
	Related Policies: SFSD 01-12 Critical Incidents – Administrative Action SFSD 02-01 NIMS / SEMS and Incident Command System	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Critical Incident Notification</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) will follow the established notification process to ensure that a successful management of any critical incident is achieved. The notification process will expedite the allocation of available resources to address any critical incident.

**PURPOSE:** To ensure critical incidents notifications are made to the Sheriff, Undersheriff and / or Assistant Sheriff in a timely manner.

**I. General:**

- A. The Sheriff or designee shall be notified of all incidents that meet any of the following criteria:
  - 1. any incident that falls within the category of **Critical Incidents**;
  - 2. any incident that has adversely affected or has the potential to adversely affect the SFSD operations and
  - 3. any incident that has attracted or has the potential to attract significant media attention.
- B. Verbal notification is the preferred method of notification. Notification will be made as soon as the essential facts are known and without undue delay.

**II. Procedures**

- A. In the event of a critical incident, watch commanders or their designees, will notify the facility / section / unit commander.
  - 1. The watch commander or designee will ensure that the Critical Incident Notification Checklist is completed prior to making notifications.
  - 2. The circumstances of the incident may be such that the watch commander may be unable to make all of the immediate notifications. If so, the watch commander will call the 24 Hour Emergency Notification Line at Central Warrants Bureau (CWB) to request assistance with the notification process.
    - a. The watch commander should make every effort to contact personally the facility / section / unit commander.

## Critical Incident Notification

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3. A CWB unit sworn employee will continue to complete the Emergency Notification Checklist form and continue with the notification process after receiving all pertinent information from the watch commander.
  - a. CWB will notify Warrant Services Unit and Investigative Services Unit when there is a release in error or an escape.
  - b. CWB will notify the Emergency Services Unit should the critical incident warrant their response.
- B. Watch commanders will notify the facility / section / unit commander and Chief of Staff when a critical incident occurs.
  1. The facility / section / unit commander will notify the Division Commander.
    - a. If the Facility / section/ unit commanders report to a Captain they will notify their Captain. The Captain will notify the Division Commander.
  2. The Division Commander will notify the Undersheriff or Assistant Sheriff.
  3. The Undersheriff or Assistant Sheriff will notify the Sheriff and Chief of Staff.
- C. Watch commanders will update the facility / section / unit commander of on-going critical incidents.
  1. The facility / section / unit commander will update the Division Commander.
  2. The Division Commander will update the Undersheriff or Assistant Sheriff.
  3. The Undersheriff or Assistant Sheriff will notify the Sheriff and Chief of Staff.
- D. At each level the employee receiving the information shall make the decision whether or not to continue the notification to the next level of command.
- E. When employees in the chain of command are not available, the notification process will be made to the next level.

### III. Forms:

Emergency Notification Checklist

### IV. References:

Not Applicable

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, deputies and Institutional Police (IP Officers) of this department are expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner. The term "deputies" throughout the Department policy and procedure manuals refers to all sworn staff of every rank.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

**Excessive force** - The use of more force than is objectively reasonable under the circumstances to accomplish a lawful purpose.

**Use of force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. Intentionally pointing a gun at another person may under certain circumstances be considered a use of force. It is not a use of force when a person allows themselves to be searched, escorted, handcuffed, or restrained.

### 300.2 POLICY

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

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

The Department recognizes and respects the value of all human life. Vesting deputies and IP Officers with the authority to use reasonable force and to protect all persons requires monitoring and evaluation.

It is the policy of this Department to accomplish the Department's functions with minimal reliance on the use of force and generally as the last alternative.

#### 300.2.1 DUTY TO INTERCEDE

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

# San Francisco Sheriff's Department

## Administration and Field Operations Policy Manual

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#### **300.3 USE OF FORCE**

Deputies and IP Officers may use force as reasonably appears necessary in the performance of their duties, but no deputy or IP officer shall use excessive force. Deputies and IP Officers must use only that amount of force that appears reasonably necessary under the totality of the circumstances known to the deputy or IP Officer at the time. A deputy or IP Officer may use reasonable force in order to gain control of the person, to protect and ensure the safety of all persons, to prevent serious property damage, prevent escape, obtain compliance with deputy's or IP Officer's orders, facility security and rules, or for other lawful purposes. However, a Deputy or IP Officer may use deadly force only when necessary in defense of human life. Cal. Penal Code §835a (2).

Deputies and IP Officers shall use only that amount of force that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy or IP Officer in the same situation, based on the totality of the circumstances known to or perceived by the deputy or IP Officer in the same situation, rather than with the benefit of hindsight. Any evaluation of reasonableness must allow for the fact that deputies and IP Officers are often forced to make quick judgments about using force, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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

The Department has provided a number of tools, weapons, and training on techniques to use when responding to resistance and violent persons. While various degrees of force exist, each officer is expected to use only that degree of force that is reasonable under the circumstances to successfully accomplish the legitimate and lawful purpose in accordance with this policy.

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

Prior to resorting to the use of force, deputies and IP Officers should, when practical, attempt verbal persuasion, orders, or other tactics to avoid or mitigate the need for forceful action. Nothing in this policy is intended to require that force options be used in a particular order. However, the force option used must be objectively reasonable under the circumstances to accomplish a lawful objective.

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

# San Francisco Sheriff's Department

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injury before applying reasonable force. For purposes of effecting an arrest, preventing escape, or overcoming resistance, retreat does not mean tactical repositioning or other de-escalation tactics.

Deputies on duty and wearing plain clothes shall identify themselves as peace officers prior to the use of force, when feasible.

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

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

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

When determining whether to apply force and evaluating whether a deputy or IP Officer has used reasonable force, a number of factors should be considered as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to the safety of deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy or IP Officer at the time.
- (c) Deputy/IP Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Person's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the person has been effectively restrained and their ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy or IP Officer.
- (k) Potential for injury to deputies, IP Officers, suspects, and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy or IP Officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the person or a prompt resolution of the situation.

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- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy, IP Officers or others.
- (p) Prior contacts with the person or awareness of the person's propensity for violence, if known.
- (q) Any other exigent circumstances.

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies or IP Officers utilizing any pain compliance technique should consider these factors before applying the technique:

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

The deputy or IP Officer shall discontinue the application of any pain compliance technique once the deputy or IP Officer determines that control has been achieved.

#### 300.3.4 CAROTID CONTROL HOLD

Sheriff's deputies and IP Officers are prohibited from choking and/or using the carotid control hold on any person. Any deputy or IP Officer who is aware of or witnesses the application of a carotid or choke hold on a person shall:

- (a) Regardless of whether the person was rendered unconscious, summon paramedics or other qualified medical personnel to examine the person as soon as possible and monitor the person until examined by paramedics or medical personnel.
- (b) Inform any person receiving custody of the individual, or any person that will provide care for the individual, that the individual has been subjected to choking or the carotid control hold and whether the individual lost consciousness as a result.
- (c) Promptly notify a supervisor of the use or attempted use of such hold or choking.
- (d) Thoroughly document the use or attempted use of the carotid control hold or choking in an Incident Report.

#### 300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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



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

Use of deadly force is justified in the following limited circumstances:

- (a) A deputy or IP Officer may use deadly force:
  - 1. To protect themselves or others from what they reasonably believe to be an imminent threat of death or serious bodily injury.
  - 2. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.
- (b) A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that the person has a present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely the threat of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.
- (c) A deputy or IP Officer shall use other available resources and techniques rather than deadly force if reasonably safe and feasible to an objectively reasonable officer.
- (d) Where feasible, prior to using deadly force, a deputy or IP Officer must make reasonable efforts to identify themselves and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe that the person is aware of those facts.

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

Deputies and IP Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy or IP Officer should only discharge a firearm at a moving vehicle or its occupants when the deputy or IP Officer reasonably believes that the vehicle poses an imminent threat of deadly force or serious bodily injury to the deputy, IP Officer, or another person, and there are no other reasonable means available to avert the threat of the vehicle, or an occupant is directing deadly force other than the vehicle, such as a firearm, at the deputy, IP Officers or others.

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

##### **300.4.2 USE OF DEADLY FORCE NOTIFICATION**

A deputy or IP Officer who intentionally or accidentally uses deadly force or is involved in an incident where the deputy or IP Officer may have caused a death or serious bodily injury, whether on- or off-duty, the deputy or IP Officer shall initiate the necessary health, safety and security measures. When it is safe to do so, the deputy or IP Officer shall notify the law enforcement agency of that jurisdiction and a Sheriff's supervisor of the incident without delay. The supervisor shall promptly notify the Watch Commander, who shall promptly notify the Facility/Section/Unit Commander. The Watch Commander and/or Facility/Section/Unit Commander shall promptly notify the chain of command and initiate the necessary health, safety and security measures

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unless the Watch Commander and/or Facility/Section/Unit Commander confirms that the deputy or IP Officer that used force has already done so.

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

A deputy or IP Officer or their supervisor shall promptly, completely and accurately document any use of force.

An Incident Report shall be written for any Use of Force except:

- a) When applying handcuffs, shackles or belly chains to a non-resistant person.
- b) When using Department trained pain compliance or control holds that do not cause more than momentary discomfort to the person.
- c) When discharging a firearm at a person or animal.

The report shall include the factors perceived and why the deputy or IP Officer believed the use of force was reasonable under the circumstances, including the initial reason for the contact. Deputies and IP Officers who directly observe a use of force incident shall make a verbal report to a supervisor as soon as practical and shall submit an Incident Report prior to the end of the shift unless directed otherwise by a supervisor. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified by a supervisor, in department policy, procedure or law.

Any use of force shall be documented on the Use of Force Log except:

- a) When applying handcuffs, shackles or belly chains to a non-resistant person.
- b) When discharging a firearm at a person or animal.

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

Deputies and IP Officers shall notify a supervisor, without unnecessary delay, following the application of force, including instances where deputies or IP Officers take enforcement action on- or off-duty and a use of force occurred, in any of the following circumstances:

- (a) The application of force caused a visible injury.
- (b) The application of force would lead a reasonable deputy or IP Officer to conclude that the individual may have experienced more than momentary discomfort, to include pain compliance techniques.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The deputy or IP Officer used or applied a control device or technique (see Control Devices and Techniques Policy).
- (e) The deputy or IP Officer used a Conducted Electrical Weapon (CEW) (see Conducted Electrical Weapon Policy).
- (f) The deputy or IP Officer applied a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) The deputy or IP Officer struck or kicked the individual.

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- (i) When the deputy or IP Officer used a spit mask in conjunction with any other use of force option (see Handcuffing and Restraints Policy).
- (j) The deputy or IP Officer used a firearm outside of department-approved training, including when the deputy or IP Officer intentionally pointed a firearm at a person or animal.
- (k) An individual alleges any of the above has occurred.

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#### 300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

#### 300.5.3 DOCUMENTATION

Use of force Incident Reports shall include:

- (a) A clear, detailed description of the incident, including any application of weapons or restraints.
- (b) The identity of all involved in the incident.
- (c) The specific reasons for the application of force.
- (d) The threat as perceived by the deputies or IP Officers involved.
- (e) Efforts made to temper the severity of a forceful response, and if there were none, the reasons why.
- (f) Description of injuries to any person involved in the incident, including the result of any medical checks that show the presence or absence of injury.

Any supervisor overseeing a planned response where the potential for the use of force exists (i.e. SORT response) must assign a deputy to video-record the planned response. The deputy recording the planned response shall require all officers participating in the response to identify themselves on the video-recording at the start of the recording and before the planned response.

Deputies and IP Officers shall include the recording and documentation in the investigation package, if applicable. The supervisor shall ensure the recording is properly processed for retention and a copy is forwarded with the report to the Facility/Section/Unit Commander within three working days.

#### **300.6 MEDICAL CONSIDERATION**

Deputies, IP Officers and/or supervisors shall ensure a medical check is performed on all persons who have been subjected to force as soon as practical, regardless of an apparent injury.

Prior to booking or release, deputies and IP Officers shall ensure medical assistance is obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Deputies and IP Officers observing any individual exhibiting signs of physical distress after an encounter shall continuously monitor the individual and render aid until medical personnel can assess the individual.

Based upon the deputy's or IP Officer's initial assessment of the nature and extent of the person's injuries, a deputy or IP Officer must summon medical assistance, which may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail and shall render aid as appropriate until the arrival of medical assistance. If any such individual refuses medical attention, the deputy or IP Officer shall document such a refusal in related reports. If a

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recording is made of the contact or an interview with the individual, the deputy or IP Officer shall record any refusal, whenever possible.

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

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

#### **300.6.1 POST USE OF FORCE POSITIONING AND MONITORING**

After gaining control of a person following an application of force, deputies and IP Officers shall:

- (a) Avoid sitting, kneeling or standing on the person's back or chest which may reduce their ability to breathe.
- (b) Position the person to allow free breathing (position of recovery: lying on their side, seated on the floor, etc.).
- (c) When feasible, the person will not be forced to lie on their stomach.
- (d) Monitor the person until seen by medical personnel.
- (e) Request a medical response to the scene.

#### **300.7 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident or was notified of an incident, in which there has been a reported use of force, the supervisor shall:

- (a) Obtain the basic facts from the involved deputies or IP Officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) In cases involving the use of deadly force or when a deputy's or IP Officer's use of force has caused serious injury, obtain an oral statement from the deputy or IP Officer. The statement should be restricted to concerns that may pose an ongoing threat to the deputy or IP Officer, the involved individual, security of the facility/building, or public. The supervisor shall then take appropriate measures to address public safety concerns, document the essence of the oral statements in writing and submit it to the Watch Commander or Facility/Section/Unit Commander.

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- (c) Ensure that any injured parties are examined and treated by medical staff, regardless of whether any injuries are reported or detectable.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas, on any person. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify witnesses not already included in related reports.
- (f) Review and approve all related reports.

If the supervisor believes that any use of force was not within policy, the supervisor shall detail those findings in a separate report and submit it to the Watch Commander and Facility/Section/Unit Commander.

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

If a person has made an allegation of any unnecessary or excessive use of force, that complaint shall be forwarded to the Undersheriff (or Assistant Sheriff in their absence).

#### **300.7.1 WATCH COMMANDER RESPONSIBILITY**

Every Watch Commander shall review each use of force by deputies and IP Officers within their command to ensure compliance with this policy and to address any training issues. Watch Commanders shall brief the Facility/Section/Unit Commander on use of force incidents on their Watch.

#### **300.8 TRAINING**

Deputies and IP Officers will receive periodic training on this policy and demonstrate their knowledge and understanding. The Training Unit Commander shall work with Division Commanders to ensure training mandates are met. This training shall include the following:

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- (a) Self-defense
- (b) Use of force to control persons
- (c) Control devices and techniques
- (d) Weapons training
- (e) Confrontation avoidance procedures:
  - 1. Communication techniques
  - 2. Inclusivity
  - 3. Dealing with the mentally ill
- (f) Application of restraints
- (g) Reporting procedures
- (h) Forced cell extraction techniques
- (i) SORT Team techniques

#### **300.8.1 PERIODIC TRAINING**

Facility/Section/Unit Commanders or designee should conduct, and document regular periodic briefings concerning this policy and the storage and use of weapons and control devices. Any test sheets or documentation of performance should be forwarded to the Training Unit Commander to be included in the employee's training record.

#### **300.9 USE OF FORCE ANALYSIS**

Beginning six months after the adoption of this policy and then at least annually, each Division Chief Deputy shall prepare an analysis report on use of force incidents in their Division. The report shall be submitted to the Sheriff. The report should not contain the names of deputies, IP Officers, suspects, inmates or case numbers, but shall include the following de-identified information:

- (a) The identification of trends in the use of force by employees.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

#### **300.10 USE OF FORCE REVIEW BOARD**

The Use of Force Review Board for the San Francisco Sheriff's Department is established to review the use of force by its deputies and IP Officers in order to learn from experiences, adjust policies and procedures as needed, and conduct recommended training (see Use of Force Review Board Policy).

#### **300.11 ATTACHMENTS**

See attachment: Use of Force Log.pdf

## Attachments



## Use of Force Log.pdf

**San Francisco Sheriff's Department  
MONTHLY USE OF FORCE LOG**



Facility/Section/Unit: \_\_\_\_\_

Month: \_\_\_\_\_

Year: \_\_\_\_\_

Day/Date	Time	Sworn Last Name # Star	Individual on Who Force Was Used	Injuries to any Person? Describe	Report #	RFD Issued?	Safety Cell?	JHS/JBHS Notified?
Type of Force Used, Location and Purpose for Use of Force								
Type of Force Used, Location and Purpose for Use of Force								
Type of Force Used, Location and Purpose for Use of Force								
Type of Force Used, Location and Purpose for Use of Force								
Type of Force Used, Location and Purpose for Use of Force								
Type of Force Used, Location and Purpose for Use of Force								

11.25.19

<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>01/16/2013</b>	Policy #: <b>SFSD 02-04</b>
	Last Revised:	
	Related Policies: SFSD 02-03 Use of Force SFSD 02-05 Authorized Handguns SFSD 02-06 Authorized Shotguns SFSD 02-07 Impact Weapons SFSD 02-08 IAD / Chemical Agents	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Projectile Impact Weapon</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) authorizes the use of a projectile impact weapon as a force option.

**PURPOSE:** To provide guidelines in the **deployment** and **use** of a projectile impact weapon.

**I. General:**

- A. A projectile impact weapon may be used by sworn employees who have successfully completed an SFSD training course certified in its use.
  - 1. Recertification is required every two years.
- B. A projectile impact weapon shall not be deployed or used inside a jail unless authorized by the facility or watch commander.
- C. A projectile impact weapon may be deployed and used in accordance to the Use of Force policy and used in conjunction with protective equipment. The projectile impact weapon is allowed under the following conditions:
  - 1. cell extraction;
  - 2. demonstrations;
  - 3. to suppress a disturbance;
  - 4. to control an individual(s) who poses an imminent threat;
  - 5. to incapacitate a ring leader or instigator in a disturbance, civil unrest, riot and / or
  - 6. to prevent an individual from harming himself / herself.
- D. Sworn employees should attempt to avoid aiming at the head or center torso of an individual when discharging the projectile impact weapon unless using it as a deadly force option.

**II. Procedures:**

- A. Sworn employees shall document the deployment of the projectile impact weapon as outlined in the SFSD Incident Report Policy.

**III. Forms:**

Not Applicable

**IV. Reference:**

Not Applicable





## San Francisco Sheriff's Department Authorized Handguns List

### Semi-Automatic Pistols:

- Beretta
- Glock
- H&K
- Kahr
- ParaOrdnance
- Ruger
- Sig Sauer
- Smith & Wesson
- Springfield Armorer
- Walther

### Chambered for:

- 9 x 19 or 9mm Parabellum
- .40 Smith & Wesson
- .45 ACP
- .380 ACP for off-duty use only

### Provided that:

- No single action semi-auto firearm of any kind (i.e. 1911 type)
- Semi-auto handgun must have a firing pin safety or block
- Glock firearms must be fitted with a standard connector and a NY-1 trigger spring or
- A standard connector and a standard factory spring

### Revolvers:

The following specifications for approved revolvers apply to sworn employees who use a revolver weapon on or off duty. The barrel of the revolver must be between a 1.5 to 6 inches. The barrel of the revolver used on duty shall measure between 4 to 6 inches.

- Colt
- Ruger
- Smith & Wesson

### Chambered for:

- .38 Special / .357 Magnum



## San Francisco Sheriff's Department Authorized Ammunition List

### Ammunition Type

#### 9mm

- 147 grain Jacketed Hollow Point (JHP)
- Federal / Remington / Speer / Winchester

#### .40 Smith & Wesson

- 180 grain JHP
- Federal / Remington / Speer / Winchester

#### .45 ACP

- 230 grain JHP
- Federal / Remington / Speer / Winchester

#### .38 Special

- For use in medium or large frame revolver with a 4" or 6" barrel
- 147 grain + P + JHP
- Federal / Remington / Speer / Winchester

#### .38 Special

- For revolvers that have less than a 4" barrel
- 135 grain JHP
- SPEER GOLD DOT

#### .380 ACP (Off-Duty use only)

- Federal Hydra-Shok 90 grain JHP
- Winchester Supreme 95 Grain JHP

No reloaded or aftermarket ammunition is authorized by the SFSD for use in any duty weapon.



## San Francisco Sheriff's Department Authorized Holster List

Generally, the following nomenclature is used to describe the current holster levels of security:

- Level 1 - a single point of retention, such as a thumb release top strap or hood
- Level 2 - usually some sort of trigger guard retention, and / or an ejection port insert that will not allow a non-user draw, plus the thumb release top strap
- Level 3 - a separate release strap or guard along with the previously mentioned retention systems and thumb release top strap

### Holsters – On Duty / In Uniform

Holsters worn in uniform will be security Level 1, 2 or 3, in black basket weave leather with brass or hidden hardware or, a security Level 2 or 3, in black synthetic material with hidden hardware. The only Level 1 holster authorized on duty / in uniform is the issued Ted Blocker Z300.

Duty belt holsters are to be carried on the dominate side only; no belt carry cross draws or swivel type holsters are allowed.

Drop Holsters are not authorized 2.5" or greater from the bottom of the duty belt to the highest attachment point.

The Special Response Team (SRT) is authorized to use thigh holsters on their gun side when engaged in SRT activities.

The K9 unit is authorized to use thigh holster on their gun side.

Sworn employees must carry holsters that are designed for the designated handgun, make, and model.

### Holsters – On Duty / Non-Uniform

Level 1, 2 or 3 made of black or brown leather

Level 1, 2 or 3 made of black synthetic material

Level 1 or 2 shoulder holsters made of black, brown leather or black synthetic material.



### Holster - Off-Duty

All holsters (except fanny pack type) must be designated for the firearm make and model carried.

All holsters (except holsters worn inside the pants) must be a minimum of level 1





<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>07/24/1996</b>	Policy #: <b>SFSD 02-05</b>
	Last Revised: <b>01/16/2013</b>	Formerly <i>D-09</i>
	Related Policies: SFSD 02-03 Use of Force SFSD 02-04 Projectile Impact Weapon SFSD 02-06 Authorized Shotguns SFSD 02-07 Impact Weapons SFSD 02-08 IAD / Chemical Agents SFSD 02-09 Protective Hoods SFSD 02-10 Shields SFSD 02-11 ECD / Taser SFSD 02-23 Incident Reports SFSD 03-40 Uniform Equipment	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Authorized Handguns</b>	

**POLICY:** Sworn employees are authorized to carry handguns, both on and off duty, with the authorization of the Sheriff. The Sheriff has the authority, duty and responsibility to regulate handguns, ammunition and related equipment which may be carried; specify the conditions for carrying those handguns, ammunition and related equipment and, if necessary, prohibit an employee(s) from carrying or using those handguns, ammunition and related equipment on or off duty.

**PURPOSE:** To provide guidelines for the use of firearms on and off duty as well as to provide standards (through Authorized Lists) of handguns, ammunition and related equipment.

**I. General:**

- A. Except during SFSD authorized training, a sworn employee, codified under California Penal Code § 830.1, shall not carry a handgun on or off duty unless he / she has graduated from a Peace Officers Standards and Training Basic (P.O.S.T) academy and is authorized by the Sheriff to do so.
- B. An employee certified under California Penal Code § 830.7 is not a Peace Officer but has powers of arrest during the course and within the scope of their employment.
  - 1. Except during SFSD authorized training, an employee, codified under California Penal Code § 830.7, shall not carry a firearm on duty unless authorized by the Sheriff to do so.
  - 2. Employees, codified under California Penal Code § 830.7, are not authorized to carry firearms off duty.
- C. Sworn employees must comply with SFSD policies regarding firearms and firearm qualifications as well as applicable statutes regarding peace officers and firearms.
- D. No one shall carry a firearm or ammunition in a jail, in San Francisco General Hospital (SFGH) Ward 7D / 7L or in any unauthorized area except by direct order of the highest ranking sworn supervisor on scene.
  - 1. This applies to any individual attempting entry to a SFSD and / or SFGH facility where carrying a firearm is unauthorized.
- E. Sworn employees will carry authorized handguns when on duty and in public.
- F. A sworn employee shall not be assigned to armed posts and / or duty assignments that

Authorized Handguns

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require a handgun if:

1. He / she is not authorized to carry a handgun and / or
2. His / her authority to carry has been rescinded.

G. A sworn employee shall carry handguns, ammunition and related equipment (on or off duty if authorized) only under the following conditions:

1. The sworn employee is currently qualified with that specific handgun;
2. the handgun is listed in the current Authorized List;
3. it is issued by the SFSD or
4. a sworn employee requests (in writing) the Range Master to make a recommendation (in writing) to the Sheriff to authorize (in writing) the carrying of a specific handgun, ammunition or related equipment not on the SFSD Authorized List.

H. Any sworn employee on duty, in uniform, and in a public place shall:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

I. Any sworn employee on duty and not in uniform and in a public place shall:

- [Redacted]
- [Redacted]
- [Redacted]

4. secure the handgun in an authorized holster on their person in a manner recommended by the holster manufacturer; and

## Authorized Handguns

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5. carry the firearms concealed from public view.
- J. Sworn employees who are assigned to the Special Response Team (SRT) are authorized to use thigh holsters and may do so only when engaged in SRT activities while wearing their Class E uniform.
  - K. Sworn employees assigned to the K9 unit are authorized to use thigh holsters.
  - L. Any sworn employee who is authorized and chooses to carry a handgun off duty, inside the State of California must follow current federal and state laws and:
    1. must carry the handgun concealed from public view;
    2. must carry a current and unexpired SFSD identification card designating the person carrying the firearm as a peace officer codified under § 830.1 of the California Penal Code;
    3. must carry the firearm in a device designed to carry handgun;
    4. must secure that handgun and ammunition according to current law; and / or
    5. should carry handcuffs and a handcuff key.
  - M. Sworn employees who are authorized and who choose to carry a handgun off duty and outside the State of California must follow current federal law and any other state and local laws that restrict the possession of a concealed firearm for that state(s).
  - N. SFSD-issued handgun or handguns authorized for carry will be properly maintained to ensure reliability of operation. Any firearm shall be inspected by the SFSD Range staff as soon as possible if:
    1. it has been dropped;
    2. it is suspected of defects and / or
    3. it has experienced malfunction(s). If the SFSD Range Master or designee staff determines the weapon is unsafe to carry, the Range staff shall be responsible for repair of the firearm if owned by the SFSD. The sworn employees must have the handgun repaired before duty carry is authorized.
      - a. If the handgun is on an authorized list and owned by the employee the handgun shall be repaired by the manufacturer at the expense of the employee.
  - O. Sworn employees shall not modify their handgun(s) without the authorization of the Range Master.
    1. Only the Range Master or Range instructors who have completed a certified armorer's course and are current with that course shall repair, modify or alter firearms.
  - P. Sworn employees must successfully complete a qualification course for each handgun they are authorized to carry.
    1. Sworn employees who were issued a revolver and want to use a semi-automatic handgun on duty must satisfactorily complete the SFSD Semi-Automatic Conversion Course.

## Authorized Handguns

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- Q. The Range Master or designee shall retain documentation of all handgun(s) training and qualification.
- R. Sworn employees on extended leave (90 calendar days or longer) shall arrange with the Range Master or designee to return the SFSD-issued firearms for safekeeping.
- S. Sworn employee(s) must be proficient in the type of holster used.
- T. The SFSD does not authorize any laser sighting systems on any on duty handgun.
- U. Sworn employees shall not wear a drop holster.
  - 1. A drop holster is a holster 2.5 inches or greater from the bottom of the duty belt to the highest attachment point.

### II. Procedures:



- A. In the event that a sworn employee's SFSD-issued handgun is lost and / or stolen, the sworn employee shall:
  - 1. Report the loss immediately to the agency of primary jurisdiction where the loss is believed to have occurred.
  - 2. Make a verbal report to his / her watch / section / unit commander immediately after reporting to the agency of primary jurisdiction.
    - a. If assigned to a section or unit that does not operate 24 hours, the verbal report shall be made to the watch commander at County Jail #1.
  - 2. Within 24 hours, submit a case number or a copy of the statement made to the agency of primary jurisdiction to his / her watch / section / unit commander.
  - 3. The next business day following receipt of the incident report or statement, the watch / section / unit commander shall forward the copy of the report or copy of the statement to the SFSD administration according to SFSD Policy and Procedure Incident Reports.
    - a. The watch / section / unit commander shall also forward copies of either the incident report or the statement to the Range Master or designee and to the Investigative Services Unit.
- B. Any sworn employee whose SFSD-issued handgun is lost, stolen or damaged due to negligence of the sworn employee may be responsible for re-imbusement of the cost of the firearm to the SFSD and maybe subject to discipline.

### III. Forms:

- Authorized Firearm List
- Authorized Ammunitions List
- Authorized Holster List

### IV. Reference:

- Penal Codes § 830.1, § 832 § 832.3 and § 830.7

<p align="center"><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p align="center"><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: <b>01/16/2013</b></p> <p>Last Revised:</p>	<p>Policy #: <b>SFSD 02-06</b></p>												
<p>Chapter: <b>02 Legal Enforcement and Operations</b></p>	<p>Related Policies:</p> <table border="0"> <tr> <td>SFSD 02-03 Use of Force</td> <td>SFSD 02-09 Protective Hoods</td> </tr> <tr> <td>SFSD 02-04 Projectile Impact Weapon</td> <td>SFSD 02-10 Shields</td> </tr> <tr> <td>SFSD 02-05 Authorized Handguns</td> <td>SFSD 02-11 ECD / Taser</td> </tr> <tr> <td>SFSD 02-07 Impact Weapons</td> <td>SFSD 02-23 Incident Reports</td> </tr> <tr> <td>SFSD 02-08 IAD / Chemical Agents</td> <td></td> </tr> <tr> <td>ADP 03-01 Weapon Mounted Tactical Light</td> <td></td> </tr> </table> <p>Approved By:  <b>Ross Mirkarimi, Sheriff</b></p>		SFSD 02-03 Use of Force	SFSD 02-09 Protective Hoods	SFSD 02-04 Projectile Impact Weapon	SFSD 02-10 Shields	SFSD 02-05 Authorized Handguns	SFSD 02-11 ECD / Taser	SFSD 02-07 Impact Weapons	SFSD 02-23 Incident Reports	SFSD 02-08 IAD / Chemical Agents		ADP 03-01 Weapon Mounted Tactical Light	
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SFSD 02-08 IAD / Chemical Agents														
ADP 03-01 Weapon Mounted Tactical Light														
	<p>Title: <b>Authorized Shotguns</b></p>													

**POLICY:** The San Francisco Sheriff's Department (SFSD) authorizes the use of SFSD-issued shotguns as a force option.

**PURPOSE:** To provide guidelines to sworn employees for the carrying, storage, and deployment of SFSD-issued shotguns.

**I. General:**

A. A shotgun may be used only by sworn employees who have successfully completed an approved current SFSD shotgun training class.

1. A shotgun will only be deployed after a user inspection is conducted. This includes ensuring the weapon is on safe, chamber is empty, and the magazine tube is loaded with the correct ammunition. If possible the user should also ensure the flashlight is operational.
2. Shotguns will be secured in a SFSD vehicle or facility [REDACTED]
3. [REDACTED]
4. Most SFSD shotguns have a weapon mounted tactical light. The light is not to be used in place of a flashlight and is to be used only if the necessary level of force is met.
5. [REDACTED]
6. Shotguns may be stored in SFSD vehicles if the vehicle has an approved shotgun mount, trunk mount or truck vault.
  - a. All must have a functional locking mechanism.
  - b. The shotgun shall be secured and locked at all times when not being used.
7. Modifications of all SFSD shotguns must be performed by the Range Master or SFSD certified armorers.

## Shotguns

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### **II. Procedures:**

- A. Sworn employees shall document the use of shotgun as outlined in the SFSD Incident Report Policy.

### **III. Forms:**

Not Applicable

### **IV. Reference:**

Not Applicable



## **San Francisco Sheriff's Department**

### **Authorized Impact Weapons and Holder List**

**The following SFSD issued impact weapons and holders are currently authorized for use:**

#### **Impact Weapons**

26" Wood Baton

36" Wood Baton

24" RCB Rapid Containment Baton Nickel - Plated

26" ASP Armament Systems & Procedures Friction Lock Baton - Black

#### **Holders:**

Baton ring

26" Basketweave non swivel Sidebreak Scabbard made by ASP

26" Basketweave SideBreak Belt Slide Swivel Scabbard made by ASP or

26" Ballistic SideBreak Belt Slide Swivel Scabbard Slide made by ASP.



RCB Basketweave Secure-Lock Rotational Holster made by Peacekeeper International

RCB Plain Secure-Lock Rotational Holster made by Peacekeeper International

SRT members are authorized to use the Safariland (35-F26-13) scabbard holder





<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>01/16/2013</b>	Policy #: <b>SFSD 02-07</b>
	Last Revised: <b>06/27/2014</b>	
Related Policies: SFSD 02-03 Use of Force SFSD 02-04 Projectile Impact Weapon SFSD 02-05 Authorized Handguns SFSD 02-06 Authorized Shotguns SFSD 02-08 IAD / Chemical Agents		SFSD 02-09 Protective Hoods SFSD 02-10 Shields SFSD 02-11 ECD / Taser SFSD 02-23 Incident Reports SFSD 03-40 Uniform Equipment
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Impact Weapons</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) authorizes the use of impact weapons as a force option.

**PURPOSE:** To provide guidelines on how and when impact weapons may be **deployed and used**.

**I. General:**

A. Sworn employees are trained in the use of impact weapons through the Peace Officer Standards and Training Certified Basic Academy and / or by the SFSD.

1. There are three impact weapons authorized for use in the SFSD:

- a. 26" Baton
- b. 36" Baton
- c. Expandable Baton

2. Only SFSD issued impact weapons shall be used on duty.

B. Sworn employees must be issued an expandable baton and trained by the SFSD in order to carry and use an expandable baton.

C. No one shall carry impact weapons inside a jail, in San Francisco General Hospital (SFGH) Ward 7D / 7L or in any area unauthorized to carry impact weapons except by direct order of the highest ranking supervisor on scene.

D. Impact weapons may be used, but not limited to:

- 1. effect an arrest when the suspect is actively resisting;
- 2. prevent escapes;
- 3. prevent or stop an assaults;
- 4. defend self or others;
- 5. prevent an individual from harming himself / herself;
- 6. control and / or restrain individuals;
- 7. quell a disturbance and / or
- 8. effect crowd control.

## Impact Weapons

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- E. Sworn employees shall not slap impact weapons with the palm of their hand as an intimidation technique.
- F. Sworn employees should avoid raising their hand or arm holding the impact weapons above their heads when delivering a strike. A strike to the following areas should be avoided when possible:
  - 1. head;
  - 2. heart;
  - 3. spine;
  - 4. armpits;
  - 5. groin and / or
  - 6. side of neck.
- G. Sworn employees shall not modify their impact weapons.
- H. Sworn employees shall not carry issued impact weapons off duty except when travelling to and from work.
- I. Expandable batons must be carried in an SFSD authorized holder.
- J. Only sworn employees who are assigned to the Special Response Team (SRT) are authorized to use impact weapon thigh holders while engaged in SRT activities.

### **II. Procedures:**



- A. Sworn employees shall document use of an impact weapon as outlined in the SFSD Incident Report Policy.

### **III. Forms:**

Not Applicable

### **IV. Reference:**

Authorized Impact Weapons and Holder List  
Young v. County of Los Angeles

<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>03/05/1994</b>	Policy #: <b>SFSD 02-08</b>
	Last Revised: <b>01/16/2013</b>	<i>Formerly D-03</i>
	Related Policies: SFSD 02-03 Use of Force SFSD 02-04 Projectile Impact Weapon SFSD 02-05 Authorized Handguns SFSD 02-06 Authorized Shotguns SFSD 02-07 Impact Weapons SFSD 02-09 Protective Hoods SFSD 02-10 Shields SFSD 02-11 ECD / Taser SFSD 02-23 Incident Reports	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Individual Aerosol Dispenser - Chemical Agents</b>	

**POLICY:** San Francisco Sheriff's Department (SFSD) authorizes sworn employees to use individual aerosol dispenser (IAD) - chemical agents as a force option.

**PURPOSE:** To provide guidelines under which IAD - chemical agents may be **deployed and used**.

**I. General:**

- A. A certified training course, sponsored by SFSD or through the Peace Officer Standards and Training Certified Basic Academy, in the use of Oleoresin Capsicum (OC) / mace must be successfully completed by sworn employees who carry an OC / mace handheld aerosol dispenser. IAD - chemical agents may only be used by sworn employees under the guidelines in this policy and the Use of Force policy and procedure.
- B. Sworn employees are issued individual handheld aerosol dispensers which must be carried on duty and in uniform except when:
  - 1. assigned to and engaged in honor guard activities;
  - 2. command staff is in dress attire and /or
  - 3. as directed by written order.
- C. Sworn employees shall ensure that:
  - 1. the hand held aerosol dispenser contains sufficient chemical agent and
  - 2. the chemical agent is authorized for use.
    - a. Sworn employees who require a replacement hand held aerosol dispenser shall contact the Range Master or designee.
    - b. Sworn employees with an IAD - chemical agent with a manufacture date on the canister which exceeds 4 years should contact the Range Master for a replacement canister.
- D. The use of IAD - chemical agents is allowed under the following circumstances, but not limited to:
  - 1. to effect an arrest;
  - 2. to prevent escapes;
  - 3. to prevent or stop assaults;

## Individual Aerosol Dispenser / Chemical Agents

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4. in self defense;
  5. to prevent an individual from harming himself / herself;
  6. to cause combative subject(s) to comply with lawful orders, i.e. (cell extraction) and / or
  7. to quell a jail disturbance.
- E. The use of a chemical agent is not allowed under the following circumstances:
1. as punishment and / or
  2. on an individual who is in restraints and under physical control.
- F. The use of a chemical agent outside the secured area of a local detention facility is not allowed against **non-violent passive individual(s)**.

### II. Procedure:

[REDACTED]

- B. When OC / mace has been used in a confined area, and once the area is under control and there is no further risk to sworn employees or others, sworn employees shall ensure that:
1. individuals affected by OC / mace shall be removed from the area, provided medical services and
  2. the area shall be decontaminated.
- C. Sworn employees shall document the use of chemical agents as outlined in the SFSD Incident Report Policy.

### III. Forms:

Not Applicable

### IV. Reference:

Authorized Chemical Agents List  
Headwaters Forest Defense v. Humboldt County



**San Francisco Sheriff's Department**  
**Authorized Individual Aerosol Dispenser (IAD) /**  
**Chemical Agents List**

**The following brands and models are currently authorized for use:**

DEF – TEC MK4 = 3 oz. OC (Oleoresin Capsicum)



DEF - TEC MK 3 = 1.12 oz. OC (Oleoresin Capsicum)

DEF – TEC MK6 = .69 oz. OC (Oleoresin Capsicum) for non-uniform option

DEF – TEC MK9 OC FOGGER = 12 oz. OC (Oleoresin Capsicum)

DEF – TEC MK111 OR MK IV = 3 oz. of Mace



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>02/12/2004</b>	Policy #: <b>SFSD 02-09</b>
	Last Revised: <b>01/16/2013</b>	<i>Formerly E-17</i>
	Related Policies: SFSD 02-03 Use of Force                      SFSD 02-08 IAD / Chemical Agents SFSD 02-04 Projectile Impact Weapon      SFSD 02-10 Shields SFSD 02-05 Authorized Handguns          SFSD 02-11 ECD / Taser SFSD 02-06 Shotguns                        SFSD 02-23 Incident Reports SFSD 02-07 Impact Weapons	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Protective Hood</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) authorizes the use of protective hoods.

**PURPOSE:** To limit the exposure of individuals to infectious diseases.

**I. General:**

- A. The protective hood may be used when an individual attempts, or has threatened, to spit on other individual(s) or has spat or has a history of spitting on other individual(s) and / or the sworn employee has an articulable reason to believe that the individual may spit.
- B. The protective hood is not intended to be used on individual(s) who are vomiting, having difficulty breathing or are bleeding profusely from the mouth or the nose area.

**II. Procedures:**

- A. The protective hood is to be used according to the manufacturer's specifications.
  - 1. When practical, remove eyewear from the individual before applying the protective hood.
  - 2. While wearing the protective hood, the individual(s) shall be placed in an area where he / she can be closely monitored for signs of distress, breathing difficulties and vomiting.
  - 3. The protective hood shall be removed as soon as the individual is no longer deemed a threat.
  - 4. The protective hood shall be disposed of appropriately after each use.
- B. Sworn employees shall document the use of the protective hood on the Field Arrest / Housing Card and in the Jail Management System.
  - 1. When a protective hood is used in conjunction with any other use of force option, this shall be documented in a SFSD incident report.

**III. Forms:**

Not Applicable

**IV. References:**

Not Applicable







## San Francisco Sheriff's Department Authorized Shields List

### **Padded Shield**

- shield size - 30"H x 19 1/2" W x 5 1/2"D
- Black vinyl or leather

### **Plexiglas™ Shield**

- shield size: 20" X 36" or 24" X 48"
- transparent thermoplastic shatter-resistant

### **Ballistic Shield**

- As issued by the SFSD



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>10/15/1990</b>	Policy #: <b>SFSD 02-10</b>
	Last Revised: <b>01/16/2013</b>	<i>Formerly D-04</i>
	Related Policies: SFSD 02-03 Use of Force                      SFSD 02-08 IAD / Chemical Agents SFSD 02-04 Projectile Impact Weapon      SFSD 02-09 Protective Hoods SFSD 02-05 Authorized Handguns          SFSD 02-11 ECD / Taser SFSD 02-06 Shotguns                          SFSD 02-23 Incident Reports SFSD 02-07 Impact Weapons	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Shields</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) authorizes the use of shields as a force option.

**PURPOSE:** To provide guidelines on how shields may be **deployed and used**.

**I. General:**

- A. Shields may be used only at the direction and under the supervision of the watch commander and / or supervisor in a jail or at the direction of the on scene supervisor or squad leader outside the jails.
- B. Shields may be used for, but not limited to:
  - 1. protect individuals;
  - 2. gain control of individuals;
  - 3. contain noncompliant individuals and / or
  - 4. divert crowds.
- C. Padded shields may be used in conjunction with other safety equipment to:
  - 1. control and subdue a violent assaultive individual by, but not limited to;
    - a. knock the individual off his / her feet and / or
    - b. pin the individual until physical control is achieved.
  - 2. form a line of protection against items being thrown.
- D. Plexiglas shields may be used in conjunction with other safety equipment to:
  - 1. provide coverage and / or containment to sworn employees;
  - 2. provide cover movement when sworn employees need to advance against individual(s) or crowds;
  - 3. contain / control a violent individual or a crowd of hostile individuals and / or
  - 4. subdue an assaultive individual by:
    - a. knocking the individual off his / her feet and / or
    - b. pinning the individual until physical control is achieved.

## Shields

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E. The Bullet Resistant Shield may be used in conjunction with other safety equipment to provide additional ballistic coverage.

### **II. Procedures:**

A. Sworn employees shall document use of shields as outlined in the SFSD incident report policy.

### **III. Forms:**



Not Applicable

### **IV. References:**

Authorized Shields List





<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>08/14/2002</b>	Policy #: <b>SFSD 02-11</b>
	Last Revised: <b>01/16/2013</b>	<i>Formerly D-15</i>
Related Policies: SFSD 02-03 Use of Force                      SFSD 02-08 IAD / Chemical Agents SFSD 02-04 Projectile Impact Weapon      SFSD 02-09 Protective Hoods SFSD 02-05 Authorized Handguns          SFSD 02-10 Shields SFSD 02-06 Authorized Shotguns          SFSD 02-23 Incident Reports SFSD 02-07 Impact Weapons		
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Electronic Control Device (ECD) - Taser</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) authorizes qualified sworn employees to use an ECD - Taser as a force option.

**PURPOSE:** To provide guidelines to sworn employees for the **deployment, use and discharge** of the ECD - Taser.

**I. General:**

- A. Deployment of the ECD - Taser requires the authorization of the Watch Commander or above or the on scene sworn **supervisor**.
- B. Discharge of an ECD - Taser in a jail requires authorization of the on-scene supervisor.
- C. Discharge of an ECD - Taser in the field is based on imminent danger and / or safety concerns for self or others.
  - 1. A discharge of an ECD- Taser in the field requires a SFSD supervisor to respond to the scene.
- D. Sworn employees are authorized to deploy, use and / or discharge a ECD - Taser under the following conditions:
  - 1. to overcome resistance from a subject who demonstrates or presents an imminent threat to the safety of anyone;
  - 2. to perform a cell extraction when the inmate has demonstrated resistance to orders and imminent danger and / or safety concerns for self or others are present; and / or
  - 3. any other situation that could necessitate the lawful force option in order to gain control of a physically resistive / combative subject.
- E. Sworn employees shall not intentionally direct the sighting laser at the face of any individual.
- F. When the ECD - Taser is deployed, the sworn employee shall carry the ECD - Taser in a SFSD issued holster on the duty belt non-gun side.
  - 1. The ECD - Taser shall be drawn from the holster with the off-hand.
  - 2. The Special Response Team (SRT) is authorized to use thigh holsters on their non-gun side when engaged in SRT activities.

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Electronic Control Device (ECD) - Taser

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- G. The ECD - Taser may only be used by sworn employees who have successfully completed department-approved ECD - Taser training within the previous two years.
- H. If feasible the sworn employee shall give a verbal warning prior to discharge of the ECD - Taser.
- I. The ECD - Taser shall be discharged the least amount of times necessary for compliance, but in no case shall the subject be shocked more than three times in any single incident.
  - 1. Once the trigger is pressed and a subject is shocked, the sworn employee shall take his / her finger off the trigger to assess for compliance or continued non-compliance before another shock is administered.
- J. The ECD - Taser shall not be used under the following circumstances:
  - 1. when used as punishment;
  - 2. when the subject is already under control;
  - 3. in the known presence of combustible or flammable substances;
  - 4. when the subject is visibly pregnant, or the sworn employee knows, through medical confirmation, the subject is pregnant;
  - 5. against a non-violent passive individual(s) and / or
  - 6. in the **drive-stun mode**.

**II. Procedures:**

- A. The facility / section / unit commander or designee shall ensure the ECD - Taser is tested and logged weekly to confirm the ECD - Taser is operational. This test will include:
  - 1. removing the cartridge;
  - 2. ensuring the battery is charged to the percentage recommended by the manufacture;
  - 3. conducting a spark check and
  - 4. accounting for all parts including holster(s).
- B. Upon initial deployment the sworn employee shall remove the cartridge and conduct a spark check to confirm the ECD - Taser is operational.
- C. If possible the sworn employee who discharged the ECD - Taser shall remove the probes; unless it is determined that removal will result in further injury or the probes are in a sensitive area.
- D. The sworn employee shall contact medically-trained individuals to evaluate the subject as soon as possible. This may be accomplished by:
  - 1. contacting Jail Medical Services;
  - 2. calling for an ambulance or
  - 3. utilizing SFSD Emergency Medical Technicians.
- E. The sworn employee shall place any discharged air cartridge(s) and probes into a paper bag.



## Electronic Control Device (ECD) - Taser

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1. The sworn employee shall mark the paper bag with the date, location of the incident and the name and the star number of the sworn employee who discharged the ECD - Taser.
  2. A sworn supervisor shall store the paper bag in a secure area until a sworn employee from the Investigative Services Unit takes possession.
  3. The sworn employee shall document use ECD - Taser as outlined in the SFSD Incident Report Policy.
- F. The sworn employee will log the deployment, discharge and / or testing in the ECD - Taser Log.
- G. The ECD - Taser log shall be submitted to the Range Master or designee quarterly within a calendar year starting in January.
- H. When feasible, the discharge of the ECD – Taser shall be videotaped.


### **III. Forms:**

ECD - Taser Log

### **IV. References:**

Not Applicable



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>09/17/1997</b>	Policy #: <b>SFSD 02-12</b>
	Last Revised: <b>05/15/2013</b>	<i>Formerly D-10</i>
	Related Policies: SFSD 01-03 Record Retention, Storage and Destruction SFSD 02-20 Subpoenas SFSD 02-26 Preserving and Investigation Scene SFSD 02-23 Incident Reports	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Recording Devices</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) authorizes the use of video and / or audio recording devices as a means to document events in compliance with federal / state / local laws.

**PURPOSE:** To provide guidelines in the use, storage and maintenance of SFSD owned visual and / or audio recording devices.

**I. General:**

- A. Facility / section / unit commanders must ensure that there are sworn employees who are properly trained in the use of electronic recording devices.
- B. A sworn employee at each facility / section / unit shall ensure that all recording devices and / or related supplies and equipment are in working order.
- C. Supervisors shall have access to SFSD owned audio / visual recording devices and / or related supplies and equipment.
- D. The following types of incidents may require the use of video documentation:
  - 1. use of force incidents;
  - 2. cell searches;
  - 3. cell extractions;
  - 4. Civil Section events;
  - 5. Field and Services Support Division events;
  - 6. mass arrest events;
  - 7. Emergency Service Unit events and / or
  - 8. Investigative Services Unit (ISU) events.
- E. For a death in custody, the ISU must authorize the use of video documentation.

**II. Procedures:**

- A. A supervisor must review each incident recorded, when a recording is made on a hand held recording device, and shall:
  - 1. verify compliance with the existing policy and procedures;

## Recording Device

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2. review and approve all incident reports.
- B. A SFSD supervisor should ensure the recording and all associated documents are completed and submitted by the end of the watch / shift / team to the facility / section / unit commander.
- C. Any subpoena received for audio / visual recordings shall be delivered to the Sheriff's Legal Counsel.
1. The Sheriff's Legal Counsel shall determine the legal authority for either producing / denying the audio / visual recording.
- D. A facility / section / unit commander or their designee is responsible for safely securing any audio / video recordings.
1. Upon investigation by the ISU, an ISU investigator will take the original recording and either provide a copy to the facility / section / unit commander, or sign a document indicating that ISU has seized the recording.
- E. The following persons may submit a written request to the Sheriff's Legal Counsel and / or the facility / section / unit commander to view / hear a video / audio recording:
1. the City Attorney of the City and County of San Francisco (CCSF) or designee;
  2. the District Attorney of the CCSF or designee;
  3. the counsel of record for an inmate who has been charged criminally based upon his / her conduct as documented on the recording device;
  4. SFSD employees (or their representative(s)) charged with disciplinary action as a result of incidents believed to have been recorded;
  5. employees of Prisoner Legal Services (PLS), when representing an inmate in a disciplinary hearing based on conduct believed to have been recorded;
  6. ISU sworn employees and
  7. other Law Enforcement Agencies requesting audio and video recordings must submit a request through Legal Counsel.

### III. Forms:

Not Applicable

### IV. Reference:

Not Applicable



# San Francisco Sheriff's Department Contraband Form

Case # \_\_\_\_\_

Lab Line # \_\_\_\_\_

Name:	Booking #	SF#
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Dates:	Time:	Found By:
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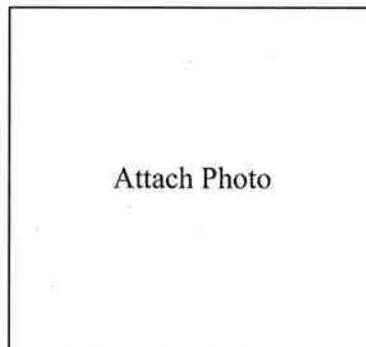
Item(s) Found:
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Where:
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- Pat Down / Wand Search
- Strip Search (Drugs / Weapons / Violence, etc.)
- Custodial Strip Search
- Safety Cell Placement
- Strip Search Authorization Form

**Check All That Apply**

- Incident Report Written
- SFPD Advised to Supplement Charges
- Sent to Lab for Analysis
- Charges Filed
- Sent to Lab for Destruction
- Items Placed in Inmate's Property
- Item(s) Destroyed
- Other \_\_\_\_\_






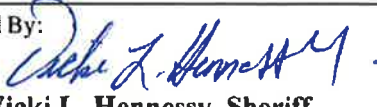


## San Francisco Sheriff's Department Permissible Strip Search Guidelines

Prior To Intake/Booking	At Intake/Booking	Pre-Sentenced Booked Prisoners	Sentenced Prisoners
<p>1. There is <b>reasonable suspicion</b> and supervisor approval on the Strip Search Authorization Form prior to the search; or</p> <p>2. Prior supervisor approval is not required if the prisoner:</p> <ul style="list-style-type: none"> <li>• is charged with a crime of drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and/or violence; or</li> <li>• has been convicted or arrested with the last 5 years for drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and/or violence as documented in the criminal history information system;</li> <li>• is charged under PC 3056 or booked with a State Parole hold; or</li> <li>• is charged under California Penal Code Sections 3451, 3454(b), or 3455(a); or</li> <li>• is charged under PC 1203.2; or</li> <li>• is in the custody of another agency and is booked into the jail for safekeeping, including a person booked on a U.S. Marshall hold.</li> </ul>	<p>1. There is <b>reasonable suspicion</b> and supervisor approval on the Strip Search Authorization Form prior to the search; or</p> <p>2. Prior supervisor approval is not required if the inmate:</p> <ul style="list-style-type: none"> <li>• is charged with a crime of drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and/or violence; or</li> <li>• has been convicted or arrested with the last 5 years for drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and/or violence as documented in the criminal history information system;</li> <li>• is charged under PC 3056 or booked with a State Parole hold; or</li> <li>• is charged under California Penal Code Sections 3451, 3454(b), or 3455(a); or</li> <li>• is charged under PC 1203.2; or</li> <li>• is in the custody of another agency and is booked into the jail for safekeeping, including a person booked on a U.S. Marshall hold.</li> </ul>	<p>1. There is <b>reasonable suspicion</b> and supervisor approval on the Strip Search Authorization Form prior to the search; or</p> <p>2. Prior supervisor approval is not required for any inmate who:</p> <ul style="list-style-type: none"> <li>• was strip searched at booking but a legitimate reason such as a security search of his / her housing unit exists to conduct another search; or</li> <li>• has been found to possess contraband during a prior search, as documented on the housing card; or</li> <li>• is returning from a work detail, court-ordered pass, hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside his / her assigned housing unit.</li> </ul>	<p>Sentenced prisoners may be searched at any time as part of a security search.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>





<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>01/24/2004</b>	Policy #: <b>SFSD 02-13</b>
	Last Revised: <b>02/20/2018</b>	<i>Formerly E-16</i>
	<b>Related Policies:</b> SFSD 01-03 Record Retention, Storage and Destruction SFSD 02-23 Incident Reports and Memoranda SFSD 02-14 Management and Interaction with Transgender, Gender Variant and Non-Binary Persons SFSD 03-07 Employee Counseling and Discipline Procedures	
<b>Approved By:</b>  <b>Vicki L. Hennessy, Sheriff</b>		
<b>Chapter: 02 Legal Enforcement and Operations</b>	<b>Title: Searches</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) will conduct searches that meet the requirements of federal and state law while maximizing security in jail facilities and the safety of all persons in the county jail system. Under no circumstances shall searches be conducted as a punitive measure.

**PURPOSE:** To comply with Federal and State laws and case decisions while maintaining the safety of inmates and jail facilities, employees and the public.

**I. Definitions:**

**A. Non-Intrusive Sensor Scanning Device Search**

1. A search conducted on a clothed person using either a hand-held or walk-through mechanical device or metal detector or other non-intrusive detection device.

**B. Pat Search**

1. A search consisting of a pat down or body frisk of a clothed person, including an examination of pockets, shoes and socks. A pat search may include the removal and examination of outer clothing including, but not limited to, hats, wigs, coats, jackets, and multiple layers of bulky clothing.

**C. Physical Body Cavity Search**

1. A physical intrusion into a body cavity, such as the mouth, stomach, rectum, or vagina, for the purpose of discovering any object concealed in the body cavity. This type of search always requires a valid search warrant and must be conducted by medical employees at a medical facility.

**D. Security Search**

1. A search focused on certain areas of the jail facility, including the bunk, clothing, locker, cell, tank, dormitory, or pod, or any other area within the jail facility or on the jail grounds. Inmates located in, leaving, or returning to an area where a security search is being conducted may also be subject to search.

**E. Strip Search**

1. A search that requires a person to remove or arrange some or all of their clothing to permit a visual inspection of the breasts, buttocks or genitalia of

## Searches

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such person. A strip search may also include a visual inspection of the person's body cavities.

### F. Transgender

1. A term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth.

## II. Procedure:

### A. Pat searches and non-intrusive sensor and scanning device searches:

1. Pat searches should be conducted by sworn employees of the same gender identity as the person to be searched, whenever possible.

### B. When such searches are conducted:

1. At intake, the transporting officer will conduct a pat search and a non-intrusive sensor and scanning device search prior to the booking process.
2. Once the booking has been completed, any person not qualifying for a strip-search will be pat searched and scanned with a non-intrusive sensor and / or a scanning device as part of the dress in process prior to transfer to a housing facility.
3. Pat searches or searches by non-intrusive sensor and / or scanning devices may be conducted on inmates at any time.

### C. Searches of civilians including contract employees:

1. All civilians who enter the jail facility to visit, conduct interviews or provide any service that requires entering a jail facility may be subject to a non-intrusive sensor and / or scanning device search.
2. All packages, brief cases, purses or other containers will be searched for contraband prior to entering the jail.
3. A pat search may be conducted if approved by the watch commander and when a sworn employee has reasonable suspicion a civilian may possess contraband.
4. The approved pat search will be conducted by a sworn employee of the same gender identity, in a private location and in a professional manner.
5. The civilian to be searched must be advised of their right to refuse the pat search and leave the jail facility. This must be documented in the incident report.
6. If the civilian refuses the pat search, the person will be escorted out of the jail and off the jail grounds and will be denied future access to the jail.
7. An incident report must be completed any time a pat search is conducted on a civilian and / or whenever a civilian refuse such a search.
  - a. The report must include the reasonable suspicion articulated and any contraband found on the civilian.
  - b. Any criminal conduct by civilians may result in arrest for criminal prosecution.

## Searches

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### D. Searches of employees:

1. All employees entering a jail facility may be subject to a non-intrusive sensor and / or scanning device search.
2. All packages, brief cases, purses, or other containers may be searched for contraband prior to entering the jail.
3. All employees may be subject to a non-intrusive sensor and scanning device search before entering a jail facility.
4. A pat search or strip search of an employee shall be done only with the permission of the Sheriff, Undersheriff or Assistant Sheriff.
  - a. To request permission for either type of search there must be reasonable suspicion the employee is bringing contraband into a jail facility.
  - b. The Internal Affairs Unit will be contacted when a request to perform either type of search of an employee is made to ensure such action will not interfere with an open investigation.

### III. Permissible Strip Searches:

#### A. Prior to Intake / Booking:

1. An inmate may be strip searched prior to booking only if:
  - a. There is articulable reasonable suspicion with supervisor approval on the Strip Search Authorization Form prior to the search; or
  - b. Supervisor approval is not required if the inmate meets the following criteria:
    - i.* is charged with a crime of drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and / or violence; or
    - ii.* has been convicted or arrested within the last 5 years for drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and / or violence, as documented in the criminal history information system; or
    - iii.* is charged under California Penal Code Section 3056 or booked with a State Parole hold; or
    - iv.* is charged under California Penal Code Section 1203.2; or
    - v.* is in the custody of another agency and is booked into the jail for safekeeping, including an inmate booked on a U.S. Marshall hold.

#### B. At Intake / Booking:

1. Inmates may be strip searched at the time of booking only if:
  - a. There is articulable reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the strip search; or

## Searches

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b. The Inmate is:

- i.* is charged with a crime of drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence; or
- ii.* has been convicted or arrested within the last 5 years for drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and / or violence, as documented in the criminal history information system; or
- iii.* is charged under California Penal Code Section 3056 or booked with a State Parole hold; or
- iv.* is charged under California Penal Code Section 1203.2; or
- v.* is in the custody of another agency and is booked into the jail for safekeeping, including an inmate booked on a U.S. Marshall hold.

C. Pre-Sentenced Booked Inmates:

1. Pre-sentenced booked inmates may be strip searched at any time if there is reasonable suspicion and supervisor approval on the Strip Search Authorization form prior to the strip search.
2. Prior supervisor approval for the strip search is not required if the inmate:
  - a. was strip searched at booking but a legitimate reason such as a security search of their housing unit exists to conduct another search; or
  - b. has been found to possess contraband during a prior search, as documented on the housing card; or
  - c. is returning from a work detail, a court-ordered pass, a hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside his / her assigned housing unit.

D. Sentenced inmates may be strip searched at any time as part of a security search.



F. Searches of inmates shall not be conducted in order to determine genitalia.

G. SFSD employees may not conduct physical body cavity searches under any circumstances. All physical body cavity searches require a valid search warrant and must be conducted by medical personnel.

#### IV. Search Conditions:

- A. An SFSD sworn employee will take all reasonable measures to minimize the extent to which strip searches intrude on an individual's privacy.
1. All strip searches shall be conducted in a private location, such that persons not participating in the search cannot observe the person being searched.

## Searches

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2. Prior to the strip search being conducted, a sworn employee must explain the process to the inmate.
  3. All SFSD sworn employees present at a strip search shall be of the same gender identity as the person being searched except in emergency situations.
  4. SFSD sworn employees shall not touch the breasts, buttocks, genitalia or body cavities of the person being searched.
  5. If a strip search of a Transgender, Gender Variant or Non-Binary (TGN) person is required, a sworn employee shall accept the person's declaration of gender identity as truthful before initiating the search. Documentary identification and / or anatomical features are not to be used as indicators of a person's gender identity.
    - a. A TGN inmate must be offered one of two options for a strip search preference:
      - i. A sworn employee whose gender identity is male or
      - ii. A sworn employee whose gender identity is female
    - b. Sworn employees are permitted to ask the inmate questions about their gender identity prior to a strip search. The permitted questions are as follows:
      - i. What name would you like to be referred as?
      - ii. You have the choice to be searched by a male sworn employee or a female sworn employee. Do you have a preference?
    - c. Where the sworn employee has an articulable reason to doubt the inmate's self-identification, the sworn employee shall defer to the watch commander for a final determination.
      - i. When the watch commander overrides the Statement of Preference form, the watch commander shall author an incident report articulating the reason(s) for the decision to override the request of the TGN inmate regarding their strip search preference.
      - ii. The incident report shall be processed as indicated in policy SFSD 02-23 Incident Reports.
- B. All inmates will be supplied with clean jail clothing immediately after a strip search.
- C. Whenever an inmate who meets the criteria for a strip search is non-compliant, the sworn employee will notify the on duty watch commander immediately.
1. If the non-compliant inmate poses no significant threat to the safety of themselves, other inmates, SFSD employees, and / or other civilian workers in the area, the inmate will be placed in a holding cell to calm down.
  2. The watch commander will make every effort to avoid having to order the forcible removal of clothing from a non-compliant inmate.

## Searches

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3. If an inmate continues to be non-compliant with the order for a strip search and is nearing 16 hours in the intake jail, the Facility Commander should consult with the Custody Operations Division Chief Deputy to determine at what point the strip search will be conducted with or without compliance from the inmate.
  4. If the non-compliant inmate poses a significant threat to the safety of themselves, other inmates, SFSD employees and / or other civilian workers in the area, the watch commander will instruct sworn employees to forcibly remove the inmate's clothing, so the search can be completed. The force used should be no more than what is required to accomplish the search.
  5. The watch commander will submit an incident report identifying the inmate involved, the action taken and, if forcible removal of clothing is required, the articulable reason the inmate posed a significant threat.
- D. Strip searches conducted based on reasonable suspicion shall be recorded on the Strip Search Authorization form and shall be kept on file at the jail facility for one year. After one year, the records should be put into storage and retained in accordance with the department records storage policy.
- E. Any contraband found while conducting a strip search shall be documented on the Strip Search Authorization form.
- F. If the quantity or type of contraband found supports additional criminal charges, the sworn employee conducting the search will complete an incident report and attach a copy of the Strip Search Authorization form to the report. The Criminal Investigations Unit shall be contacted about the incident.

### V. Security searches:

- A. Security searches are conducted in jail facilities, jail grounds, and vehicles to detect contraband and illegal activity.
- B. Security searches may be conducted randomly at any time or may be conducted based on information that contraband may be found.
- C. Inmates will be required to leave the area being searched, including their cell, room, or bunk areas prior to SFSD sworn employees entering and searching the area.
- D. Inmates returning to the area of the security search are subject to a pat search and / or a non-intrusive search conducted using either a hand-held or walk-through mechanical device or metal detector or other non-intrusive detection device.
- E. Inmates returning to the area of the security search may be strip searched if there is articulable reasonable suspicion and supervisor approval on the Strip Search Authorization form.
- F. Any contraband found while conducting a strip search shall be documented on the Strip Search Authorization form.
- G. If the quantity or type of contraband found supports additional criminal charges, the sworn employee conducting the search will complete an incident report and forward the report to the Criminal Investigations Unit.

## Searches

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H. Any contraband found in areas of common inmate space will be logged in a Contraband Log, which will include the date, and time of the security search, the location the contraband was found, what type of contraband was found, who found the contraband, who had access to the common space and how the contraband was disposed of.

### VI. Disposition of contraband:

A. Contraband items which are prohibited by law will be handled as follows:

1. A sworn employee will confiscate the items.
  - a. If the contraband is not needed for evidence, the item(s) will be disposed of in a locked contraband disposal container to be maintained at each jail facility.
  - b. If the contraband is needed for evidence and criminal charges are being considered, a sworn employee or supervisor shall secure the evidence in a manner consistent with evidence procedures and contact the Criminal Investigations Unit.

B. Contraband items which are not prohibited by law will be handled as follows:

1. The reporting sworn employee will confiscate the items.
  - a. If the contraband is in excess of jail issued items, the excess will be returned to its proper location.
  - b. The reporting sworn employee will log the contraband information in the Contraband Log.
  - c. The reporting sworn employee may also complete a Request for Discipline if the contraband is in the possession of or in an area under the control of a specific inmate.

### VII. Forms:

Strip Search Authorization Request Form  
Statement of Preference Form (SOP)  
Contraband Log  
Security Search - Contraband Log

### VIII. Reference:

Permissible Strip Search Guidelines  
4030 P.C.  
California Attorney General Xavier Becerra's Opinion July 6, 2017, regarding 4060 P.C.



## San Francisco Sheriff's Department Permissible Strip Search Guidelines

Prior To Intake/Booking	At Intake/Booking	Pre-Sentenced Booked Prisoners	Sentenced Prisoners
<p>1. There is <b>reasonable suspicion</b> and supervisor approval on the Strip Search Authorization Form prior to the search; or</p> <p>2. Prior supervisor approval is not required if the prisoner:</p> <ul style="list-style-type: none"> <li>• is charged with a crime of drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and / or violence; or</li> <li>• has been convicted or arrested with the last 5 years for drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and / or violence as documented in the criminal history information system;</li> <li>• is charged under PC 3056 or booked with a State Parole hold; or</li> <li>• is charged under California Penal Code Sections 3451, 3454(b), or 3455(a); or</li> <li>• is charged under PC 1203.2; or</li> <li>• is in the custody of another agency and is booked into the jail for safekeeping, including a person booked on a U.S. Marshall hold.</li> </ul>	<p>1. There is <b>reasonable suspicion</b> and supervisor approval on the Strip Search Authorization Form prior to the search; or</p> <p>2. Prior supervisor approval is not required if the inmate:</p> <ul style="list-style-type: none"> <li>• is charged with a crime of drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and / or violence; or</li> <li>• has been convicted or arrested with the last 5 years for drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and / or violence as documented in the criminal history information system;</li> <li>• is charged under PC 3056 or booked with a State Parole hold; or</li> <li>• is charged under California Penal Code Sections 3451, 3454(b), or 3455(a); or</li> <li>• is charged under PC 1203.2; or</li> <li>• is in the custody of another agency and is booked into the jail for safekeeping, including a person booked on a U.S. Marshall hold.</li> </ul>	<p>1. There is <b>reasonable suspicion</b> and supervisor approval on the Strip Search Authorization Form prior to the search; or</p> <p>2. Prior supervisor approval is not required for any inmate who:</p> <ul style="list-style-type: none"> <li>• was strip searched at booking but a legitimate reason such as a security search of their housing unit exists to conduct another search; or</li> <li>• has been found to possess contraband during a prior search, as documented on the housing card; or</li> <li>• is returning from a work detail, court-ordered pass, hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside his / her assigned housing unit.</li> </ul>	<p>Sentenced prisoners may be searched at any time as part of a security search.</p> <p>Inmates shall not be strip searched as part of their final discharge and release to the community.</p>





## San Francisco Sheriff's Department Strip Search Authorization Request

Date: \_\_\_\_\_

Booking Name: \_\_\_\_\_  
Last
First
MI

Current Charges: \_\_\_\_\_

Gender Identity: \_\_\_\_\_ DOB: \_\_\_\_\_

I request permission to strip search the above named arrestee. I have reasonable suspicion that this person may have contraband concealed on their person. My suspicion is based on the following:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Requesting sworn employee / star #: \_\_\_\_\_

Watch Commander's Review:       Approved       Denied

Reason (s): \_\_\_\_\_

Signature of Watch Commander / Star #: \_\_\_\_\_

Record of search:  no contraband recovered     the following contraband was found:

Item Found	Disposition of item

- This form must be maintained in facility records.
- A copy of this form must be provided to the arrestee upon request.



# San Francisco Sheriff's Department Voluntary Gender Identity Statement of Preference Form

It is the policy of the San Francisco Sheriff's Department to receive, evaluate, house and provide secure, safe and humane custody of all persons who are lawfully committed or held for confinement by the SFSD until their lawful and appropriate release or transfer to another authority. Every inmate, including transgender, gender variant and non-binary (TGN) inmates, will be individually assessed and provided appropriate housing based on classification standards designed to provide safety, security, and ability to access programs.

Please complete the following information so your preference can be documented and considered:

SF Number: \_\_\_\_\_ Gender Identity: \_\_\_\_\_

1. Preferred Name: \_\_\_\_\_  
Last First MI

2. Legal Name: \_\_\_\_\_  
Last First MI

3. Preferred Pronoun: \_\_\_\_\_ (e.g. he, she, they, none)

4. Preferred Title: \_\_\_\_\_ (e.g. Ms., Mr. none)

### Search Preference:

While in custody of the San Francisco Sheriff's Department I prefer to be searched by a deputy of the below indicated gender identity whenever possible. I understand that this preference will be respected except as outlined in the policy, or there is no one of that gender identity available, or that the failure to conduct a search may jeopardize the safety of the staff or others.

5. Woman \_\_\_\_\_ Man \_\_\_\_\_ No Preference \_\_\_\_\_

### Housing Preference:

While in custody I believe I would prefer to be housed with:

6. Women \_\_\_\_\_ Men \_\_\_\_\_ Other TGN people \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Witnessing SFSD Sworn Employee

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

I ensured this information is on the subject's Field Arrest Card



# San Francisco Sheriff's Department Contraband Form

Case # \_\_\_\_\_

Lab Line # \_\_\_\_\_

Name:	Booking #	SF#
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Dates:	Time:	Found By:
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Item(s) Found:
Where:

- Pat Down / Wand Search
- Strip Search (Drugs / Weapons / Violence, etc.)
- Custodial Strip Search
- Safety Cell Placement
- Strip Search Authorization Form

**Check All That Apply**

- Incident Report Written
- SFPD Advised to Supplement Charges
- Sent to Lab for Analysis
- Charges Filed
- Sent to Lab for Destruction
- Items Placed in Inmate's Property
- Item(s) Destroyed
- Other \_\_\_\_\_

Attach Photo
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## San Francisco Sheriff's Department Security Search Log

Search Conducted at:  CJ1    CJ2    CJ4    CJ5    CJ6    SFGH


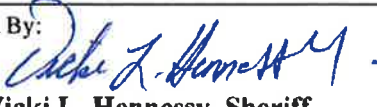
Other / Specific Location: \_\_\_\_\_

Reason for Search:  Routine       Suspected Contraband       Information Received

Other / Specific Reason: \_\_\_\_\_

Date	Start Time	Ending Time
Supervised By: (List Title/Name/Star Number)		
Sworn Employees Involved: (List Title/Name/Star Number)		
Type of Contraband Found	Location Found	RFD Issued list inmate name/booking #

Notes: Attach additional Security Search forms as necessary  
Attach housing sheet(s)

<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>01/24/2004</b>	Policy #: <b>SFSD 02-13</b>
	Last Revised: <b>02/20/2018</b>	<i>Formerly E-16</i>
	<b>Related Policies:</b> SFSD 01-03 Record Retention, Storage and Destruction SFSD 02-23 Incident Reports and Memoranda SFSD 02-34 Management and Interaction with Transgender, Gender Variant and Non-Binary Persons SFSD 03-07 Employee Counseling and Discipline Procedures	
Approved By:  <b>Vicki L. Hennessy, Sheriff</b>		
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Searches</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) will conduct searches that meet the requirements of federal and state law while maximizing security in jail facilities and the safety of all persons in the county jail system. Under no circumstances shall searches be conducted as a punitive measure.

**PURPOSE:** To comply with Federal and State laws and case decisions while maintaining the safety of inmates and jail facilities, employees and the public.

**I. Definitions:**

**A. Non-Intrusive Sensor Scanning Device Search**

1. A search conducted on a clothed person using either a hand-held or walk-through mechanical device or metal detector or other non-intrusive detection device.

**B. Pat Search**

1. A search consisting of a pat down or body frisk of a clothed person, including an examination of pockets, shoes and socks. A pat search may include the removal and examination of outer clothing including, but not limited to, hats, wigs, coats, jackets, and multiple layers of bulky clothing.

**C. Physical Body Cavity Search**

1. A physical intrusion into a body cavity, such as the mouth, stomach, rectum, or vagina, for the purpose of discovering any object concealed in the body cavity. This type of search always requires a valid search warrant and must be conducted by medical employees at a medical facility.

**D. Security Search**

1. A search focused on certain areas of the jail facility, including the bunk, clothing, locker, cell, tank, dormitory, or pod, or any other area within the jail facility or on the jail grounds. Inmates located in, leaving, or returning to an area where a security search is being conducted may also be subject to search.

**E. Strip Search**

1. A search that requires a person to remove or arrange some or all of their clothing to permit a visual inspection of the breasts, buttocks or genitalia of

## Searches

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such person. A strip search may also include a visual inspection of the person's body cavities.

### F. Transgender

1. A term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth.

## II. Procedure:

### A. Pat searches and non-intrusive sensor and scanning device searches:

1. Pat searches should be conducted by sworn employees of the same gender identity as the person to be searched, whenever possible.

### B. When such searches are conducted:

1. At intake, the transporting officer will conduct a pat search and a non-intrusive sensor and scanning device search prior to the booking process.
2. Once the booking has been completed, any person not qualifying for a strip-search will be pat searched and scanned with a non-intrusive sensor and / or a scanning device as part of the dress in process prior to transfer to a housing facility.
3. Pat searches or searches by non-intrusive sensor and / or scanning devices may be conducted on inmates at any time.

### C. Searches of civilians including contract employees:

1. All civilians who enter the jail facility to visit, conduct interviews or provide any service that requires entering a jail facility may be subject to a non-intrusive sensor and / or scanning device search.
2. All packages, brief cases, purses or other containers will be searched for contraband prior to entering the jail.
3. A pat search may be conducted if approved by the watch commander and when a sworn employee has reasonable suspicion a civilian may possess contraband.
4. The approved pat search will be conducted by a sworn employee of the same gender identity, in a private location and in a professional manner.
5. The civilian to be searched must be advised of their right to refuse the pat search and leave the jail facility. This must be documented in the incident report.
6. If the civilian refuses the pat search, the person will be escorted out of the jail and off the jail grounds and will be denied future access to the jail.
7. An incident report must be completed any time a pat search is conducted on a civilian and / or whenever a civilian refuse such a search.
  - a. The report must include the reasonable suspicion articulated and any contraband found on the civilian.
  - b. Any criminal conduct by civilians may result in arrest for criminal prosecution.

## Searches

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### D. Searches of employees:

1. All employees entering a jail facility may be subject to a non-intrusive sensor and / or scanning device search.
2. All packages, brief cases, purses, or other containers may be searched for contraband prior to entering the jail.
3. All employees may be subject to a non-intrusive sensor and scanning device search before entering a jail facility.
4. A pat search or strip search of an employee shall be done only with the permission of the Sheriff, Undersheriff or Assistant Sheriff.
  - a. To request permission for either type of search there must be reasonable suspicion the employee is bringing contraband into a jail facility.
  - b. The Internal Affairs Unit will be contacted when a request to perform either type of search of an employee is made to ensure such action will not interfere with an open investigation.

### III. Permissible Strip Searches:

#### A. Prior to Intake / Booking:

1. An inmate may be strip searched prior to booking only if:
  - a. There is articulable reasonable suspicion with supervisor approval on the Strip Search Authorization Form prior to the search; or
  - b. Supervisor approval is not required if the inmate meets the following criteria:
    - i.* is charged with a crime of drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and / or violence; or
    - ii.* has been convicted or arrested within the last 5 years for drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and / or violence, as documented in the criminal history information system; or
    - iii.* is charged under California Penal Code Section 3056 or booked with a State Parole hold; or
    - iv.* is charged under California Penal Code Section 1203.2; or
    - v.* is in the custody of another agency and is booked into the jail for safekeeping, including an inmate booked on a U.S. Marshall hold.

#### B. At Intake / Booking:

1. Inmates may be strip searched at the time of booking only if:
  - a. There is articulable reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the strip search; or

## Searches

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### b. The Inmate is:

- i.* is charged with a crime of drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence; or
- ii.* has been convicted or arrested within the last 5 years for drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and / or violence, as documented in the criminal history information system; or
- iii.* is charged under California Penal Code Section 3056 or booked with a State Parole hold; or
- iv.* is charged under California Penal Code Section 1203.2; or
- v.* is in the custody of another agency and is booked into the jail for safekeeping, including an inmate booked on a U.S. Marshall hold.

### C. Pre-Sentenced Booked Inmates:

1. Pre-sentenced booked inmates may be strip searched at any time if there is reasonable suspicion and supervisor approval on the Strip Search Authorization form prior to the strip search.
2. Prior supervisor approval for the strip search is not required if the inmate:
  - a. was strip searched at booking but a legitimate reason such as a security search of their housing unit exists to conduct another search; or
  - b. has been found to possess contraband during a prior search, as documented on the housing card; or
  - c. is returning from a work detail, a court-ordered pass, a hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside his / her assigned housing unit.

### D. Sentenced inmates may be strip searched at any time as part of a security search.



### F. Searches of inmates shall not be conducted in order to determine genitalia.

G. SFSD employees may not conduct physical body cavity searches under any circumstances. All physical body cavity searches require a valid search warrant and must be conducted by medical personnel.

## IV. Search Conditions:

- A. An SFSD sworn employee will take all reasonable measures to minimize the extent to which strip searches intrude on an individual's privacy.
  1. All strip searches shall be conducted in a private location, such that persons not participating in the search cannot observe the person being searched.



## Searches

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2. Prior to the strip search being conducted, a sworn employee must explain the process to the inmate.
  3. All SFSD sworn employees present at a strip search shall be of the same gender identity as the person being searched except in emergency situations.
  4. SFSD sworn employees shall not touch the breasts, buttocks, genitalia or body cavities of the person being searched.
  5. If a strip search of a Transgender, Gender Variant or Non-Binary (TGN) person is required, a sworn employee shall accept the person's declaration of gender identity as truthful before initiating the search. Documentary identification and / or anatomical features are not to be used as indicators of a person's gender identity.
    - a. A TGN inmate must be offered one of two options for a strip search preference:
      - i. A sworn employee whose gender identity is male or
      - ii. A sworn employee whose gender identity is female
    - b. Sworn employees are permitted to ask the inmate questions about their gender identity prior to a strip search. The permitted questions are as follows:
      - i. What name would you like to be referred as?
      - ii. You have the choice to be searched by a male sworn employee or a female sworn employee. Do you have a preference?
    - c. Where the sworn employee has an articulable reason to doubt the inmate's self-identification, the sworn employee shall defer to the watch commander for a final determination.
      - i. When the watch commander overrides the Statement of Preference form, the watch commander shall author an incident report articulating the reason(s) for the decision to override the request of the TGN inmate regarding their strip search preference.
      - ii. The incident report shall be processed as indicated in policy SFSD 02-23 Incident Reports.
- B. All inmates will be supplied with clean jail clothing immediately after a strip search.
- C. Whenever an inmate who meets the criteria for a strip search is non-compliant, the sworn employee will notify the on duty watch commander immediately.
1. If the non-compliant inmate poses no significant threat to the safety of themselves, other inmates, SFSD employees, and / or other civilian workers in the area, the inmate will be placed in a holding cell to calm down.
  2. The watch commander will make every effort to avoid having to order the forcible removal of clothing from a non-compliant inmate.

## Searches

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3. If an inmate continues to be non-compliant with the order for a strip search and is nearing 16 hours in the intake jail, the Facility Commander should consult with the Custody Operations Division Chief Deputy to determine at what point the strip search will be conducted with or without compliance from the inmate.
  4. If the non-compliant inmate poses a significant threat to the safety of themselves, other inmates, SFSD employees and / or other civilian workers in the area, the watch commander will instruct sworn employees to forcibly remove the inmate's clothing, so the search can be completed. The force used should be no more than what is required to accomplish the search.
  5. The watch commander will submit an incident report identifying the inmate involved, the action taken and, if forcible removal of clothing is required, the articulable reason the inmate posed a significant threat.
- D. Strip searches conducted based on reasonable suspicion shall be recorded on the Strip Search Authorization form and shall be kept on file at the jail facility for one year. After one year, the records should be put into storage and retained in accordance with the department records storage policy.
- E. Any contraband found while conducting a strip search shall be documented on the Strip Search Authorization form.
- F. If the quantity or type of contraband found supports additional criminal charges, the sworn employee conducting the search will complete an incident report and attach a copy of the Strip Search Authorization form to the report. The Criminal Investigations Unit shall be contacted about the incident.

### V. Security searches:

- A. Security searches are conducted in jail facilities, jail grounds, and vehicles to detect contraband and illegal activity.
- B. Security searches may be conducted randomly at any time or may be conducted based on information that contraband may be found.
- C. Inmates will be required to leave the area being searched, including their cell, room, or bunk areas prior to SFSD sworn employees entering and searching the area.
- D. Inmates returning to the area of the security search are subject to a pat search and / or a non-intrusive search conducted using either a hand-held or walk-through mechanical device or metal detector or other non-intrusive detection device.
- E. Inmates returning to the area of the security search may be strip searched if there is articulable reasonable suspicion and supervisor approval on the Strip Search Authorization form.
- F. Any contraband found while conducting a strip search shall be documented on the Strip Search Authorization form.
- G. If the quantity or type of contraband found supports additional criminal charges, the sworn employee conducting the search will complete an incident report and forward the report to the Criminal Investigations Unit.

## Searches

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H. Any contraband found in areas of common inmate space will be logged in a Contraband Log, which will include the date, and time of the security search, the location the contraband was found, what type of contraband was found, who found the contraband, who had access to the common space and how the contraband was disposed of.

### **VI. Disposition of contraband:**

A. Contraband items which are prohibited by law will be handled as follows:

1. A sworn employee will confiscate the items.
  - a. If the contraband is not needed for evidence, the item(s) will be disposed of in a locked contraband disposal container to be maintained at each jail facility.
  - b. If the contraband is needed for evidence and criminal charges are being considered, a sworn employee or supervisor shall secure the evidence in a manner consistent with evidence procedures and contact the Criminal Investigations Unit.

B. Contraband items which are not prohibited by law will be handled as follows:

1. The reporting sworn employee will confiscate the items.
  - a. If the contraband is in excess of jail issued items, the excess will be returned to its proper location.
  - b. The reporting sworn employee will log the contraband information in the Contraband Log.
  - c. The reporting sworn employee may also complete a Request for Discipline if the contraband is in the possession of or in an area under the control of a specific inmate.

### **VII. Forms:**

Strip Search Authorization Request Form  
Statement of Preference Form (SOP)  
Contraband Log  
Security Search - Contraband Log

### **VIII. Reference:**

Permissible Strip Search Guidelines  
4030 P.C.  
California Attorney General Xavier Becerra's Opinion July 6, 2017, regarding 4060 P.C.



## San Francisco Sheriff's Department Permissible Strip Search Guidelines

Prior To Intake/Booking	At Intake/Booking	Pre-Sentenced Booked Prisoners	Sentenced Prisoners
<ol style="list-style-type: none"> <li>1. There is <b>reasonable suspicion</b> and supervisor approval on the Strip Search Authorization Form prior to the search; or</li> <li>2. Prior supervisor approval is not required if the prisoner: <ul style="list-style-type: none"> <li>• is charged with a crime of drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and / or violence; or</li> <li>• has been convicted or arrested with the last 5 years for drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and / or violence as documented in the criminal history information system;</li> <li>• is charged under PC 3056 or booked with a State Parole hold; or</li> <li>• is charged under California Penal Code Sections 3451, 3454(b), or 3455(a); or</li> <li>• is charged under PC 1203.2; or</li> <li>• is in the custody of another agency and is booked into the jail for safekeeping, including a person booked on a U.S. Marshall hold.</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. There is <b>reasonable suspicion</b> and supervisor approval on the Strip Search Authorization Form prior to the search; or</li> <li>2. Prior supervisor approval is not required if the inmate: <ul style="list-style-type: none"> <li>• is charged with a crime of drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and / or violence; or</li> <li>• has been convicted or arrested with the last 5 years for drugs, (except when arrested for violation of H&amp;S 11550 only), weapons and / or violence as documented in the criminal history information system;</li> <li>• is charged under PC 3056 or booked with a State Parole hold; or</li> <li>• is charged under California Penal Code Sections 3451, 3454(b), or 3455(a); or</li> <li>• is charged under PC 1203.2; or</li> <li>• is in the custody of another agency and is booked into the jail for safekeeping, including a person booked on a U.S. Marshall hold.</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. There is <b>reasonable suspicion</b> and supervisor approval on the Strip Search Authorization Form prior to the search; or</li> <li>2. Prior supervisor approval is not required for any inmate who: <ul style="list-style-type: none"> <li>• was strip searched at booking but a legitimate reason such as a security search of their housing unit exists to conduct another search; or</li> <li>• has been found to possess contraband during a prior search, as documented on the housing card; or</li> <li>• is returning from a work detail, court-ordered pass, hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside his / her assigned housing unit.</li> </ul> </li> </ol>	<p>Sentenced prisoners may be searched at any time as part of a security search.</p> <p>Inmates shall not be strip searched as part of their final discharge and release to the community.</p>



## San Francisco Sheriff's Department Strip Search Authorization Request

Date: \_\_\_\_\_

Booking Name: \_\_\_\_\_  
Last
First
MI

Current Charges: \_\_\_\_\_

Gender Identity: \_\_\_\_\_ DOB: \_\_\_\_\_

I request permission to strip search the above named arrestee. I have reasonable suspicion that this person may have contraband concealed on their person. My suspicion is based on the following:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Requesting sworn employee / star #: \_\_\_\_\_

Watch Commander's Review:      Approved      Denied

Reason (s): \_\_\_\_\_

Signature of Watch Commander / Star #: \_\_\_\_\_

Record of search:  no contraband recovered     the following contraband was found:

Item Found	Disposition of item

- This form must be maintained in facility records.
- A copy of this form must be provided to the arrestee upon request.



## San Francisco Sheriff's Department Voluntary Gender Identity Statement of Preference Form

It is the policy of the San Francisco Sheriff's Department to receive, evaluate, house and provide secure, safe and humane custody of all persons who are lawfully committed or held for confinement by the SFSD until their lawful and appropriate release or transfer to another authority. Every inmate, including transgender, gender variant and non-binary (TGN) inmates, will be individually assessed and provided appropriate housing based on classification standards designed to provide safety, security, and ability to access programs.

Please complete the following information so your preference can be documented and considered:

SF Number: \_\_\_\_\_ Gender Identity: \_\_\_\_\_

1. Preferred Name: \_\_\_\_\_  
Last First MI

2. Legal Name: \_\_\_\_\_  
Last First MI

3. Preferred Pronoun: \_\_\_\_\_ (e.g. he, she, they, none)

4. Preferred Title: \_\_\_\_\_ (e.g. Ms., Mr. none)

**Search Preference:**

While in custody of the San Francisco Sheriff's Department I prefer to be searched by a deputy of the below indicated gender identity whenever possible. I understand that this preference will be respected except as outlined in the policy, or there is no one of that gender identity available, or that the failure to conduct a search may jeopardize the safety of the staff or others.

5. Woman \_\_\_\_\_ Man \_\_\_\_\_ No Preference \_\_\_\_\_

**Housing Preference:**

While in custody I believe I would prefer to be housed with:

6. Women \_\_\_\_\_ Men \_\_\_\_\_ Other TGN people \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Witnessing SFSD Sworn Employee**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

I ensured this information is on the subject's Field Arrest Card



# San Francisco Sheriff's Department Contraband Form

Case # \_\_\_\_\_

Lab Line # \_\_\_\_\_

Name:	Booking #	SF#
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Dates:	Time:	Found By:
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Item(s) Found:
Where:

- Pat Down / Wand Search
- Strip Search (Drugs / Weapons / Violence, etc.)
- Custodial Strip Search
- Safety Cell Placement
- Strip Search Authorization Form

**Check All That Apply**

- Incident Report Written
- SFPD Advised to Supplement Charges
- Sent to Lab for Analysis
- Charges Filed
- Sent to Lab for Destruction
- Items Placed in Inmate's Property
- Item(s) Destroyed
- Other \_\_\_\_\_

Attach Photo
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## San Francisco Sheriff's Department Security Search Log

Search Conducted at:  CJ1    CJ2    CJ4    CJ5    CJ6    SFGH

Other / Specific Location: \_\_\_\_\_

Reason for Search:  Routine       Suspected Contraband       Information Received

Other / Specific Reason: \_\_\_\_\_

Date	Start Time	Ending Time
Supervised By: (List Title/Name/Star Number)		
Sworn Employees Involved: (List Title/Name/Star Number)		
Type of Contraband Found	Location Found	RFD Issued list inmate name/booking #

Notes: Attach additional Security Search forms as necessary  
Attach housing sheet(s)





# San Francisco Sheriff's Department Strip Search Authorization Request

Date: \_\_\_\_\_

Booking Name: \_\_\_\_\_  
Last First MI

Current Charges: \_\_\_\_\_

Gender: \_\_\_\_\_ Race: \_\_\_\_\_ DOB: \_\_\_\_\_

I request permission to strip search the above named arrestee. I have reasonable suspicion that this person may have contraband concealed on his/her person. My suspicion is based on the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requesting sworn employee / star #: \_\_\_\_\_ Gender: \_\_\_\_\_

Watch Commander's Review:  Approved  Denied

Reason (s): \_\_\_\_\_

Signature of Watch Commander / Star #: \_\_\_\_\_

Record of search:  no contraband recovered  the following contraband was found:

Item Found	Disposition of item

- This form must be maintained in facility records.
- A copy of this form must be provided to the arrestee upon request.



<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	Date Issued: <b>02/12/2004</b>	Policy #: <b>SFSD 02-14</b>
	Last Revised: <b>05/15/2013</b>	<i>Formerly E-18</i>
	Related Policies: SFSD 02-13 Searches SFSD 01-08 Jail Clearances	
		Approved By:  <b>Ross Mirkarimi, Sheriff</b>
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Non-Intrusive Sensor and Scanning Devices</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) authorizes **non-intrusive sensor and scanning device searches** that meet the requirements of federal / state / local law.

**PURPOSE:** To maintain safety and security of SFSD employees, the public and inmates.

**I. General:**

- A. A non-intrusive sensor and scanning device search may be conducted on inmates at any time.
- B. A non-intrusive sensor and scanning device search may be conducted on any person entering SFSD facilities.
- C. A non-intrusive sensor and scanning device search may be conducted on any person entering any building that the SFSD is tasked with providing public protection.
- D. A non-intrusive sensor and scanning device will be used and maintained per the manufacturer instructions.

**II. Procedures:**

- A. Inmates who cause a non-intrusive sensor and scanning device to give an alert may be:
  - 1. directed to remove his / her shoes and socks;
  - 2. remove all items from his / her pockets;
  - 3. pat-searched and
  - 4. undergo a second non-intrusive sensor and / or scanning device search.
- B. Inmates who cause the device to give a second alert may be strip-searched.
  - 1. If a **Strip Search** Authorization Form is required, the type of non-intrusive sensor and scanning device used will be identified on the Strip Search Authorization form, as well as the details of the alert.
- C. If members of the public cause a non intrusive sensor and scanning device to give an alert, SFSD employees shall follow the procedure for his / her specific facility / section / unit.

**III. Forms:**

Strip Search Authorization Form

**III. Reference:**

Not Applicable





## San Francisco Sheriff's Department Strip Search Authorization Request

Date: \_\_\_\_\_

Booking Name: \_\_\_\_\_  
Last
First
MI

Current Charges: \_\_\_\_\_

Gender: \_\_\_\_\_ Race: \_\_\_\_\_ DOB: \_\_\_\_\_

I request permission to strip search the above named arrestee. I have reasonable suspicion that this person may have contraband concealed on his/her person. My suspicion is based on the following:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Requesting sworn employee / star #: \_\_\_\_\_ Gender: \_\_\_\_\_

Watch Commander's Review:      Approved      Denied

Reason (s): \_\_\_\_\_



Signature of Watch Commander / Star #: \_\_\_\_\_

Record of search:  no contraband recovered     the following contraband was found:

Item Found	Disposition of item

- This form must be maintained in facility records.
- A copy of this form must be provided to the arrestee upon request.



<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: <b>08/09/1983</b></p> <p>Last Revised: <b>08/28/2015</b></p>	<p>Policy #: <b>SFSD 02-15</b></p> <p><i>Formerly D-05</i></p>
<p>Chapter: <b>02 Legal Enforcement and Operations</b></p>	<p>Related Policies:  SFSD 02-03 Use of Force  SFSD 02-16 Detention and Arrest  SFSD 02-23 Incident Report  SFSD 02-25 Vehicle Collision Report</p> <p>Approved By:    <b>Ross Mirkarimi, Sheriff</b></p> <p>Title: <b>Emergency Vehicle Response and Pursuit Driving</b></p>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) authorizes sworn employees to make reasonable efforts to apprehend a fleeing suspect(s) and to respond to emergency calls.

**PURPOSE:** To provide standards to sworn employees during emergency responses and pursuit driving. To assist sworn employees in maintaining a balance between the safety of the public and the responsibility to apprehend suspects.

**I. General:**

**A. Emergency Vehicle Response**

1. Sworn employees may respond **Code 3** under the following circumstances:
  - a. when a subject escapes or attempts to escape and the pursuing sworn employee is in visual contact with the subject;
  - b. when an attempt is made to injure employees and sworn employees are responding to assist;
  - c. when an attempt is made to harm or injure an inmate being transported and sworn employees are responding to assist;
  - d. when escorting a vehicle transporting individual(s) to a hospital under life-threatening circumstances;
  - e. when involved in a vehicle pursuit;
  - f. in response to an emergency call from any public safety agency requesting assistance;
  - g. when the circumstances are such that an emergency response appears reasonably necessary to prevent serious injury or death to an individual(s), whether or not a criminal offense is involved and / or
  - h. as directed by an SFSD sworn supervisor.

**B.** For a multiple jurisdiction pursuit, Department of Emergency Management (DEM) dispatch shall contact:

1. the California Highway Patrol (CHP) or
2. the appropriate law enforcement agency of primary jurisdiction.

**C.** Traffic collisions occurring during pursuits should be investigated by the law enforcement agency having jurisdiction of the location at which the traffic collision occurred.

## Emergency Vehicle Response and Pursuit Driving

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1. Sworn employees must ensure that vehicle(s) do not pose a hazard to public safety.

### II. Procedures:

#### A. Emergency Vehicle Response

1. Upon initiating a Code 3 response, sworn employees shall immediately broadcast on a monitored radio DEM dispatch channel the reason for the Code 3 activation.
  - a. If involved in a vehicle pursuit, sworn employees shall advise DEM dispatch of the vehicle description, direction of travel and want(s) on the vehicle.
2. Sworn employees shall not respond Code 3 when directed not to do so by a sworn supervisor.
3. Sworn employees shall drive defensively at all times.
4. Non-sworn employees shall never activate any SFSD vehicle's emergency lights or sirens and are prohibited from:
  - a. participating in any emergency vehicle response;
  - b. participating in any emergency vehicle pursuit and / or
  - c. supervising any emergency vehicle pursuit.

#### B. Decision to Pursue

1. Factors in considering a vehicle pursuit:
  - a. seriousness of the crime and its relationship to public safety;
  - b. the potential threat to the public from the escaping vehicle or occupant(s) if the pursuit is not initiated or terminated;
  - c. safety of the public and responding law enforcement officers;
  - d. speeds involved in the pursuit;
  - e. amount of pedestrian and vehicular traffic;
  - f. weather conditions;
  - g. road conditions;
  - h. time of day;
  - i. proximity of the fleeing vehicle and / or
  - j. any other pertinent conditions.
2. Only SFSD **marked units** may participate in a vehicle pursuit unless authorized by the pursuit supervisor.
3. Unless authorized by the SFSD pursuit supervisor SFSD vans and buses may not participate in a vehicle pursuit.





Emergency Vehicle Response and Pursuit Driving

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[REDACTED]

6. The decision to pursue is reversible. A pursuit may not be initiated, or if already in progress, the pursuit may be terminated when:
  - a. the reason for apprehending the pursued vehicle clearly is outweighed by the risk of harm imposed on life and / or property;
  - b. the reason for pursuit is based on the knowledge of or suspicion that the pursued vehicle is a stolen vehicle;
  - c. the subject(s) is identified and may be apprehended at a later time;
  - d. the location of the pursued vehicle is no longer known and / or
  - e. the pursuit supervisor orders the pursuit terminated.
7. Sworn employees transporting inmates shall not be involved in any emergency vehicle pursuit.
  - a. If sworn employees are transporting and witness emergency situations they shall radio DEM dispatch and give the following information:
    - i. the type of incident;
    - ii. location of the incident;
    - iii. suspect(s) and vehicle(s) description and
    - iv. any other pertinent information.
  - b. Nothing in this policy shall preclude sworn employees who are transporting inmates from stopping in order to aid in life-threatening circumstances.

[REDACTED]



## Emergency Vehicle Response and Pursuit Driving

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- c. The pursuit supervisor shall assess risk factors associated with the pursuit and monitor the pursuit to its abandonment or termination.
5. Termination of a Pursuit
- a. The pursuit shall end when:
    - i. the pursuit supervisor orders the pursuit to be terminated;
    - ii. sworn employees determine that the danger involved in continuing the pursuit outweighs the goal of apprehending the individual and / or
    - iii. the vehicle has stopped and the subject(s) are in custody.
- D. Supervisor's Post Pursuit Responsibilities:
- 1. Oversee the completion of the required SFSD incident report(s).
  - 2. Oversee the completion of CHP 187A Allied Agency Vehicle Pursuit Report as required by California Vehicle Code Section 14602.1 and forward to the Investigative Services Unit for submission to the CHP.
  - 3. Complete the Supervisor Vehicle Pursuit Check List.
  - 4. Contact the Investigative Services Unit (ISU), if needed.
  - 5. Properly notify the SFSD Chain of Command.

### **III. Forms:**

Supervisor Vehicle Pursuit Check List

### **IV. Reference:**

14602.1 CVC

CHP 187A Allied Agency Vehicle Pursuit Report





San Francisco Sheriff's Department  
Supervisor Vehicle Pursuit Checklist

Date of Vehicle Pursuit: \_\_\_ / \_\_\_ / \_\_\_ Pursuit Initiated by: \_\_\_\_\_ Star: \_\_\_\_\_

Initial Notification Time: \_\_\_\_\_ hrs. SFSD sworn supervisor contacted: \_\_\_\_\_

Initial SFSD Pursuit Sworn Supervisor: \_\_\_\_\_

Pursuit Supervisor: \_\_\_\_\_ Agency: \_\_\_\_\_

Code 33 initiated:  Yes  No

Information	
location / direction of pursuit	
sworn employee's name	
radio identifier	
reason for pursuit	
color / make / model of pursued vehicle	
vehicle license plate number	
speed of vehicles	
number of occupants	
identity / description of occupants	
number of suspect(s)	
weapon(s) identified / type	
end location of pursuit	
other pertinent information	
other SFSD employees or agencies notified / involved:	
1.	_____
2.	_____
3.	_____
4.	_____
other pertinent information:	





### San Francisco Sheriff's Department Arrest by Private Person

I made a private person arrest on the person of: \_\_\_\_\_  
(Name of Suspect to Be Arrested)

for the following violation(s): \_\_\_\_\_

on \_\_\_\_\_, committed in my presence at \_\_\_\_\_  
(Month Date Year) (if applicable) (Address/Location)

\_\_\_\_\_, and I request the San Francisco Sheriff's Department to assume  
(Address/Location)  
custody of the above subject. I understand that I will be contacted by the Office of the District Attorney of the City and County of San Francisco should I be required to sign a formal complaint charging the above named subject with the commission of the crimes indicated.

Private Person's Name \_\_\_\_\_  
(Type or Print)

Private Person's Signature \_\_\_\_\_

Private Person's Home Address \_\_\_\_\_

Incident Report No. \_\_\_\_\_

original booked as evidence

copy to complainant

attach copy with incident report

SFSD 02-17

Revised 06/29/2011



### San Francisco Sheriff's Department Certificate of Release

As required by the provisions of Penal Code Section 851.6 (as amended by Stats 1975, ch. 1117),

I hereby certify that the taking into custody of: \_\_\_\_\_  
(Subject's Name)

on \_\_\_\_\_ at \_\_\_\_\_ hours by the \_\_\_\_\_  
(Month Date Year) (Time) (Arresting Agency)

was a detention only, not an arrest. \_\_\_\_\_ was released  
Subject's Name

on \_\_\_\_\_ at \_\_\_\_\_ hours, by the San Francisco Sheriff's Department \_\_\_\_\_  
(Month Date Year) (Time)

pursuant to the provisions of:



Paragraph (1) of subdivision (b) Penal Code Section 849; paragraph (3) of Penal Code 849; Penal Code Section 849.5 and Penal Code Section 851.6.

Last Name/Star \_\_\_\_\_ Unit Identifier: \_\_\_\_\_  
(Print)

Signature/Star \_\_\_\_\_





<p style="text-align: center;"><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p style="text-align: center;"><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: <b>08/24/2002</b></p> <p>Last Revised: <b>05/23/2013</b></p>	<p>Policy #: <b>SFSD 02-16</b></p> <p style="text-align: center;"><i>Formerly D-16</i></p>
	<p>Related Policies:  SFSD 02-03 Use of Force                      SFSD 02-27 Suspect Interrogation  SFSD 02-17 Arrest by Private Person  SFSD 02-18 Citations  SFSD 02-23 Incident Reports</p>	
<p>Chapter: <b>02 Legal Enforcement and Operations</b></p>	<p>Approved By:    <b>Ross Mirkarimi, Sheriff</b></p> <p>Title: <b>Detention and Arrest</b></p>	

**POLICY:** San Francisco Sheriff's Department (SFSD) sworn employees, in the course of their duties, may detain and / or **arrest** individuals suspected of committing crimes. Sworn employees shall follow the standards set forth in this policy and procedure and shall ensure that the rights of detained and / or arrested individuals are maintained.

**PURPOSE:** To provide standards for sworn employees in **detention** and / or arrest.

**I. General:**

- A. For the purposes of a detention and / or arrest, a sworn employee is engaged in the performance of his / her duties when:
  - 1. lawfully detaining or attempting to detain a person for questioning or investigation;
  - 2. making or attempting to make a lawful arrest;
  - 3. accepting or exercising custody over an individual who has been arrested by a private person and / or
  - 4. using reasonable force to affect a lawful arrest.
  
- B. A sworn employee may use reasonable force to make an arrest, to prevent escape, or to overcome resistance. A sworn employee need not retreat or stop because of the resistance or threatened resistance of the person being arrested.
  
- C. Where a person being detained or arrested has knowledge, or by the exercise of reasonable care should have knowledge, that the person making the arrest is a sworn employee, the person being detained or arrested may not:
  - 1. use force or a weapon to resist the detention or arrest or
  - 2. passively resist the detention or arrest or
  - 3. interpose any obstacle, that in any manner impedes, hinders, interrupts, or delays the detention or arrest.
  
- D. A detention may not be arbitrary. Factors such as a person's race, gender, sexual orientation, age, dress, or unusual, disheveled or improvised appearance do not, by themselves, justify a detention, request for identification or an order to move on nor do general complaints from residents, merchants or others.
  - 1. A **consensual encounter** may become a detention if the subject withdraws consent and / or a detention is necessary for further investigation.

## Detention and Arrest

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2. The refusal or failure of a person to provide verbal or physical identification is not sufficient cause for detention.
  3. A sworn employee may lawfully detain and question a person when the circumstances would indicate to a reasonable peace officer in a like position that such a course of conduct is necessary to discharge the sworn employee's duties.
  4. The general (three-part) rule for a reasonable detention of a person is:
    - a. there must be reasonable suspicion by a sworn employee that some activity out of the ordinary has occurred, is occurring or is about to occur and
    - b. some indication must exist to connect the person under suspicion with the unusual activity and
    - c. there must be some suggestion that the activity is related to a crime.
  5. A reasonable suspicion of criminal activity means that a sworn employee has specific, articulable facts to support a detention. A mere hunch, unsupported by specific facts, is not sufficient cause either to detain a subject or to ask for identification.
  6. A sworn employee may, for self-protection or the protection of others, conduct a limited search of the outer clothing of the detained subject, if the sworn employee has a reasonable suspicion that the subject is armed and dangerous.
    - a. If the search reveals an object that reasonably feels like a weapon, the sworn employee may remove the object from the subject's clothing.
  7. A detention must be limited in time in order to satisfy the conditions of the investigative process in order to determine if a crime has occurred, is occurring or is about to occur.
    - a. The nature of questioning and the level of force used during a detention must be similarly limited.
  8. In the event that a sworn employee determines that a detention lacks merit for an arrest, the subject detained shall be released without delay under the appropriate section(s) of California Penal Code 849.
- E. A sworn employee may lawfully arrest a subject pursuant to a warrant of arrest, or without a warrant whenever any of the following circumstances occur:
1. when a sworn employee has probable cause to believe that the person to be arrested has committed a public offense in the sworn employee's presence;
  2. when the person arrested has committed a felony, although not in the sworn employee's presence;
  3. when the sworn employee has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed.
  4. A magistrate may orally order sworn employees to arrest anyone committing or attempting to commit a **public offense** in the presence of such magistrate.

## Detention and Arrest

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- F. When a sworn employee respond to calls of domestic violence, it is mandatory that the sworn employee make a good faith effort to inform the victim of his / her right to make a private person's arrest.
1. When a sworn employee responds to calls alleging a violation of a domestic violence protective or restraining order, and sworn employees have probable cause to believe that the person against whom the order is issued has notice of the order, the sworn employees shall make a lawful arrest of the person without a warrant and take that person into custody whether or not that violation occurred in the presence of the sworn employee.
  2. A sworn employee, as soon as possible after the arrest, must confirm that a true copy of the order has been registered, unless the victim provides a copy of the order.
  3. In situations where mutual protective orders have been issued, liability for the arrest applies only to those persons who are reasonably believed to have been the dominant aggressor.
    - a. In those situations, prior to making an arrest, the sworn employee shall make reasonable efforts to identify and may arrest the dominant aggressor involved in the incident.
      - i. The dominant aggressor is the person determined to be the most significant, rather than the first aggressor.
    - b. The sworn employee shall consider the intent of the law to protect the victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of the domestic violence, and whether either party acted in self-defense.
  4. An arrest is made by actual restraint of the person arrested or by submission to the custody of a sworn employee.
  5. The sworn employee making an arrest shall inform the subject to be arrested, prior to the arrest, of the sworn employee's intention, cause, and, except as otherwise provided herein, authority to make the arrest, unless:
    - a. the sworn employee has reasonable cause to believe that the person to be arrested is actually engaged in the commission of or attempt to commit a crime;
    - b. the person to be arrested is pursued immediately after the commission of a crime and / or
    - c. the person to be arrested is pursued immediately after an escape.
  6. Notwithstanding such exceptions, the sworn employee making an arrest shall, upon request of the person being arrested, inform that person of the offense for which he or she is being arrested.
- G. A sworn employee may make a probable cause arrest when the person to be arrested has committed a public offense and not in the sworn employee's presence for the following:
1. battery against a firefighter or other specified personnel;

## Detention and Arrest

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2. arrest of escapee charged with or convicted of a misdemeanor;
3. driving under the influence and / or
4. domestic violence (as listed above).

### **II. Procedures:**

- A. A sworn employee may detain a subject as long as is reasonably necessary to accomplish the purpose of the questioning.
  1. A detention may last as long as is reasonably necessary to either dispel or confirm the reasonable suspicion that criminal activity is afoot.
    - a. Fifteen to thirty minutes is the time frame courts seem to routinely permit, although substantially longer detentions have been upheld, and shorter ones have been found excessive.
- B. A detained subject shall not be physically restrained, unless:
  1. the subject presents a danger to sworn employees or others;
  2. the subject is clearly a criminal suspect, and is likely to escape before the sworn employees can make an arrest and / or
  3. the restraint is necessary in order to overcome resistance to the detention.
- C. A sworn employee who is on-duty, whether or not in uniform, may make an arrest for any crime as outlined in California Penal Code section 836.
  1. The sworn employee shall adhere to the SFSD citation policy.
- D. A sworn employee, on-duty and in uniform, need not identify him / herself as a peace officer prior to making an arrest. The uniform is sufficient to satisfy the legal requirement that the person to be arrested has been informed of the sworn employee's authority to make the arrest.
- E. A sworn employee, on-duty and not in uniform, or off-duty, given the legal authority to effect an arrest, shall identify him / herself as a peace officer prior to making an arrest. It shall be sufficient for such purpose:
  1. On-duty or off-duty, sworn employees present or visibly display the SFSD star or identification card to the subject to be arrested.
  2. On-duty, sworn employees present or visibly display the SFSD star, identification card or other identifying emblem as required.
  3. Display of the SFSD star, identification card or other identifying emblem shall satisfy the legal requirement that the subject to be arrested has been informed of the sworn employee's authority to make the arrest.
- F. An exception to the rule of prior identification is for that time required to comply, or the fact of identification itself would create or enhance the danger of immediate:
  1. loss of life or bodily injury to any person;
  2. substantial injury to property;
  3. the escape of the person to be arrested and / or
  4. loss, destruction or concealment of evidence of a crime.

## Detention and Arrest

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- a. In such case, the sworn employee shall identify him / herself as a peace officer to the arrested subject(s) as soon as practicable after making an arrest.
- G. During a detention and / or an arrest, a sworn employee, at locations other than jails, does not have the legal authority to order persons to move on absent articulable facts:
- 1. that a crime has occurred and such movement is necessary to preserve evidence or to honor a request for privacy by a suspect, victim, or witness;
  - 2. that such movement is required for public safety and / or
  - 3. that such movement is required for officer safety.
- H. If a person is subject to a consensual encounter or is briefly detained, including being moved a short distance for safety or privacy that person is not considered arrested. When releasing that person the sworn employee does not need to issue a Certificate of Release and may not require the writing of an incident report.
- I. If a person has been detained for a significant period of time, moved a substantial distance, transported to an SFSD sub-station or holding cell and / or physically restrained, that person must be issued a Certificate of Release and an incident report must be written.


### **I. Forms:**

Certificate of Release

### **IV. Reference:**

832 P.C. / 834 P.C. / 834 a P.C.  
835 P.C. / 835 a P.C.  
836 P.C. / 836.1 P.C. / 836.3 P.C.  
837 P.C. / 838 P.C. / 841 P.C.  
842 P.C. / 849 P.C. / 2011 Penal Code / Terry v Ohio



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>06/06/2000</b>	Policy #: <b>SFSD 02-17</b>
	Last Revised: <b>01/16/2013</b>	<i>Formerly D-13</i>
	Related Policies: SFSD 02-16 Detention and Arrest SFSD 02-18 Citation SFSD 02-23 Incident Reports	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Arrest by Private Person</b>	

**POLICY:** It is the policy of the San Francisco Sheriff's Department (SFSD) to comply with Penal Code 837 with regards to **arrests by private persons**.

**PURPOSE:** To provide procedures for sworn employees when a private person delivers for **arrest** or demands the arrest of another person.

**I. General:**

- A. A sworn employee may receive an arrest by a private person:
  - 1. for a **public offense** committed or attempted in the private person's presence;
  - 2. when the person arrested has committed a **felony**, although not in the private person's presence and / or
  - 3. when a felony has been in fact been committed and the private person has reasonable cause for believing the person arrested committed it.
- B. A magistrate may orally order a private person to arrest anyone committing or attempting to commit a public offense in the presence of such magistrate.
- C. A sworn employee may detain, arrest and / or release subjects based on the totality of the circumstances.
- D. A private person who has arrested another for the commission of a public offense must, without unnecessary delay, take the person arrested before a magistrate or deliver him / her to a peace officer.
- E. A sworn employee is not required to receive arrests from a private person if that arrest is not supported by probable cause to believe that a **crime** was committed and the person being arrested committed the crime in question.
- F. There shall be no civil liability against a sworn employee when acting within the scope of his / her authority for false arrest or false imprisonment arising out of any arrest under any of the following circumstances:
  - 1. the arrest was lawful or the sworn employee at the time of receiving the private person's arrest had reasonable cause to believe the arrest was lawful;
  - 2. the arrest was made upon reasonable cause pursuant to a charge of the commission of a felony by the person to be arrested and / or

## Arrest by Private Person

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3. the arrest was made pursuant to the requirements of Penal Code Section 837 Private Person's Authority to Arrest; and the refusal to accept an arrest was made pursuant to Penal Code 142 (c).
- G. When a sworn employee responds to a domestic violence call, it is mandatory that the sworn employee make a good faith effort to inform the victim(s) of his / her right to make a private person's arrest.

### II. Procedure:

- A. **Detention:** A sworn employee may detain a subject(s) arrested by a private person while the sworn employee makes a determination to either accept an arrest or release the subject(s).
1. A detained subject shall not be physically restrained unless:
    - a. the subject presents a danger to the sworn employee or others;
    - b. the subject is clearly a criminal suspect, and is likely to escape before the sworn employee can make an arrest and / or
    - c. the restraint is necessary in order to overcome resistance to the detention.
  2. A sworn employee may, for self-protection or the protection of others, conduct a limited search of the outer clothing of the detained subject, if the sworn employee has reasonable suspicion that the subject is armed and dangerous.
  3. When deciding to either effect an arrest or release a subject, a sworn employee may detain a subject for a length of time reasonably necessary to determine if a crime has occurred, is occurring or is about to occur.
- B. When receiving an arrest from a private person, a sworn employee must ensure the complainant signs an Arrest by Private Person form.
1. When multiple subjects are arrested and there are multiple complaints, a complainant must sign a separate Arrest by Private Person form for each subject arrested.
    - a. All other complainants should be categorized as witnesses and / or victims, when applicable, and provided a statement form.
      - i. Their identity and contact information should be collected and documented in the incident report or statement form.
    - b. If additional parties demand to sign an Arrest by Private Person form, they may be allowed to do so although this is not required provided there is a single, appropriately completed and signed Arrest by Private Person form for each person arrested.
  2. When a misdemeanor is committed outside the presence of a peace officer, the offense must have been committed in the presence of the private person signing the Arrest by Private Person form.
  3. In situations where mutual protective orders have been issued, liability for the arrest applies only to those persons who are reasonably believed to have been



## Arrest by Private Person

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the **dominant aggressor(s)**.

- a. In those situations, prior to making an arrest, the sworn employee shall make reasonable efforts to identify and may arrest the dominant aggressor(s) involved in the incident.
  - b. A sworn employee shall consider the intent of the law to protect the victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of the domestic violence and whether either party acted in self-defense (836(c)(3) P.C).
4. A warrant check including probation and / or parole status should be completed upon receiving a subject due to a Private Person Arrest.
  5. A statement form should also be provided to the private person making the arrest. The completed statement should include a narrative of the incident and whatever contact information is known for the arrested person.
- C. If, during the detention, it is determined that probable cause exists to take the subject into custody, the subject shall be booked and / or cited.
1. A sworn employee may release a subject per 849(b)(1) P.C. if the sworn employee is satisfied that there are insufficient grounds for making a criminal complaint against the subject arrested.
  2. Under conditions when a private person makes an arrest of a subject under the influence of alcohol and / or drugs, the subject shall be transported to the appropriate treatment facility if:
    - a. the subject was arrested for intoxication only, and no further proceedings are desirable and / or
    - b. the subject was arrested only for being under the influence of a controlled substance or drug and such person has been delivered to a facility or hospital for treatment and no further proceedings are desirable.
  3. If released pursuant to 849(b)(1) or 849(b)(3) P.C., a sworn employee must provide the detained person a **Certificate of Release** and deem the arrest a detention only.
- D. An incident report shall document any private person's arrest and any release pursuant to 849(b)(1) P.C., before the sworn employee goes off-duty.
- E. All original statements including the Arrest by Private Person form shall be properly booked into evidence or submitted to an investigating officer while maintaining the chain of custody.

### III. Forms:

Arrest by Private Person

Certificate of Release – 849 (B)(1) P.C. and 849 (B)(3) P.C.

Statement Form

### IV. Reference:

Arrest by Private Person

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Penal Code 837

Penal Code 847, 847 (a), 847(b)

Penal Code 834

Penal Code 849 (b)(1), 849 (b)(2), 849 (b)(3)

Penal Code 142

Penal Code 839

Penal Code 838

Penal Code 851.6

Penal Code 836 (c)(3)

SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure # <b>SFSD 02-19</b>	
Date Issued: 9/19/90	Date Revised: 7/31/96, 5/01/02
Approved by: <i>Michael Hennessey</i> RM Sheriff Michael Hennessey	
Chapter: Enforcement & Legal Aspects	

SUBJECT: Communicable Disease Management

**POLICY:** The San Francisco Sheriff's Department encourages the use of protective measures by all employees to minimize exposures to blood or other body fluids while performing job duties.

**PURPOSE:** To comply with California Code of Regulations, Title 8, Section 5193; with Title 15, Article 10, Section 1206.5; and with Health and Safety Code Sections 121060 and 121070.

**DEFINITIONS:**

Communicable Disease: Any disease which can be transmitted from one person to another via the air or body fluid contact, including reportable conditions identified in the California Code of Regulations, Title 17, Section 2500.

Body Fluids: Any fluids secreted by the body.

Exposure Incident: As defined in the California Code of Regulations, a specific contact with blood or other potentially infectious materials by the eye, mouth, non-intact skin, or parenteral contact of an employee while performing job duties.

HBV: Hepatitis B Virus

HIV: Human Immunodeficiency Virus

Other Potentially Infectious Materials: As defined in the California Code of Regulations, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, amniotic fluid, any other body fluid that is visibly contaminated with blood, such as saliva or vomitus, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids such as in an emergency response.

Parenteral: As defined in the California Code of Regulations, piercing mucous membranes or the skin with needle sticks, human bites, cuts, or abrasions.

**Personal Protective Equipment:** As defined in the California Code of Regulations, specialized clothing or equipment worn or used by an employee for protection against a potentially infectious material.

**I. Communicable Disease Control**

General communicable disease precautions will be taken with all persons in the care and control of the Sheriff's Department. All persons, sharp objects and body fluids are to be considered capable of transmitting a communicable disease.

- A. Precautionary measures should be followed in all situations.
1. Disposable gloves should be worn whenever personnel anticipate contact with or have contact with body fluids.
  2. Pocket masks should be used when administering CPR.
  3. Sharp objects should be properly secured to prevent sticks or punctures.
  4. Other materials contaminated with body fluids should be put in red bags marked for contaminated materials.
  5. Personnel who have contact with body fluids should wash the area with soap and water as soon as possible.
    - i. Alcohol wipes, anti-bacterial wipes, or anti-germicidal wipes can be used for immediate disinfecting of the contaminated areas if water is not readily available.
    - ii. Mucous membranes should be rinsed with luke-warm water.
  6. Personnel who have an exposure incident while performing their job duties will submit an Incident Report.
  7. Personnel have a lawful obligation to provide emergency medical care, including CPR, whether or not personal protective equipment is available.
- B. Personal protective equipment will be made available to personnel to minimize body fluid exposure incidents and will be used in the appropriate manner when the situation warrants.
1. Disposable gloves will be available throughout Sheriff's Department facilities and glove pouches will be provided to all personnel.
  2. Pocket masks with one-way valves and carrying cases will be issued to each staff member trained in the use of the pocket masks.
  3. To the extent possible, disposable gowns and goggles will be available in Sheriff's Department facilities. Rubberized gowns and appropriate goggles should be available through the on site Jail Health Service.
  4. To the extent possible, the Department will provide puncture resistant containers.
  5. Whenever Sheriff's employees are assigned to transport a prisoner who is suspected of having tuberculosis, the Jail Health Service staff will provide the appropriate personal protective equipment.
    - i. The prisoner being transported should wear a mask, if cooperative.



## Communicable Disease Management

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1. Needles should never be bent, broken or otherwise tampered with by personnel.
  2. Sharp objects should be secured in puncture resistant containers whenever possible.
  3. If puncture resistant containers are not available, the sharp object should be wrapped in paper or cloth and put into an envelope clearly marked as containing a sharp object.
- G. Precautions should be taken when cleaning items and areas contaminated with body fluids.
1. Equipment items contaminated with body fluids should be cleaned in a manner recommended by the manufacturer.
  2. A bleach and water solution of ¼ cup bleach to a gallon of water is sufficient to decontaminate equipment items.
  3. The bleach and water solution should not be used on any equipment items with rubberized seals.
  4. The bleach and water solution must be discarded after 24 hours as it will lose its effectiveness.
  5. Areas where body fluids have spilled should be cleaned as soon as possible.
    - i. Those cleaning the contaminated areas should use personal protective equipment.
    - ii. Cleaning agents found in the jail facilities are sufficient to decontaminate areas contaminated with body fluids.
  6. Disposable cleaning materials such as paper towels should be properly disposed of once the clean up is over.
  7. Mops should be soaked in a cleaning solution after use to insure decontamination.
- H. Uniform clothing, other clothing items and linens should be cleaned if contaminated with body fluids.
1. Uniform items that are contaminated with body fluids should be changed as soon as possible.
  2. Uniform items should be laundered in a manner recommended by the manufacturer.
    - i. Regular washing detergents are sufficient to decontaminate clothing items that may be safely washed in a washing machine.
    - ii. Dry cleaning items are also sufficient to decontaminate the clothing items.
- II. Prisoner Medical Information and Housing Issues**
- A. The Jail Health Services staff will provide general information about necessary precautions for the housing and transporting of prisoners, who have or are suspected of having a communicable disease, including their HIV status.

## Communicable Disease Management

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1. Jail Health Service staff will notify the Classification staff anytime they identify a prisoner who requires special housing due to a medical issue.
  2. Classification staff should make medical housing assignments in accordance with recommendations from the medical staff.
- B. The Jail Health Services staff shall provide specific medical information in accordance with Health and Safety Code Section 121070.
1. Upon intake and prior to housing, the Jail Health Service staff will conduct the medical screening of prisoners.
  2. If the medical screening provides information about the potential communicable disease status of a prisoner, including HIV infection, Jail Health Service staff shall make a notation on the back of the housing card/Field Arrest Card indicating the appropriate precautions to be taken by staff.
  3. The Classification Officer at County Jail #9 shall place an orange dot on the bottom, left hand corner on the front of the housing card/Field Arrest Card.
  4. The nursing supervisor on duty shall provide a "Communicable Disease Conditions" list to the Facility Commander of each jail facility on a daily basis.
  5. The daily list shall identify any prisoner who is suspected of or has a communicable disease including HIV infection.
  6. The nature of the condition and the appropriate precautions will be listed by a number and letter that corresponds to a legend which each Facility Commander has. The Facility Commander shall allow Watch Commanders in the jail facility access to the legend.
  7. The Facility Commander shall provide a copy of the list, without the corresponding codes, to the Classification staff that are responsible for insuring that the prisoner housing cards are properly marked.
  8. Sheriff's staff will remove the orange dot if Jail Health Service staff indicates it is appropriate to do so.
- C. Prisoners listed on the communicable disease condition list will be housed in general population based on their classification level unless Jail Health Service staff indicate the need for special housing.
1. Prisoners on the communicable disease condition list will not be assigned to work in any jail kitchen, staff dining area, or any area requiring food preparation or service.
- D. Communicable disease condition lists should be kept and stored by the facility for three years and then destroyed.

### III. Exposure Reporting and Management

Personnel should report any exposure incident that occurs while performing their official job duties.

## Communicable Disease Management

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- A. An Incident Report detailing all the facts leading to the exposure should be submitted within 24 hours of the exposure incident.
  - 1. Personnel will include in the report the facts leading to the exposure incident, the type of body fluid exposed to, the name of the source, if known, and what type of personal protective equipment was used.
  - 2. The on-duty Supervisor will review the report to insure all relevant information has been provided.
  
- B. The Watch Commander will refer any personnel who have an exposure incident to the Employee Occupational Health Service Provider or their personal physician if the employee has a waiver on file with the Personnel Section.
  - 1. If the source of the exposure is known, the on duty supervisor will check with the Jail Health Services staff to determine if any communicable disease information is available.
  - 2. If such information is available, it will be provided to the exposed employee in order for the employee to provide the information to the health service provider or their personal physician.
  - 3. The employee will take a copy of their report for the health provider.
  - 4. The on duty supervisor will complete all Workers Compensation forms as required.
  - 5. The health provider shall provide the employee with a medical evaluation by a health professional.
  
- C. The evaluating health professional shall provide a written opinion to the Department within fifteen (15) days of the medical evaluation and the Department shall provide a copy of the written opinion to the employee.
  - 1. The written opinion shall be limited to:
    - i. Whether the Hepatitis B vaccination is indicated and whether the employee received such vaccination.
    - iii. The employee being informed of the results of the medical evaluation performed.
    - iv. The employee being told about any medical conditions resulting from the exposure incident which requires further evaluation or treatment.
  - 3. All other findings and diagnoses shall remain confidential and shall not be included in the written report.
  
- I. The Department shall maintain reports of employee exposure incidents and the written opinions provided by the health professionals who conduct the medical evaluation of the exposure incident.
  
- J. Personnel who have an exposure incident may request the source of the exposure be tested for HIV.
  - 1. The on duty Supervisor shall contact the Forensic AIDS Project and advise them of the exposure incident and the name of the source.
  - 2. The on duty Supervisor shall fax a copy of the Incident Report to the Forensic AIDS Project for their review.



## Communicable Disease Management

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3. The Forensic AIDS Project staff shall meet with the source in a timely manner and request voluntary consent from the source for the HIV testing.
  4. If the source voluntarily consents to HIV testing, the test results shall be provided in a timely manner by the Forensic AIDS Project staff to the requesting Sheriff's employee.
- F If the exposure incident resulted from an act that is chargeable as a criminal offense, the report shall be submitted to the Facility Commander with a request that criminal charges are filed and a court order be sought for the mandatory HIV testing of the source pursuant to Health and Safety Code Section 121060.
1. If the prisoner refuses to voluntarily consent to HIV testing when requested, there is no other legal section that permits involuntary testing without the court order pursuant to Health and Safety Code Section 121060.

### IV. Employee Vaccination and Training

- A. All Sheriff's employees who perform tasks that may result in exposure to blood or other body fluids will be offered the Hepatitis B vaccination.
1. The vaccination process will begin with the pre-employment medical examination and will be provided at no cost to the employee.
  2. The additional shots needed to complete the vaccination cycle will be provided by CMOSH.
  3. Booster shots will be provided at no cost to the employee when the employee provides medical test results indicating the need for a booster shot.
  4. CMOSH is responsible for maintaining Hepatitis B vaccination records for Sheriff's employees.
- B. All Sheriff's employees will be offered tuberculosis skin testing annually at no cost to the employee.
1. Tuberculosis skin testing will be offered at each compound at least once a year.
  2. Sheriff's employees are responsible for reporting to have the skin test read at the appointed time.
  3. Sheriff's employees who are skin test positive for tuberculosis will be offered an X-ray once a year.
- C. Communicable disease training will be provided to all Sheriff's employees who perform tasks that may result in exposure to blood or other body fluids.
1. At least four hours of communicable disease training will be provided during Core training.
  2. Update information about communicable disease will be provided through the CPR and First Aid annual training.



### **Management of Occupational Exposures to Blood Or Other Body Fluids**

**Employee:** When an employee has an exposure to blood or other body fluids, he or she should:

1. Wash the area with water or flush the area with water.
2. Report the exposure to the supervisor.
3. Submit an Incident Report before the end of the scheduled shift explaining how the exposure occurred, what protective equipment was used and whom the source (prisoner) of the exposure is, if known.
4. Go for medical follow-up, if indicated.

**Supervisor:** The Facility Commander or on duty supervisor will:

1. Complete occupational injury forms if medical follow up is indicated.
2. Check the housing card of the source prisoner.
3. If there is an orange dot on the card, the prisoner has a communicable disease condition.
4. Check the daily lists to find out what communicable disease the prisoner has and provide that information to the employee.
5. If there is no orange dot on the housing card, contact the nurse manager or charge nurse and have the prisoner's medical records checked to be sure there are no known facts about the prisoner's communicable disease status.
6. If there is no communicable disease information available and the employee requests the prisoner be tested for HIV infection, contact the Forensic AIDS Project (FAP) at 415-863-8237 and request they try to get the prisoner to voluntarily consent to testing for HIV.
7. Fax the Incident Report to FAP at 415-863-3975 so that they know the circumstances of the exposure incident.
8. If FAP is unable to get the voluntary consent of the prisoner, the Facility Commander should fax the report to the Sheriff's Legal Counsel to determine if the incident meets the legal requirements necessary to request a court order for the involuntary testing of the prisoner.

<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	Date Issued: <b>09/17/1981</b>	Policy #: <b>SFSD 02-20</b>
	Last Revised: <b>05/14/2013</b>	Formerly D-07
Related Policies: SFSD 01-03 Record Retention, Storage and Destruction SFSD 01-09 CORI Security SFSD 02-12 Recording Devices		
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Subpoenas</b>	

**POLICY:** Subpoenas received by the San Francisco Sheriff's Department (SFSD) shall be processed in a timely manner through the channels outlined in this policy.

**PURPOSE:** To establish a procedure for SFSD employees in managing subpoenas.

**I. General:**

- A. Subpoenas received by SFSD Administration shall be forwarded to the facility / section / unit commander for processing to the named employee.
- B. SFSD employees are required to testify in court proceedings upon service of a **subpoena**.
- C. SFSD employees may be required to testify during their regular days off or off hours.
- D. A **Subpoena Duces Tecum** is served to the Sheriff's Legal Counsel.
- E. A Subpoena for audio / visual recordings must be submitted to the Sheriff's Legal Counsel.

**II. Procedures:**

- A. A SFSD supervisor shall serve an SFSD employee with the subpoena and shall complete the proof of service.
  - 1. The proof of service shall be returned to the Administration.
  - 2. The SFSD employee shall follow the direction(s) on the subpoena upon service.
  - 3. When possible, the SFSD employee should be detailed for the scheduled court appearance.
    - a. If detailing of the SFSD employee is not possible, the SFSD employee must attend the court proceedings and receive overtime compensation in accordance with current law and his / her respective **Collective Bargaining Agreement**.

## Subpoenas

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- B. When in a receipt of a Subpoena Duces Tecum, the Sheriff's Legal Counsel shall forward the subpoena to the **Custodian of Records**. The Custodian of Records will examine the subpoena to determine the exact documents requested.
1. If in possession of the requested document, the Custodian of Record shall :
    - a. photo-copy the document;
    - b. stamp one copy indicating a true copy under the penalty of perjury;
    - c. sign the document(s);
    - d. forward the document(s) to the court and / or department of jurisdiction(s) (with a copy of subpoena affixed).
  2. The Custodian of Records shall create a computer record of the subpoena Duces Tecum. Once the documents are forwarded to the appropriate department or jurisdiction, the computer record is updated.
- C. Original documents shall never be forwarded absent a court order.
1. If original documents are needed, the Custodian of Records shall appear in court with the original documents and certified copies for submission.
- D. If any subpoena appears unclear, the Custodian of Records shall forward that subpoena to the Sheriff's Legal Counsel.
- E. When an SFSD employee receives a subpoena directly from a defense attorney or for a civil proceeding, the SFSD employee shall notify the Sheriff Legal Counsel.
1. If the district attorney requests a copy of the information to be sent to the defense attorney, the request will be complied with through the Sheriff's Legal Counsel.
- F. In cases where the Custodian of Records is not the custodian of the record requested (e.g.: visiting, classification records), the Chief Deputy of the division responsible for the records involved will designate the SFSD employee to make a physical appearance, if required, in court.
1. A subpoena Duces Tecum shall always be forwarded to the Custodian of Records for processing.

**III. Forms:**

Not Applicable

**IV. Reference:**

Not Applicable

<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>02/01/2001</b>	Policy #: <b>SFSD 02-21</b>
	Last Revised: <b>10/16/2013</b>	<i>Formerly E-15</i>
	Related Policies: COD Booking Procedures      SFSD 02-16 Detention and Arrest FOD Manual                      SFSD 02-18 Citations SDSD 01-16 LAO                SFSD 02-23 Incident Reports SFSD 02-13 Searches	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Juveniles</b>	

**POLICY:** Sworn employees are authorized to detain / arrest **juveniles**. Juveniles will not be housed with adult inmates.

**PURPOSE:** To establish guidelines for the detention / arrest of juveniles. To follow guidelines for booking juveniles pursuant to warrants and / or court orders. To ensure that known or suspected juveniles are not housed with adult inmates.

**I. General:**

A. A sworn employee may arrest a juvenile without a warrant for a misdemeanor or a felony offense if there is probable cause to believe that the juvenile committed an offense.

1. In contrast to a misdemeanor arrest of an adult; there is no requirement that the misdemeanor offense committed by a juvenile occur in the sworn employee's presence.

B. Arrests may be made pursuant to a juvenile warrant.

1. Juvenile warrants issued under §300 W&IC may only be booked by the San Francisco Sheriff's Department (SFSD) when accompanied by pending criminal charge(s).

a. A Department of Human Services (DHS) social worker must be notified.

b. After local criminal charges are adjudicated, juveniles shall be released to a DHS social worker or must be transported to Child Protective Services (CPS) in order to establish disposition of the non-criminal juvenile warrant.

2. A juvenile criminal warrant issued under §602 W&IC may be booked by the SFSD.

a. The Juvenile Justice Center (JJC) must be notified to calendar the matter for court.

3. A juvenile warrant issued under §700 W&IC or a criminal offense listed under §707 W&IC may be booked when:

## Juveniles

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- a. a direct filing by the District Attorney's (DA) Office is filed within 48 hours of arrest and / or
  - b. a court order is obtained by the DA within 48 hours of arrest.
- C. A juvenile age 14 or older who is arrested for a felony offense may not be released until the juvenile has signed a written promise to appear before a probation officer or the juvenile court.
- D. If a juvenile age 14 or older is detained or arrested for any offense listed in §707(b) W&IC or for the personal use of a firearm in the commission or attempted commission of a felony, the juvenile must be held in custody until a detention hearing.
- E. Individuals under the age of 18 may be detained only in a juvenile facility; they cannot legally be confined in an adult detention facility, except for the following exception:
1. With the explicit permission of the Sheriff or designee, juveniles in the custody of the Juvenile Probation Department may be housed at San Francisco General Hospital (SFGH) on Ward 7D under the direct supervision of JJC employees.
  2. During booking a juvenile shall not be in physical, sustained sight or sound contact with adult inmates.
  3. Brief incidental contact with adult inmates during transport to or from court proceedings.
- F. Alleged juveniles detained in an adult detention facility shall be housed alone.

## II. Procedures:

- A. A sworn employee shall take juveniles detained for emergency or temporary shelter to CPS for medical screening and placement.
1. Prior to detaining a juvenile for this purpose, a sworn employee shall attempt to contact the juvenile's parent(s) or guardian(s) to determine if the parent or guardian is able to take custody of the juvenile.
  2. A detention for emergency or temporary shelter is appropriate when:
    - a. a juvenile is in immediate need of medical care;
    - b. a juvenile's physical environment poses an immediate threat to the juvenile's health or safety;
    - c. a juvenile left unattended poses an immediate threat to the juvenile's health or safety;
    - d. the juvenile is in danger of physical or sexual abuse and / or
    - e. the juvenile has been ordered by the juvenile court to be removed temporarily from the custody of his / her parent(s) or guardian(s) and sworn employees have reason to believe the juvenile has violated an order of the juvenile court or has left any placement ordered by the juvenile court.
- B. Incident to arrest, a sworn employee, of the same gender as the juvenile, may pat search the juvenile for weapons.

## Juveniles

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1. In life threatening situations or exigent circumstances, a sworn employee of a different gender may pat search a juvenile for weapons.
2. The sworn employee shall advise a juvenile as soon as reasonable of their Miranda Warnings when the juvenile is detained or arrested in a language or manner understandable to the juvenile.
  - a. This shall be documented in the Secure / Non-Secured Detention of Juvenile Log form and in an incident report.
3. Employees shall ensure that juveniles who are obviously injured or obviously ill are provided medical treatment.
4. The sworn employee shall initiate contact with **Community Assessment and Referral Center (CARC)** whenever a juvenile is detained or arrested.
  - a. JJC shall be contacted when CARC is closed.
5. A CARC or JJC probation officer shall determine the disposition of a juvenile. The CARC / JJC probation officer will direct sworn employees to:
  - a. Admonish - release the juvenile 849 (b) P. C. after a warning and take no further action;
  - b. Divert - release the juvenile and refer him / her to a community agency;
  - c. Cite - cite the juvenile to CARC or to juvenile court and / or
  - d. Book - book the juvenile at JJC or CARC.
6. The sworn employee shall document the probation officer's name and disposition of the juvenile in an incident report and any other legal document.
7. The sworn employee shall make immediate notification to the juvenile's parent(s), guardian(s) or other responsible person(s) as soon as reasonably feasible.
8. Sworn employees shall not transport juveniles and adults custodies together.
  - a. Female juveniles shall be transported by a female sworn employee, when possible or with supervisor's approval, male employees.
  - b. Prior to transporting any juvenile, a sworn employee must radio dispatch with the destination, starting time and starting mileage. Upon arrival at the destination, the sworn employee must radio dispatch with the ending time and ending mileage.
9. Immediately after taking the juvenile to a place of confinement and no later than one hour after he / she has been taken into custody, the juvenile shall be allowed to make at least two completed telephone calls:
  - a. one call to the parent(s), guardian(s), employer(s) or other responsible person(s) and
  - b. one call to an attorney.
10. Sworn employees shall ensure basic amenities shall be made reasonably available:

## Juveniles

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- a. telephone;
  - b. water / snack within four hours;
  - c. privacy during visits and
  - d. access to toilet / washing facilities.
11. Sworn employees are responsible for the security, safety and well-being of detained juveniles through constant personal observation and documentation.
- a. Health professionals shall be contacted for juveniles who appear suicidal, ill and / or injured.
  - b. A juvenile's parent(s), guardian(s) or responsible person(s) shall be notified in the event of a suicide attempt, serious illness and / or serious injury.
- C. Individuals whose date-of-birth (DOB) on a Housing / Field Arrest card shows him / her to be less than 18 years old will not be booked in an adult detention facility.
1. Sworn employees, at the time of booking, are responsible for checking the DOB on a Housing / Field Arrest card.
- D. If an individual states to an employee he / she is a juvenile after he / she has been accepted and booked, the employee shall:
1. notify the watch commander;
  2. document the Housing / Field Arrest card to reflect the allegation of juvenile status and
  3. house the alleged juvenile alone and
    - a. when possible alleged juveniles should be restricted from verbal, non-verbal or visual communication with adult inmates.
- E. Watch commanders shall use one or more of the following sources to verify the age of an alleged juvenile:
1. Have the alleged juvenile ID processed.
  2. Contact the Classification Unit and request a criminal history records check to confirm the existence or absence of criminal history as an adult.
    - a. In the absence of compelling evidence such as a birth certificate, passport or driver's license, prior adult criminal history that resulted in an actual court appearance will serve as evidence of legal adult status.
  3. Sworn employees shall allow the alleged juvenile a supervised telephone call to anyone who can provide proof of age such as a birth certificate or passport. Such proof should be brought to the jail as soon as possible.
    - a. Individuals arriving at the jail with documentation to prove an inmate is a juvenile should be referred to the watch commander. The watch commander will record:
      - i. the individual's name and telephone number;





Support Services (ITSS).

- i.* ITSS shall scan these and attach them to the Global Subject Jacket for future reference.

**III. Forms:**

Not Applicable

**IV. Reference:**

Welfare & Institution Code §207.1, §208, §300, §601, §602, §625, §626(c) & §700

Adult Title 15 Programs and Procedures Guidelines §1101. Restrictions on Contact with Adult Prisoners

Criminal Law Procedure and Practice §56.10, §56.19, §56.29, §56.43 & §56.50



California Rules of Court section 241.2

CARC Referral form

Secure / Non-Secure Detention of Juveniles Log (SFPD form)

Juvenile Detention Disposition form (JUS 8176)

Juvenile Booking Form

<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>05/15/2013</b>	Policy #: <b>SFSD 02-22</b>
	Last Revised:	
	Related Policies:	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Knives</b>	

**POLICY:** San Francisco Sheriff's Department (SFSD) sworn employees may carry a knife while on duty.

**PURPOSE:** To provide guidelines for SFSD sworn employees who chose to carry a knife while on duty.

**I. General:**

A. Sworn employees may carry a folding knife (with a blade not to exceed three (3) inches in length) on duty only as follows:

1. Fully concealed inside a pocket with no clip or other part of the knife visible.
2. No other knives, like a switch blade or other spring loaded knives, are approved for on duty carry.

B. SFSD will not issue knives to SFSD employees.

**II. Procedures:**

Not Applicable


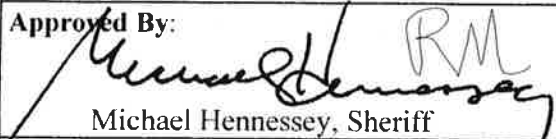
**III. Forms:**

Not Applicable

**IV. Reference:**

Penal Code 653k



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	<b>Date Issued:</b> 06/03/1993	<b>Policy #:</b> SFSD 02-23 <i>(formerly 11-01)</i>
	<b>Last Revised:</b> 08/16/2010	<b>Related Policies:</b> I-11 Sick Leave I-23 Legibility of Handwriting D-02 Use of Force I-41 EWW
	<b>Approved By:</b>  Michael Hennessey, Sheriff	
<b>Chapter: Operations</b>	<b>Title: Incident Reports</b>	

**POLICY:** An Incident Report is an important instrument used for recording and disseminating information. Incident Reports shall be completed and routed in an expeditious manner to ensure that necessary information is received.

**PURPOSE:** To establish guidelines for employees who are required to write and/or approve Incident Reports.

**I. General**

A. All employees are required to write an Incident Report for:

1. All assaults.
2. Incidents involving employees:
  - a. on or off duty arrest or detention;
  - b. Absence Without Leave (AWOL);
  - c. illnesses or absences which are required by the Sick Leave policy;
  - d. insubordination or disobedience of order(s);
  - e. harassment;
  - f. conduct that reflects adversely on the Department;
  - g. release in error;
  - h. injury to employee;
  - i. an unusual event witnessed or information received by employee.
3. Incidents involving inmates:
  - a. escape or attempted escape;
  - b. walk-away;
  - c. suicide or attempted suicide;
  - d. death;
  - e. injury to inmate;
  - f. destruction of Department property;
  - g. riot or disturbance;

## Incident Reports

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- h. contraband discovery;
  - i. assault on inmate.
4. Uses of force:
  - a. use of physical force;
  - b. use of chemical agent;
  - c. use of **Taser**;
  - d. use of **Arwen**;
  - e. brandishing of a firearm;
  - f. discharge of a firearm.
5. Other events:
  - a. missing or stolen Department property;
  - b. accident and/or damage to Department vehicle;
  - c. food service discrepancies.
6. Incident in which an employee is ordered to write an Incident Report by a supervisor.
7. All facilities/sections/units shall maintain an Incident Report log.

## II. Procedure

### A. Submission of Reports

1. The employee shall obtain an Incident Report number from the Incident Report Log/data base.
2. The employee shall complete the Incident Report Log entries.
  - a. The employee shall indicate on the Incident Report which facility/section/unit the employee was working for when the incident occurred.
3. The employee shall write Incident Reports while on duty.
  - a. If the employee is unable to write a report because of illness or injury, the employee's supervisor will collect the pertinent information and assign someone with knowledge about the incident to write and submit the Incident Report.
4. When the incident involves a crime, the employee will obtain an Incident Case Number from the San Francisco Police Department.
5. When the incident involves drugs, the employee will obtain a Drug Lab Number from the San Francisco Police Department.
6. All Incident Reports must be submitted by the end of the watch unless there is an extreme circumstance that must be approved by the watch commander.
7. A supervisor shall review, approve and submit the report to the facility/section/unit commander.

## Incident Reports

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- a. In the review process, the supervisor may direct the employee to clarify facts, explain facts further and/or correct errors.
8. The supervisor shall submit the report to the facility/section/unit commander as soon as possible or no later than 24 hours after approval of the Incident Report.
- B. The employee shall not transmit or forward an Incident Report until it has been approved.
  1. A memo detailing the essential facts of the incident may be forwarded.
- C. The employee shall not change the Incident Report once it has been approved.
  1. If any additional information or corrections are needed, the employee shall write a supplemental Incident Report.
    - a. The title of the report shall be "Supplemental to Incident Report Number XXXX."
    - b. The employee shall write only the supplemental information and not re-write the entire Incident Report.
- D. The supervisor shall send the original Incident Report to the Public Information Officer (PIO).
  1. Photographs and any physical evidence of a crime will not be sent to the PIO.
  2. If a crime is charged, a copy of the Incident Report shall be transmitted to:
    - a. The Undersheriff;
    - b. The Investigative Services Unit (ISU);
    - c. Project O.R.

### III. References



N/A

### IV. Forms

N/A





<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>03/25/1982</b>	Policy #: <b>SFSD 02-24</b>
	Last Revised: <b>01/16/2013</b>	Formerly <i>I-23</i>
	Related Policies: SFSD 02-23 Incident Report SFSD 03-08 Employee Discipline	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Legibility of Handwriting</b>	

**POLICY:** San Francisco Sheriff's Department (SFSD) employees shall write legibly.

**PURPOSE:** To set standards for accurate and complete handwritten communication.

**I. General:**

- A. This policy pertains to any SFSD issued document requiring handwritten documentation.
- B. This policy pertains to any SFSD incident report(s), housing round sheets, pod logs, citations, requests for discipline, statement(s) and / or memoranda that are handwritten.
- C. Signatures, star numbers and printed names shall be legible.

**II. Procedures:**

- A. A SFSD supervisor shall not approve any handwritten work related document, unless it is legible.



**III. Forms:**

Not Applicable

**IV. Reference:**

Not Applicable



<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	Date Issued: <b>07/24/1981</b>	Policy #: <b>SFSD 02-25</b>
	Last Revised: <b>05/15/2013</b>	Formerly <i>H-02</i>
	Related Policies: SFSD 02-23 Incident Reports	
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Vehicle Collision Reports</b>	

**POLICY:** It is the policy of the San Francisco Sheriff's Department (SFSD) to report **collisions** involving vehicles owned or operated by the City and County of San Francisco (CCSF).

**PURPOSE:** To provide guidelines in the proper documentation of vehicle collisions involving CCSF owned or operated vehicles.

**I. General:**

- A. The CCSF is self insured.
- B. Failure to obtain information may require an extensive investigation or unnecessary costs to the CCSF. Every driver of a vehicle owned or operated by the CCSF has an obligation to document every collision in an incident report.

**II. Procedures:**

- A. If a driver of a CCSF owned or operated vehicle is involved in a motor vehicle collision with injuries, the driver shall, if able:
  - 1. contact the law enforcement agency of primary jurisdiction and request assistance;
  - 2. request medical assistance;
  - 3. render medical assistance, if able and safe to do so, until **advanced medical personnel** arrive and
  - 4. contact his / her immediate supervisor.
- B. If a driver of a CCSF owned or operated vehicle is involved in a motor vehicle collision and there are no injuries during the collision, that driver shall contact the law enforcement agency of primary jurisdiction to respond to the scene of the collision for the purpose of taking a report.
- C. Required Vehicle Collision Information:
  - 1. If in a collision involving another vehicle while operating a CCSF owned or operated vehicle, the following information of the other party(ies), but not limited to must be obtained:
    - a. name, address and telephone number (work and home);

## Vehicle Collision Reports

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- b. Driver's License state, number and expiration date;
  - c. vehicle license number, make, type, and year;
  - d. registered owner of the vehicle;
  - e. insurance company name, policy number and telephone number and
  - f. description of other vehicle's damage.
2. Details of Collision:
    - a. date, hour and location of the accident;
    - b. weather conditions of the road;
    - c. how the accident occurred and
    - d. responding employee's name and badge or identification number.
  3. Persons Injured or Involved:
    - a. Name, address, and telephone number of all persons injured in the collision (work and home).
  4. Witnesses:
    - a. Name, address and telephone numbers (work and home).

### **III. Forms:**

Not Applicable

### **IV. Reference:**

Not Applicable





<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	Date Issued: <b>01/01/1985</b>	Policy #: <b>SFSD 02-26</b>
	Last Revised: <b>05/15/2013</b>	<i>Formerly J-03</i>
	Related Policies: SFSD 02-23 Incident Report	
		Approved By:  <b>Ross Mirkarimi, Sheriff</b>
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Preservation of an Investigation Scene</b>	

**POLICY:** The establishment and preservation of investigation scene(s) are essential for the San Francisco Sheriff's Department (SFSD) to conduct comprehensive, unobstructed and accurate investigation(s).

**PURPOSE:** To establish guidelines for the establishment and preservation of investigation scene(s).

**I. General:**

- A. An **investigation (crime) scene** includes the securable area surrounding the site of the incident, incorporating the area(s) where any of the event(s) occurred.
- B. A sworn supervisor shall be responsible for determining if the site of an incident requires preservation so that further investigation may ensue.
  - 1. If preservation is required, the scene is determined by the scope of the crime and may include secondary locations.
  - 2. A perimeter should be established in order to preserve evidence and avoid contamination of the investigation scene(s) and any evidence to the extent possible. The perimeter should be established by:
    - a. creating a defined boundary;
    - b. restricting areas;
    - c. posting employees and / or
    - d. establishing other barriers designating limited access areas that require further investigation.
- C. A sworn supervisor is responsible to preserve all investigation scenes for any incident which is classified as a **major investigation (crime) scene**. In the event of an incident involving a major crime scene(s), sworn employees from the Investigative Services Unit (ISU) shall be notified for response to the crime scene(s). ISU sworn employees will assume command of major crime scene(s).
  - 1. A major crime scene is a location where the following has occurred:
    - a. death in custody / homicide / suicide;
    - b. officer-involved shooting;
    - c. sexual assault and / or
    - d. felony assault(s) resulting in serious or great bodily injury.

## Preservation of an Investigation Scene

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- D. All other investigation scenes are non-major scenes. A sworn supervisor may request a response from ISU for non-major scenes.

### II. Procedures:

- A. Once the safety and security of a scene has been established, sworn employee(s) should attempt to isolate and preserve investigation scene(s) from contamination.
- B. Sworn employees assigned to protect an investigation scene(s) shall establish a safe route to enter and exit the investigation scene(s).
1. This route should be chosen in a manner which is least disruptive to the crime scene or the physical evidence.
- C. Once an investigation scene has been established, no individual will enter the investigation scene without authorization from one of the following:
1. Incident Commander;
  2. On scene supervisor;
  3. ISU sworn employee and / or
  4. Crime Scene Log Officer.
- D. Evidence collection, at a major crime scene(s), is the responsibility of ISU sworn employees or employees of the agency of primary jurisdiction.
1. Physical evidence should not be moved, touched or disturbed prior to the arrival of sworn employees from ISU.
  2. Sworn employees shall not move evidence at a crime scene unless the evidence is in danger of being lost, contaminated or destroyed or when a firearm or other weapon must be secured in order to ensure the safety of all individuals.
    - a. The fact that a firearm may be loaded or a weapon present does not in itself justify moving a firearm or a weapon if it does not present an immediate danger.
  3. If it is necessary to move evidence, sworn employees shall document its original position and condition, notify the investigator(s) upon their arrival and record the details in an incident report.
    - a. Individuals should not attempt to return items of evidentiary value to their original location once moved.
- E. Supervisors at non-major crime scene(s) are responsible for:
1. assignment and instruction of at least one sworn employee to preserve the investigation scene;
  2. proper preservation of **evidence**,
  3. establishment of a **chain-of-custody** so that evidence is admissible in court;
  4. designation of a Crime Scene Log Officer, if needed, and
  5. notification to relieving supervisors of the following:
    - a. the steps that have been performed to preserve investigation scene(s);
    - b. the steps that have been performed to preserve the evidence and / or
    - c. the documented chain-of-custody.



## Preservation of an Investigation Scene

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- F. The Crime Scene Log Officer shall document the name of any individual who enters and exits from the crime scene.
- G. At non-major investigation scenes, sworn employees shall process evidence as directed by a sworn supervisor. Prior to moving any evidence, sworn employees shall document the location and include that information in an incident report.
1. If it is determined by a sworn supervisor that photographs are necessary, photograph the crime scene and, when possible, include overview, mid-range and close-up photographs of any evidence found in the crime scene.
  2. Sworn employees shall label the container(s) of any evidence with the following:
    - a. his / her initials and star number;
    - b. the description of the evidence and
    - c. the incident case number assigned to the case, if one exists.
  3. Sharp objects shall be safely secured and marked as such.
  4. Items containing biohazard material shall be safely secured and clearly labeled as such.
  5. Each article of clothing that has been collected as evidence should be placed in a separate paper bag or envelope.
  6. If there are fluids on any collected evidence, the evidence must be air dried prior to placement in a paper bag(s) or envelope(s).
  7. Money collected as evidence should be secured in an envelope labeled "Money for Identification" and separated from other evidence.
    - a. sworn employees shall document the denomination(s) of currency and the total amount.
  8. Narcotics evidence (excluding marijuana) shall be processed as follows:
    - a. When possible, narcotics evidence should be photographed in its original packaging.
    - b. Sworn employees trained in conducting presumptive narcotic tests shall be contacted to conduct a presumptive narcotics test.
    - c. If the presumptive narcotics test is positive for an illegal substance and an arrest is pending, the sworn employee who conducted the presumptive narcotics test shall:
      - i. secure the narcotics in an evidence envelope labeled Analyzed Evidence Envelope;
      - ii. write his / her initials and star number across the flap of the envelope;
      - iii. seal the flap with tape and / or sealing wax and
      - iv. complete the required fields on the outside of the Analyzed Evidence Envelope including instructions to the chemist.
        - The instructions to the chemist must indicate to the

## Preservation of an Investigation Scene

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chemist to analyze the narcotics evidence and not to destroy the narcotics evidence. The Analyzed Evidence Envelope must be delivered to the designated location for narcotics evidence for the City and County of San Francisco.

- d. The sworn employee conducting the presumptive narcotics test shall write an incident report and forward that report to the originating facility / section / unit.
9. A presumptive narcotics test is not required for marijuana that is collected as evidence.
- H. When dealing with flammables, contact the San Francisco Fire Department (SFFD) for safe handling assistance.
  1. If the incident involved an inmate at the San Bruno complex, contact should be to the SFFD.
  2. If the incident involved a civilian at the San Bruno complex, contact should be to the appropriate fire agency in San Mateo County.
- I. When investigating a sexual assault and the SFSD is the agency of primary jurisdiction, the victim should be transported to a Rape Treatment Center for evaluation and evidence collection.
- J. Sworn employees shall not leave collected evidence unsecured and / or unattended in a place where the evidence could be handled by individuals not investigating the incident.
- K. Evidence, excluding narcotics, at non-major crime scenes may be:
  1. delivered to sworn employees from ISU, if appropriate;
  2. stored in an evidence locker or
  3. stored at the Hall of Justice, room G-25.
- L. Once an investigation scene has been established as a major crime scene and the incident is being investigated by ISU sworn employees, only the investigator assigned to the incident may release the investigation scene to its normal status.
  1. All other investigation scenes may be released to normal status either by the incident commander or a sworn supervisor.

### **III. Forms:**

Crime Scene Log

### **IV. Reference:**

Not Applicable

**SAN FRANCISCO SHERIFF'S DEPARTMENT**



**POLICY AND PROCEDURE**

Policy / Procedure # <b>SFSD 02-27</b>	
Date Issued: <b>08/08/02</b>	Date Revised:
Approved by: <i>Manuel Hernandez</i>	
Chapter: <b>Investigations</b>	

**SUBJECT:** Suspect Interrogation

**Purpose:** To provide standards for San Francisco Sheriff's Deputies interrogating suspects in custody following a lawful arrest.

**Policy:** Deputies may, in the course of their duties, interrogate suspects in custody following a lawful arrest. Deputies shall follow the standards set forth in this policy and procedure, and shall ensure that the rights of such suspects are not violated.

**I. General Legal Standards For Suspect Interrogation (Miranda Rule)**

- A. The Miranda rule applies only to suspects who are in custody, or otherwise significantly deprived of their freedom of action, at the time of an interrogation.
  - 1. Custody depends on the objective circumstances of the interrogation, not on the subjective views of either the interrogating deputy or the person being questioned. The test is how a reasonable person in the suspect's position would understand the situation.
  - 2. In particular, the fact that the deputy suspects a person of a crime, but does not tell the person, is irrelevant for Miranda purposes.
- B. The Miranda warnings are not required on a temporary detention for investigation by a deputy who lacks probable cause for arrest, but who has a reasonable suspicion that the person detained may have committed or was about to commit a crime.
  - 1. The deputy may ask the person a moderate number of questions to determine the person's identity, and to try to obtain information confirming or dispelling the deputy's suspicions.
- C. Miranda warnings do not apply in the following cases:
  - i. non-testimonial responses by a suspect in custody, (e.g., physical acts)

## Suspect Interrogation

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- ii. routine booking questions, or custodial interrogation in a foreign country,
  - iii. voluntary statements by a suspect in custody, elicited without a prior Miranda warning, in an effort to rescue a victim, or to preserve the life of the suspect,
  - iv. voluntary statements by a suspect in custody, elicited without a prior Miranda warning, in an effort to alleviate an immediate threat to officer or public safety,
  - v. requests for consent to search, or to take chemical tests for intoxication,
  - vi. conversation with a suspect in custody, where the speech would not reasonably be construed as an interrogation, (e.g., casual conversation)
  - vii. conversation with a suspect in custody, where the suspect initiates the conversation and the deputy responds in a "neutral" manner,
  - viii. statements by a suspect in custody which are spontaneous or initiated by the suspect, and not in response to questioning,
  - ix. statements by a suspect in custody which are made to a person who is not a law enforcement officer and not acting as an agent, or at the request, of a law enforcement officer, or
  - x. when a suspect is not placed under arrest, voluntarily comes to a police station or sub-station, and is allowed to leave unhindered by the deputy after an interview.
- D. The Miranda requirement is satisfied if the warnings given are equivalent to those contained in the Miranda decision. These include advising the suspect in custody of all of the following:
- i. the right to remain silent,
  - ii. the fact that anything the suspect says can be used against the suspect in a court of law,
  - iii. the right to the presence of an attorney during interrogation, and
  - iv. the fact that if the suspect cannot afford an attorney, one will be appointed prior to any questioning, if the suspect so desires.
1. The warnings must be given so as to convey to the suspect the substance of each Miranda right, but need not follow exact language. There is no requirement that the warnings, or a waiver, be recorded or written.
- E. A waiver of Miranda rights is valid if made voluntarily, knowingly and intelligently. The suspect need not be provided with a list in advance of all possible subjects of

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interrogation. A waiver is not invalid simply because the suspect is unaware of the charges.

1. A waiver may be by words, or by the conduct of the suspect.
- F. Interrogation of a suspect in custody must stop if the suspect, whether by words or conduct that appears reasonably inconsistent with a present willingness to discuss the case freely, invokes Miranda rights. However, the invoking of Miranda rights prior to custody is ineffective. Incriminating statements made by a suspect during that time are admissible.
- G. The request for an attorney, including a phone call to an attorney, is sufficient to invoke a suspect's rights under Miranda. The deputy may not proceed with interrogation.
  - a. The request for an attorney, however, must be clear in order for the suspect to effectively invoke Miranda rights.
- H. A minor suspect in custody who, without an attorney present, asks to see his or her parents, is deemed to have invoked the Fifth Amendment privilege against self-incrimination. The deputy may not proceed with interrogation.
- I. A suspect in custody who invokes the Miranda right to have counsel present during interrogation may not be approached regarding any offense, even though unrelated to the current accusation, unless counsel is present.
  1. If, however, the suspect reinitiates the discussion, he or she may be deemed to have waived the right to counsel.

## II. General Legal Standards for Suspect Interrogation ( Massiah Rule)

- A. Under the Massiah rule, a suspect may not be interrogated in a criminal matter after adversary proceedings against the suspect have begun, except in the presence of counsel representing the suspect in the matter. The rule applies even if the suspect is not in custody at the time of the interrogation.
- B. The Massiah rule applies even if the information is elicited by an informant acting on behalf of law enforcement officers or the district attorney.
- C. The Massiah rule does not apply:
  - i. when the adversary stage has not been reached,
  - ii. when statements by the suspect are spontaneous or voluntary, or
  - iii. when the subject-matter of the interrogation is entirely unrelated to a criminal matter pursuant to which adversary proceedings have begun.

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### III. General Operating Standards for Suspect Interrogation (Miranda)

- A. A deputy conducting an interrogation of a suspect in custody following the suspect's arrest, before adversary proceedings have begun for the alleged crime which is the subject-matter of the interrogation, shall advise the suspect of Miranda rights prior to the interrogation, unless the interrogation is for a purpose to which an exception to the Miranda rule applies.
- B. The deputy shall advise the suspect as follows:
- a. You have the right to remain silent.
  - b. Anything you say may be used against you in court.
  - c. You have the right to the presence of an attorney before and during questioning.
  - d. If you cannot afford an attorney, one will be appointed for you, free of charge, before any questioning, if you want.
- C. Immediately following the Miranda warning, the deputy shall ask the suspect whether he or she understands the Miranda rights. The response must be clear. If the response is unclear or vague, the deputy shall not proceed with the interrogation.
- a. The deputy may repeat a right, or, if necessary, restate the right in simpler terms (e.g., "You have the right to remain silent" may be restated to, "You don't have to talk to me about your charges" , if the suspect asks what the right means).
  - b. A deputy shall not, however, engage a suspect in a lengthy conversation about, or undertake a detailed explanation of, a Miranda right. Any indication that the suspect wishes to discuss the details of a right shall be treated as an indication that the suspect does not understand the Miranda warning. The deputy shall not proceed with the interrogation.
- D. If it is clear that the suspect understands the Miranda rights, the deputy shall ask the suspect if he or she wishes to answer questions about the alleged crime. An affirmative answer must be clear. If the answer is negative or unclear, the deputy shall not proceed with the interrogation.
- E. The deputy may, at the suspect's request, briefly state the general circumstances about which questions may be asked. The deputy shall not:
- i. advise the suspect to invoke or waive a Miranda right,
  - ii. accept the invoking or waiver of one Miranda right but not another,
  - iii. promise to limit the scope of the inquiry,

## Suspect Interrogation

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- iv. promise to accept a statement "off the record", or
  - v. offer an inducement or reward for the suspect's cooperation.
- F. A deputy conducting an interrogation of a suspect in custody shall prepare a report of the interrogation. The report shall include whether or not the suspect was advised of Miranda rights, and
- i. if advised, whether or not the suspect stated that he or she understood those rights, and waived those rights, or
  - ii. if not advised, the reason why.

### IV. General Operating Standards for Suspect Interrogation ( Massiah)

- A. Where a suspect is in custody on any criminal matter:
- i. for which the suspect is represented by counsel, or
  - ii. for which the suspect has been:
    - a. indicted by a grand jury,
    - b. charged by information, or
    - c. charged in a complaint filed by the district attorney following the suspect's arrest,
      - 1) a deputy shall not interrogate a suspect, in custody, following a lawful arrest unless counsel representing the suspect has been advised and is present during the interrogation.
1. If counsel has not been retained or appointed in the matter, or the suspect is acting as his or her own counsel in the matter, the deputy shall not conduct the interrogation.
- B. Notwithstanding the above restriction, a deputy may interrogate a suspect in custody following a lawful arrest, on any criminal matter:
- i. When the suspect initiates the interrogation, and the statements by the suspect are spontaneous or voluntary, or
  - ii. When the subject-matter of the interrogation is entirely unrelated to the criminal matter for which counsel has been retained or appointed, or for which the suspect is acting as his or her own counsel, or for which adversary proceedings have begun.
- C. When a suspect initiates an interrogation in a criminal matter for which:
- i. adversary proceedings have begun, or

## Suspect Interrogation

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- ii. counsel has been retained or appointed and is not present, or
  - iii. the suspect is acting as his or her own counsel,
    - 1) the interrogation shall be limited to non-suggestive questions, or neutral questions which merely ask whether the suspect has anything else to say.
1. The deputy shall prepare a report of the interrogation. The report shall describe the manner in which the suspect initiated the interrogation, and the circumstances which led the deputy to believe that the suspect's statements were spontaneous or voluntary.
  2. The deputy shall provide the suspect's counsel (or, in case of self-representation, the suspect) and the District Attorney with a copy of the report, together with a copy of any recording or transcript of the interrogation.





# San Francisco Sheriff's Department

## Chart A Radio & 10 Codes

Radio Codes	
100	Alarm
148	Resisting Arrest
187	Homicide
152	Drunk Driver
207	Kidnapping
211	Robbery
212	Strong Arm
213	Purse Snatch
216	Shots Fired
217	Shooting
219	Stabbing/Cutting
221	Person w/Gun
222	Person w/Knife
240	Assault / Battery
245	Assault with Deadly Weapon / Aggravated Assault
261	Sexual Assault / Rape
288	Sex Assault / Victim Under 18
311	Indecent Exposure
400	Demonstration / Pickets
404	Riot
405	Citizen Holding Prisoner
406	<b>Officer Needs Emergency Help</b>
407	Prisoner Transportation
408	Ambulance
409	Tow Truck
410	Requested Assist Responding
415	Noise Complaint
416	Citizen Standby
417	Person Ringing Doorbells
418	Fight / Dispute – No Weapons
419	Fight – Weapons (Specify)
420	Juvenile Disturbance
459	Burglary
470	Fraud
487	Grand Theft
488	Petty Theft
496	Receiving Stolen Property
518	Vehicle Accident – No Injury
519	Vehicle Accident – with Injury
520	Aided Case
527	Bonfire
528	Fire
529	Explosion
530	Bomb Threat
531	Suspected Explosive Device

Radio Codes	
532	Suspicious Mailing
535	Hazmat Incident
585	Traffic Stop
586	Traffic Congestion
587	Parking Violation
594	Malicious Mischief (Vandalism)
595	Malicious Mischief (Graffiti)
596	Abandoned Vehicle
600	Roadblock
601	Trespassers
602	Person Breaking In
603	Prowler
647B	Prostitute
650	Threats
799	Senile Person
800	Mentally Disturbed Person
801	Person Attempting Suicide
802	Coroners Case
806	Juvenile beyond Parent Contr.
807	Missing Juvenile
809	Missing Person
811	Intoxicated Person
819	Rolling Intoxicated Person
851	Stolen Vehicle
852	Auto Boost / Strip
853	Recovered 851 Vehicle
901	Call Station or Other Location
902	Return to Station
903	Passing Calls
904	Meet Officer – Non Emerg
905	Meet City / Public Employee
908	Passing Calls / MUNI
909	Citizen Requests Interview
910	Check on Well Being
911	Broken Window
912	Person Dumping Trash
913	Complaint – Unknown
914	Person Down
915	Suspicious Homeless Person
916	Suspicious Person in Vehicle
917	Suspicious Person
918	Person Calling for Help
1000	Juvenile Justice Center Escape
5150	Mental Health Detention

10 Codes	
10-1	Receiving Poorly
10-2	Receiving Well
10-4	Message Received
10-7A	Out of Service (Administrative)
10-7B	Out of Service (Start of Watch)
10-7C	Out of Service (Court)
10-7E	Out of Service (End of Watch)
10-7F	Out of Service (Follow-Up)
10-7G	Out of Service (Gas/Garage)
10-7I	Out of Service (Investigation)
10-7M	Out of Service (Meal)
10-7R	Out of Service (Radio Shop/Range)
10-7S	Out of Service (Station)
10-7T	Out of Service (Traffic / Training)
10-8	In Service-Available for Assignment
10-9	Repeat Last Message
10-13	Advise Condition at Scene
10-20	Location
10-22	Cancel / Disregard Last Message
10-23	Standby
10-25	Officer Needs Asst. (Specify # Unit and Code)
10-28	Vehicle Registration Information
10-29	Warrant & Record Check on Person
10-30	Person / Vehicle is Wanted / Stolen
10-31	Person Has Arrest Record
10-32	Person / Vehicle Not Wanted
10-33	Clear Channel
10-34	Confidential Information to Follow
10-35	Consent to Search
10-36	Emergency Notification
10-43	Intelligence Division Interest
10-96	Undercover Op (No Marked Units)
10-97	Arrived at Scene
10-98	Enroute to New Location

SFSD Civil Unit 10 Codes	
10-6C	Residential Check
10-6E	Explosive Detection Sweep
10-6F	Financial Institution
10-6H	Hospital Run / Off Ward Security
10-6K	Personal Prop. Levies / Keepers
10-6M	Misc. Civil Process
10-6N	Narcotic Detection Sweep
10-6P	Posting
10-6T	Temporary Restraining Order
10-6V	Eviction
10-6W	Civil Bench Warrant

Code 3	EMERGENCY RESPONSE
Code 4	No Assistance Needed
Code 33	Clear Airwaves for Emergency Transmission

RED	Felony Want or Record
X	Female Subject
J	Juvenile





# San Francisco Sheriff's Department

## Chart B

### SFSD Radio Channels

Channel	Location
SO-A1	[REDACTED]
SO-A2	[REDACTED]
SO-A3	[REDACTED]
SO-A4	[REDACTED]
SO-A5	[REDACTED]
SO-A6	[REDACTED]
SO-A7	[REDACTED]
SO-A8	[REDACTED]
SO-A9	[REDACTED]
SO-A10	[REDACTED]
SO-A11	[REDACTED]
SO-A15	[REDACTED]
SO-A16	[REDACTED]
SFGH IP	[REDACTED]
LHH IP	[REDACTED]
MA-8	[REDACTED]





# San Francisco Sheriff's Department

## Chart C

### Law Enforcement Phonetic Alphabet

<b>A</b>	Adam	<b>J</b>	John	<b>S</b>	<i>Sam</i>
<b>B</b>	Boy	<b>K</b>	King	<b>T</b>	<i>Tom</i>
<b>C</b>	Charles	<b>L</b>	Lincoln	<b>U</b>	<i>Union</i>
<b>D</b>	David	<b>M</b>	Mary	<b>V</b>	<i>Victor</i>
<b>E</b>	Edward	<b>N</b>	Nora	<b>W</b>	<i>William</i>
<b>F</b>	Frank	<b>O</b>	Ocean	<b>X</b>	<i>X-Ray</i>
<b>G</b>	George	<b>P</b>	Paul	<b>Y</b>	<i>Yellow</i>
<b>H</b>	Henry	<b>Q</b>	Queen	<b>Z</b>	<i>Zebra</i>
<b>I</b>	<i>Ida</i>	<b>R</b>	<i>Robert</i>		





# San Francisco Sheriff's Department

## Chart D

### Radio Dispatch Operation Hours & Channel Assignments

<b>Work Days</b>	<b>Service Hours</b>	<b><i>Dispatch Service Provided on Primary Radio Talk Group</i></b>
Monday thru Friday	0700 – 2000	[REDACTED]
Monday thru Friday	2000 – 2400	[REDACTED]
Monday thru Friday	2400 – 0700	[REDACTED]
Saturday / Sunday / Holiday	0700 – 2400	[REDACTED]
Saturday / Sunday / Holiday	2400 – 0700	[REDACTED]



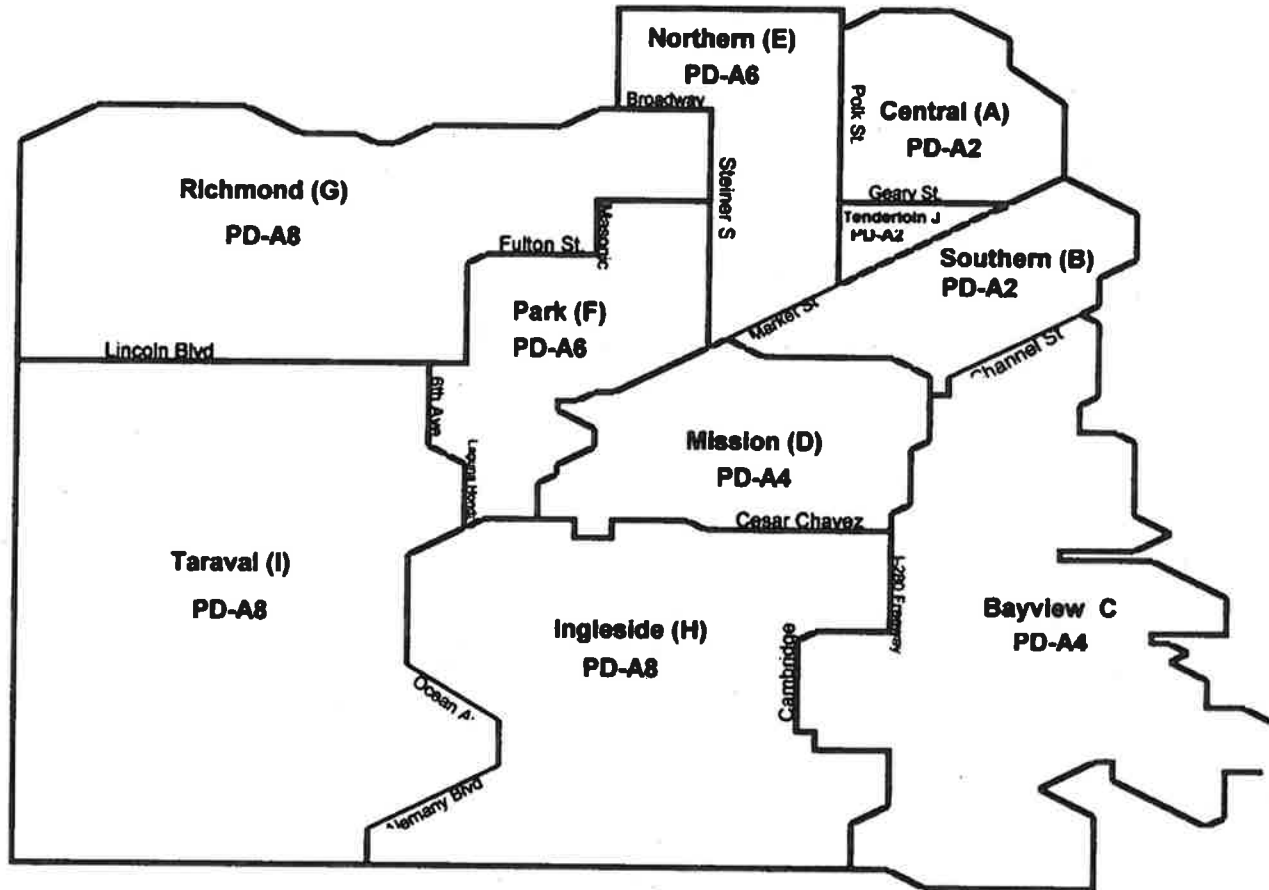




# San Francisco Sheriff's Department

## Chart E



### District Map



### SFPD Radio Channels & District Station Identifier

PD-A2	A-Central	B-Southern	J-Tenderloin
PD-A4	C-Bayview	D-Mission	
PD-A6	E-Northern	F-Park	
PD-A8	G-Richmond	H-Ingleside	I-Taraval
PD-A11	MUNI	Traffic	



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	<b>Date Issued: 04/15/1996</b>	<b>Policy #: SFSD 02-28</b>
	<b>Date Revised: 05/15/2013</b>	
	<b>Related Policies:</b> SFSD 02-15 Emergency Vehicle Response and Pursuit Driving SFSD 02-31 Escape From Custody SFSD 03-40 Uniform & Equipment CDM Hospital Transport / CDM Inmate Transport CDM Funeral Escort FSSDM Operation Guideline for Sheriff Field Units	
	<b>Approved By:</b>  <b>Ross Mirkarimi, Sheriff</b>	
<b>Chapter: 02 Legal Enforcement and Operations</b>	<b>Title: Radio Use / Unit Identifiers</b>	

**POLICY:** In compliance with the Federal Communications Commission (FCC) guidelines, the San Francisco Sheriff's Department (SFSD) shall utilize two-way radio devices in the performance of official and authorized duties.

**PURPOSE:** To provide SFSD employees with guidelines on the use of authorized radio codes, unit identifiers and the Law Enforcement Phonetic Alphabet. To provide guidelines for appropriate radio communications.

**I. General:**

- A. The SFSD utilizes and adheres to the authorized 10 Code and Law Enforcement Phonetic Alphabet as adopted by the Department of Emergency Management (DEM).
- B. Unit identifiers are issued to the SFSD by the DEM.

**II. Procedures:**

- A. Employees will use the SFSD authorized 10 Codes, radio codes and Law Enforcement Phonetic Alphabet.
  - 1. In an exigent situation, plain language is acceptable.
- B. Except for an exigent situation, employees will monitor and transmit only on radio channels specific to their current assignments, duties and / or responsibilities.
- C. Employees will monitor the air prior to transmitting to ensure the air is clear. Radio transmissions shall be:
  - 1. clear;
  - 2. brief and formatted in a manner to minimize the broadcast and
  - 3. courteous and professional in language.
    - a. Profanity shall not be used.
- D. Sworn employees will use only unit identifiers assigned to them.
  - 1. Sworn employees shall contact their supervisor regarding unit identifier discrepancies.
  - 2. Specific Unit Identifiers are available through the Sheriff's website on CITRIX.
- E. Employees will ensure proper use and maintenance of radio equipment.

## Radio Use / Unit Identifiers

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1. Employees shall report any damaged, inoperable and / or missing radio equipment to their direct supervisor and write an SFSD incident report to the Communications / Fleet Unit.

### **III. Forms:**

Not Applicable

### **IV. Reference:**

- Chart A Radio & 10 Codes
- Chart B SFSD Radio Channels
- Chart C Law Enforcement Phonetic Alphabet
- Chart D Radio Dispatch Operation Hours & Channel Assignments
- Chart E District Map and Radio Channels & District Station Identifiers

<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>06/25/02</b>	Policy #: <b>SFSD 02-29</b>
	Last Revised: <b>01/16/2013</b>	<i>Formerly K-03</i>
	Related Policies: SFSD 02-15 Emergency Vehicle Response and Pursuit Driving	
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Safety Belts</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) shall comply with state and local laws in the use of safety belts.

**PURPOSE:** To establish a policy for the use of safety belts.

**I. General:**

- A. The use of safety belts has a significant effect in reducing the number of deaths and the severity of injuries resulting from motor vehicle collisions.
- B. The California Vehicle Code, under section 27315 (d), allows for an exemption for the use of safety belts in **emergency vehicles**.
  - 1. When transporting a combative individual(s), officer safety concerns may determine the use of safety belts.

**II. Procedures:**

- A. SFSD employees who operate or are passengers in City and County of San Francisco (CCSF) owned or operated motor vehicles shall wear safety belts when the vehicle is in motion and when equipped.
- B. SFSD employees operating CCSF owned or operated motor vehicles shall ensure that passengers wear safety belts when the vehicle is in motion and when equipped.
  - 1. Exception as outlined in I. B. 1. in this policy.

**III. Forms:**

Not Applicable

**IV. Reference:**

Vehicle Code 27315 (d)





## San Francisco Sheriff's Department Hostage Briefing Sheet

In the event you are taken hostage, the following suggestions can help to make your situation better. Although different variables determine the outcome of any hostage situation, one factor regarding the hostages themselves remains constant:

Historically, the passage of time without injury to the hostage becomes a tool. The more time that passes, the longer negotiations take place, the less likely a hostage taker is to injure or kill a hostage.

You lose your authority while being held hostage. No order given by an individual of rank or authority will be obeyed while that individual is a hostage.

The following are some suggestions to increase the chances of a positive outcome:

- Be a good listener. Use all listening skills by demonstrating and conveying interest and concern;
- Let the hostage taker tell his / her story. This gives the hostage taker a chance to vent;
- Maintain eye contact; however do not stare. Follow orders to the best of your ability;
- Rest as much as possible, relax and keep up strength for the rescue / recovery phase and;
- Be a calming influence.



The hostage should never do any of the following:

- Be hostile. This is not the time to complain, be sarcastic, or berate the hostage taker(s);
- Moralize or threaten the hostage taker(s);
- Be obnoxious. In some circumstances, the hostage taker(s) may choose the most obnoxious member of a group to harm;
- Try to be a rescuer or negotiator;
- Act like you are joining the hostage taker(s) and;
- Make suggestions, plant ideas or worry out loud. If your suggestions or ideas don't work, the hostage taker(s) may take vengeance on you.

Trained negotiators and tactical units will be working for your release.





<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>05/21/1990</b>	Policy #: <b>SFSD 02-30</b>
	Last Revised: <b>01/16/2013</b>	<i>Formerly B-01</i>
	Related Policies: SFSD 02-01 NIMS / SEMS and Incident Command System SFSD 02-02 Critical Incident Notification SFSD 02-03 Use of Force SFSD 02-23 Incident Reports	
	Approved By:  <b>Ross Mirkarimi, Sheriff</b>	
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Hostage Incidents</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) will seek resolution of a hostage or hostage related incident that attempts to prevent the loss of life and utilizes only the force necessary to bring the incident to a successful conclusion.

**PURPOSE:** To provide guidelines for sworn employees responding to a hostage situation.

**I. General:**

- A. The SFSD shall maintain a trained tactical unit and negotiation team to deal with critical incidents that occur within the jurisdiction of the SFSD.
- B. Overall command of the scene of a hostage / barricaded subject incident shall evolve to the highest-ranking sworn employee (**incident commander**) on site, unless formally relieved by a sworn employee of a higher rank.
- C. The primary role of the responding negotiation team shall be to negotiate and control communications with hostage taker(s) / subject(s).
- D. The incident commander authorizes the use of force options when necessary during hostage incidents and after the establishment of an **Incident Command System**.

**II. Procedure:**

- A. The incident commander shall establish and maintain control of operations within the scope of the SFSD's jurisdiction or cooperative agreement by:
  - 1. utilizing available employees and resources;
  - 2. isolating and containing the incident:
  - 3. evacuating any civilians and non-involved individuals and
  - 4. gathering information regarding:
    - a. the extent of the incident;
    - b. identity of individuals involved;
    - c. number of hostage(s) and
    - d. additional information relevant to the situation.

## Hostage Incidents

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5. Until the arrival of a specialized unit, it is the responsibility of the incident commander to ensure that first responders are deployed to meet the following goals:
  - a. control entrance and exit of involved location;
  - b. conduct initial briefing of employees and
  - c. gather initial contact information, intelligence, records, interviews, maps, charts and floor plans.
6. Contact the 24 Hour Emergency Notification line and request assistance in completing the notification process.
7. Activate the incident command system that addresses this area.
8. Coordinate any response from other agencies as appropriate.

B.



2. The negotiation team shall debrief / critique all incidents.

### III. Forms:

Not Applicable

### IV. Reference:

Hostage Briefing Sheet

<p style="text-align: center;"><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p style="text-align: center;"><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: <b>01/21/1988</b></p> <p>Last Revised: <b>01/16/2013</b></p>	<p>Policy #: <b>SFSD 02-31</b></p> <p style="text-align: center;"><i>Formerly B-02</i></p>
	<p>Related Policies:  SFSD 01-12 Critical Incidents – Administrative Action  SFSD 02-01 NIMS / SEMS and Incident Command System  SFSD 02-03 Incident Reports, SFSD 01-01 Chain of Command  CDM 06 Classification</p> <p>Approved By:    <b>Ross Mirkarimi, Sheriff</b></p>	
<p>Chapter: <b>02 Legal Enforcement and Operations</b></p>	<p>Title: <b>Escape / Release in Error</b></p>	

**POLICY:** It is the policy of the San Francisco Sheriff's Department (SFSD) to make reasonable efforts to locate, apprehend and return to custody individual(s) who **escaped, walked away** from detention or were released in error.

**PURPOSE:** For the protection of the public and to discharge the SFSD duty to keep all individuals in custody until they are released through lawful processes.

**I. General:**


- A. The apprehension and return of escapees to custody will be prioritized in the following order:
  - 1. Individuals who are determined to pose a danger to public safety or to themselves based on their charges, criminal history, gang affiliation, etc.
  - 2. Individuals charged with or convicted of felonies and who have been determined not to pose a danger to public safety.
  - 3. Individuals charged with or convicted of misdemeanors, but who have been determined not to pose a danger to public safety.
- B. Where danger has been determined not to be an issue, apprehension efforts should be prioritized in the following order:
  - 1. individuals who escaped;
  - 2. individuals who were released in error and / or
  - 3. individuals who walked away from custody.
- C. Upon discovery of a possible escape, walk away or release in error, there must be an immediate notification to a supervisor.
- D. Upon confirmation of an escape, walk away and / or a release in error, a **pursuit** may be initiated in an attempt to capture the escapee and bring him / her back to lawful custody.
  - 1. An immediate pursuit may be bypassed for the following reasons:
    - a. a walk-away from off-ward custody status (4011.7 or 4011.9 P.C.) at San Francisco General Hospital (SFGH) or other medical facilities;
    - b. failure to return from a pass and / or

## Escape from Custody

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- c. a release in error, if pursuit would be rendered meaningless by virtue of the time elapsed since the release occurred.
- E. Where appropriate, if an **escapee** is captured, he / she shall be charged with an escape offense and transported to the Intake and Release facility for booking and processing.

### II. Procedures:

- A. Every facility / section / unit will provide clear and thorough escape checklists that guide watch commanders and sworn employees in their duties when escapes occur.
  1. Each escape checklist will outline what actions are to be taken and who shall take those actions;
  2. Facility / section / unit commanders will ensure that such lists are up-to-date with current information and are available to watch commanders.
- B. Any person becoming aware of a possible escape shall notify a supervisor immediately.
- C. The first supervisor notified of a confirmed escape becomes the **Incident Commander (IC)** unless relieved by a sworn employee of a higher rank.
  1. The IC or designee is responsible to do the following where applicable and the supervisor shall ensure documentation of who took the required action and the time the actions were taken:
    - a. initiate pursuit;
    - b. activate NIMS / SEMS;
    - c. initiate the Critical Incident Administrative Action notification policy;
    - d. call for mutual aid;
    - 
    - e. follow the facility / section / unit checklist;
    - f. secure the point of escape;
    - g. search the area;
    - h. identify witnesses;
    - i. facilitate investigation, capture and prosecution in conjunction with ISU and
    - j. prepare an incident report(s).
- D. A pursuit may be initiated by sworn employees when directed to do so by a supervisor.
  1. Sworn employees assigned to a fixed post shall not leave their assignment in order to participate in a pursuit without prior approval from a supervisor.
  2. Sworn employees should have all SFSD-issued safety equipment prior to participating in a pursuit.

Escape from Custody

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3. A pursuit and area search may be terminated by the IC.
4. A pursuit and / or area search may be terminated when the vicinity of the escape has been checked and has not resulted in the capture of the escapee(s).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- F. Upon capture and return to custody of an escapee, a walk away or a release in error a supervisor shall notify the facility / section / unit commander.
  1. The facility / section / unit commander shall then notify the division commander or designee.
  2. The division commander must notify the Sheriff or designee.
- G. ISU shall be notified of all escapees, walk away or release in errors.

**III. Forms:**



Not Applicable

**IV. Reference:**

4011.7 PC

4011.9 PC



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>11/18/2016</b>	Policy #: <b>SFSD 02-33</b>
	Last Revised:	
	Related Policies: ADP 04-02 – Alternative Programs Eligibility Criteria	
	Approved by:  <b>Vicki L. Hennessy, Sheriff</b>	
Chapter: <b>Legal Enforcements and Operations</b>	Title: <b>Out of State Commitments</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) may accommodate persons with out-of-state commitments to allow them to serve their commitments locally, so long as that meets the requirements of the court orders.

**PURPOSE:** To provide employees assigned to the Central Records Unit and Community Programs with guidelines for processing out-of-state commitments.

**I. General:**

- A. Out-of-state commitments may be served in the SFSD jail system / alternatives-to-custody provided that the court commitment stipulates that the person may serve the sentence in the county of San Francisco, California.
  - 1. The originating jurisdiction is responsible to define the amount of time to be served after applicable credits have been determined by the originating jurisdiction.

**II. Procedures:**

- A. When a person contacts an employee of the SFSD to inquire about whether or not the person may serve an out-of-state commitment in the SFSD Jail system / alternatives-to-custody, the employee shall refer a person to a sworn employee at Community Programs.
- B. The sworn employee at Community Programs shall forward the commitment to the Central Records Unit to verify:
  - 1. The commitment
  - 2. The length of time to be served in custody, if applicable
  - 3. The length of time to be served in an alternative-to-custody, if applicable
- C. The sworn employee at Community Programs shall establish a surrender date and notify the Central Records Unit.
  - 1. The employee assigned to the Central Records Unit shall establish the release date.
  - 2. The employee assigned to Community Programs shall notify the Intake and Release Center.

## Out of State Commitments

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3. If necessary, the employee shall coordinate the pickup time for individuals serving remaining time in alternatives-to-custody.
- D. The sworn employee assigned to Community Programs will also process all requests to serve an out-of-state commitment to an alternative to custody.
1. The sworn employee at Community Programs shall review all documents to determine eligibility.
    - a. The court commitment shall state jail time / alternative-to-custody may be served in San Francisco, California.
    - b. The sworn employee may require the arrest report if there is a question about the security / scrutiny needed.
    - c. The sworn employee may request that persons in the originating jurisdiction clarify the amount of time required to be served.
  2. The sworn employee shall establish the start date for alternative-to-custody time to be served.
- E. The convicted person is responsible for all fees associated with both in-custody and alternative-to-custody placement. The sworn employee shall collect those fees prior to placement.
1. Money order or cashier's check is acceptable.
  2. Cash, personal checks and credit/debit cards are not acceptable.
  3. For funds associated with electronic monitoring, the person may conduct the transaction through use of a credit / debit card.
  4. Fees may be waived by a sworn supervisor for SF residents based on a financial analysis.
- F. Responsibility of the person serving time in the SFSD Jail system / alternative-to-custody:
1. Approved individuals shall follow all SFSD rules and all directions and orders given by SFSD employees and contract service providers.
    - a. Any violation may result in removal from the SFSD program and / or in-custody sentence and a referral back to the sentencing jurisdiction.



### **III. Forms:**

Not Applicable

### **IV. Reference:**

Not Applicable



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>02/20/2018</b>	Policy #: <b>SFSD-02-34</b>
	Last Revised:	
	<b>Related Policies:</b> SFSD 02-13 Searches SFSD 02-23 Incident Reports and Memoranda SFSD 03-02 Discrimination and Harrassment SFSD 03-07 Counseling and Discipline	FODM 04-01 Transport CODM 04-19 PREA CODM 05-01 Searched CODM 07-19 Inmate Grievances CODM 08-06 Hospital Transport
Approved By:  <b>Vicki L. Hennessy, Sheriff</b>		
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Management and Interaction with Transgender, Gender Variant and Non-Binary Persons</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) shall receive, evaluate on a case-by-case basis, house and provide secure, safe and humane custody, of all persons who are lawfully committed or held for confinement by the SFSD. All contacts with each arrestee or inmate will be conducted in a respectful, courteous and professional manner while maintaining safety and security. Discrimination or harassment of any kind, including that based on actual or perceived gender, gender identity and gender expression is strictly prohibited. Gender identity of all persons shall be respected.

**PURPOSE:** To provide employees, contract service providers and volunteers clear guidelines for intake, processing and housing of transgender, gender variant and non-binary (TGN) individuals, in the context of an evolving understanding of gender.

In order to meet federal / state/ local statutes and regulations, American Correctional Association Standards (ACA), National Correctional Care Health Commission Standards (NCCHC), Department of Justice Prison Rape Elimination Act (PREA) standards and other federal / state / local statues, standards, regulations, guidelines, directives or requirements that prevent discrimination against, address the appropriate treatment of, provide for the safety, security and medical needs of TGN inmates in a humane and respectful manner while maintaining the safety, security and good order of all SFSD facilities.

Document the self-identified gender of each person for assignment to housing and eligibility for participation in educational, vocational and life skills classes, to engage all offenders in the restorative justice process by helping to facilitate re-entry into the community upon release from custody.

**I. General:**

- A. The SFSD maintains a zero tolerance policy towards incidents of sexual assault / abuse and sexual harassment in SFSD facilities and / or locations, while protecting the rights of arrestees / inmates / clients, regardless of gender, gender identity, gender expression or sexual orientation. Any substantiated claim of sexual conduct, sexual contact or sexual harassment by employees towards any person may result in discipline up to and including termination, and / or referral for criminal charges.

B. Definitions

1. Gender:

- a. Includes a person's gender identity and gender expression. Gender is the social construct used to classify a person as man, woman, both or neither. Gender encompasses all relational aspects of social identity, psychological identity and human behavior.

2. Penal Code §4030 (k):

- a. Specifies that any person (other than medical staff) who conducts or is present at, or is within sight of a strip search, body cavity search, or body scan of specified pre-arraignment detainees must be of the "same sex" as the person search. California Attorney General Xavier Becerra's Opinion July 6, 2017, provides that as used in this section, "sex" refers to the person's gender, including the person's gender identity and gender expression and not limited to anatomy.

3. Field Arrest Card:

- a. A document used as the contemporary record for each booked person. It includes information that must be provided by the arresting agency prior to acceptance. Once the subject is booked, the Field arrest Card then serves as an in-custody housing and movement record.

4. Gender Identity:

- a. An individual's sense of being either male or female or something other or in-between. This may be different from what is traditionally associated with an individual's assigned sex at birth.

5. Gender Expression:

- a. Gender-related traits that may or may not be consistent with those traits typically associated with a person's assigned sex at birth. External manifestations of gender, expressed through one's name, pronouns, clothing, haircut, behavior, voice or body characteristics.

6. Gender-Variant:

- a. A person who displays gender expression or behavior that does not conform to dominant gender norms of male or female. Gender variant individuals may or may not identify as male, female or transgender. Also known as gender non-conforming, gender atypical or androgynous.

7. Intersex:

- a. Intersex individuals may be born with chromosomes, external genitalia, and / or a reproductive system that varies from what is considered "standard" for either males or females. This condition may not become apparent until later on in life, such as during puberty.

8. JMS:
  - a. The Jail Management System is the computerized data system that contains information on all persons booked into the SFSD County Jails.
9. JHS:
  - a. The Jail Health Services are provided by the Department of Public Health and include persons assigned to medical treatment with a subset of those assigned to Behavioral Health for mental and emotional issues.
10. Non-Binary:
  - a. A term for people with gender identities that fall somewhere outside of the traditional conceptions of either male or female. A similar term is gender queer.
11. Transgender:
  - a. A term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth.
12. TGN:
  - a. An acronym for transgender, gender variant and non-binary (Previously called gender non-conforming).
13. Sexual Orientation:
  - a. A person's romantic and / or physical attraction to people of a specific gender or genders.
14. LGBTQI:
  - a. Acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, questioning, queer and intersex individuals.
15. Medical Triage at Reception
  - a. Medical triage, staffed by a Jail Health Services (JHS) staff member is the first station of the custody intake process. Each arrestee is interviewed according to an established set of questions. Information from the arrestee is recorded in the JHS database.
16. Pat Down Search:
  - a. A search consisting of a pat down or body frisk of a clothed person, including an examination of pockets, shoes and socks. A pat search may include the removal and examination of outer clothing including, but not limited to, hats, wigs, coats, jackets, and multiple layers of bulky clothing.
17. PREA:
  - a. Prison Rape Elimination Act (PREA) enacted in 2003 by the Federal Government to prevent and reduce sexual abuse in jails and prisons through training, adoption of standardized policies, reporting requirements and data collection.

18. Strip Search:

- a. A search that requires a person to remove or arrange some or all of their clothing as to permit a visual inspection of the breasts, buttocks or genitalia of such person. A strip search may also include a visual inspection of the person's body cavities.

19. Statement of Preference form:

- a. A form to be completed by TGN individuals wherein an individual can voluntarily state the following preferences:
  - i.* Gender identity and / or expression
  - ii.* Preferred name
  - iii.* Preferred pronouns or none
  - iv.* Preferred gender identity of searching deputy
  - v.* Preferred housing
  - vi.* This form may be provided at any time to an individual who is in the custody of the SFSD. No person shall be penalized for not stating their TGN identification or preferences.

20. Classification Review Board:

- a. A pre-designated multi-disciplinary group, composed of four members convened by the Classification Unit. The Board includes:
  - i.* Director of Jail Health Services (JHS) or designee
  - ii.* Director of Behavioral Health Services (BHS) or designee
  - iii.* Classification Unit Commander or designee - who will act as the secretary to the Board and convene the Board
  - iv.* A Custody Operations Division (COD) captain or designee

**II. Procedures:**

A. Intake

1. All arresting officers are expected to complete a Field Arrest Card for each arrested person that are applicable for that person. In the event the arrestee is TGN, the officer must also complete the following sections:
  - a. AKA name if it is different from the booked name and is the preferred name of the individual being booked;
  - b. The preferred pronoun and preferred title of the individual;
  - c. The sex from a choice of: M, F or N and
  - d. Gender identity filled in next to the TGN notation.
2. At the time of intake, the JHS triage member will ask each arrestee the following questions as part of their intake medical triage and will share it with the SFSD booking sworn employee as needed:
  - a. What is your gender identity?

- b. What was your sex / gender at birth?
- c. If the answers to the questions above so indicate, the next question asked will be:
  - i. Will you complete a voluntary Statement of Preference form to assist the SFSD in correctly classifying / housing you for your safety?
  - ii. If the answer is yes, the form will be provided to the arrestee to complete at booking and a sworn employee will assist the arrestee in its completion.
3. The sworn employee at booking will use the completed Statement of Preference form to note if there is a preferred name and enter it in the JMS booking record.
  - a. If the preferred name is the booking name on the Field Arrest Card, provided by the arresting agency, that will become the name of record for the present arrest.
  - b. If the preferred name is not the booked name, the AKA name will be added as an alias, highlighted on the Field Arrest Card and in the JMS booking record to denote it as the preferred name.
4. The completed Statement of Preference form shall be forwarded to the Classification Unit, medical screening and a copy forwarded to Central Records and Warrants Unit.
5. Employees and contract service providers will:
  - a. Address TGN persons by their chosen pronoun / honorific (Mr. / Ms.) / first name as appropriate or simply by their last name. A notation of the chosen name and pronoun shall be made on each TGN classification record and field arrest / housing card supplemental. All persons are encouraged to ask the TGN individual about their preferences, if there is no documentation immediately at hand.

B. Searches at intake

1. TGN inmates who have completed a Statement of Preference form shall be searched according to their designated preferences throughout their stay in the San Francisco County Jail, except for the following:
  - a. Where the sworn employee has an articulable reason to doubt the inmate's self-identification, the sworn employee shall defer to the watch commander for a final determination.
  - b. When the watch commander overrides the Statement of Preference form, the supervisor shall author an incident report articulating the reason(s) for the decision to override the request of the TGN inmate regarding their strip search preference.
  - c. In no circumstances will JHS or SFSD employees examine an inmate for the sole purpose of determining gender according to their genitalia.

- d. All searches will be conducted in a respectful manner, according to the SFSD Policy and Procedure titled Searches and documented per procedure on the Field Arrest Card.

C. Intake housing

1. TGN arrestees awaiting further processing will be placed in holding cells alone, or with other appropriate TGN inmates, whichever is deemed safest by the Watch Commander, until they are housed.
2. All inmates shall be issued clothing consistent with their preferred gender identity and / or expression.
3. The Classification Unit will review the Statement of Preference form and consider the housing preference of the arrestee when making the initial housing assignment.
  - a. A Classification Unit sworn employee will consult with the on-duty County Jail #2 watch commander to determine the best initial housing placement taking the following into consideration:
    - i. Preference of the inmate
    - ii. Availability of appropriate preferred housing where privacy for showering can be ensured.
    - iii. Other classification considerations, including but not limited to: health requirements; psychiatric requirements; behavioral history; criminal sophistication; gang affiliation; assaultive and / or violent history.
  - b. In the event the housing preference is not followed due to one or more of the above reasons, the supervisor will ensure there is a complete notation made on the Field Arrest / Housing card as well as information entered into the Classification section of JMS. This will also include the alternative housing location where the inmate was housed.
  - c. In the event the facility is able to place the individual according to the expressed preference, that information will be noted on the back of the Field Arrest / Housing Card and entered into the Classification section of JMS system.
  - d. When it is determined that a person is not suitable for the individual's preferred housing, that information will be forwarded to the Chief Deputy of the Custody Operations Division for a follow-up review.

D. Post arraignment housing

1. Classification housing interviews will take place after the first court appearance but no later than 72 hours after booking, excluding weekends or holidays or sooner if it is determined that the inmate will remain in custody.
2. Classification interviews will consist of the PREA questions required for safe housing.

- a. If a TGN person expresses a preference for housing designated for men or women that should be considered as one component of the decision making process by the Classification Unit
  - b. If a TGN inmate expresses a preference for housing with other TGN individuals that should be considered as one component of the decision making process by the Classification Unit
  - c. TGN individuals shall be given equal access to programming and educational opportunities as available at the jail where they are housed.
3. The Classification Unit will conduct an interview with the TGN individual to assess that individual's placement preference, security and safety needs. The following questions may be asked:
- a. Are you, or have you been perceived to be gay, lesbian, bisexual, transgender, non-binary, intersex or gender variant?
  - b. Have you ever been sexually victimized?
  - c. In what type of cell / bed would you prefer to be placed? Why?
  - d. In what type of cell / bed do you think you will be safest? Why?
4. The Classification Review Board shall convene when a discrepancy arises between the inmate's housing preference and the assessment of the Classification Unit related to a TGN placement in either male or female housing units.
5. The representative from JHS on the Classification Review Board will record and provide the answers to these questions as well as other appropriate information to the Classification Review Board to assist them in making a determination.
6. All inmates whose case is under review have the right to meet and speak to the Classification Review Board.
7. The Classification Review Board will make a housing determination that will take the following into consideration:
- a. Preferences and requests made by the inmate
  - b. Safety or security concerns as documented by Classification and / or the facility commander.
8. The housing determination of the Classification Review Board will be thoroughly considered by the Chief Deputy of the Custody Operations Division who will make the final housing decision.
- a. An appeal of the Chief Deputy's decision, may be made in writing to the Assistant Sheriff and then to the Undersheriff.
  - b. An appeal of the Undersheriff's decision may be made in writing to the Sheriff.
9. The decision of the Board will be carefully documented per procedure and the Classification Unit Commander or designee will be directed to take the action instructed by the Chief Deputy of the Custody Division or designee.

- a. If not in agreement, the inmate will be informed of the right to appeal a decision of the Board in writing through the identified liaison to the Assistant Sheriff, then the Undersheriff with the final decision standing with the Sheriff.
    - b. An inmate may request a representative from the Human Rights Commission to represent them before the Board.
  10. Within the first 15 days of being given a housing determination, a TGN person in custody will be interviewed by JBHS, in as private a setting as possible, about any safety concerns they may have with their placement, and will be asked again in which housing and classification assignment they feel they would be safest.
  11. A TGN person in custody will be offered an optional follow-up interview every 60 days, in as private a setting as possible, to identify any problems related to their housing or classification assignment and any need to reconsider. An interview and reassessment of housing or classification assignment shall also be conducted immediately if a TGN individual indicates they feel unsafe in their current housing or classification assignment or there is evidence they may be unsafe in their current housing or classification assignment.
- E. Training and evaluation
1. The SFSD shall implement education and training for current sworn and non-sworn employees on this policy and other identified policies that touch on the intake, searching, housing, respectful interaction, transportation, programming and other matters related to the TGN community.
  2. Ongoing training will be included as part of in service training for current employees and new hire orientation and training. Additionally, training will be provided to volunteers and contractor service providers who seek a long-term jail clearance.

**III. Forms:**

Statement of Preference Form

**IV. Reference:**

Classification Unit Interview PREA Questions

California Penal Code § 422.56



California Penal Code § 4030

California Attorney General Xavier Becerra's Opinion July 6, 2017







<p><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: <b>07/05/2017</b></p> <p>Last Revised:</p>	<p>Policy #: <b>SFSD 02-36</b></p>
<p>Chapter: <b>02 Legal Enforcement and Operations</b></p>	<p>Related Policies:  SFSD 02-02 - Critical Incident Notification  SFSD 02-23 - Incident Report  SFSD 03-01 - Rules and Regulations  SFSD 03-49 - Work Rules</p> <p>Approved By:    <b>Vicki L. Hennessy, Sheriff</b></p> <p>Title: <b>Employee-Involved Domestic Violence Criminal Complaint</b></p>	

**POLICY:** San Francisco Sheriff's Department (SFSD) employees, who, within our jurisdiction, respond to investigate an employee-involved domestic violence incident shall adhere to the California Penal Code, SFSD policies and procedures and the Peace Officer Bill of Rights.

**PURPOSE:** To ensure employee-involved domestic violence is investigated and reported according to federal / state / local law, SFSD policies and procedures and applicable administrative actions.

**I. General:**

- A. Within our primary jurisdiction, the SFSD shall thoroughly and objectively investigate all allegations of domestic violence by its employees, whether sworn or non-sworn.
- B. The arrest of an employee, whether on or off-duty, is a serious incident.
- C. Employee-involved domestic violence incidents are confidential investigations.
- D. Sworn employees who respond to or investigate an employee-involved domestic violence incident shall ensure that the confidentiality of any report, victim or employee is properly protected.
  - 1. Additionally, in any case where a sworn employee may be subject to discipline, the Peace Officer Bill of Rights must be adhered to.
- E. Applicants seeking peace officer employment to the SFSD who have been convicted of an offense originating from domestic violence or a domestic violence-related offense shall not be considered for employment.
  - 1. Domestic Violence means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship.

**II. Procedures:**

- A. A sworn employee, who is dispatched (within his / her jurisdiction) to an employee-involved domestic violence incident, shall ensure his / her actions conform to legal requirements and SFSD policy and procedure.

## Employee-Involved Domestic Violence Criminal Complaint

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1. A sworn employee shall verbally notify a sworn supervisor who shall respond to the scene and determine whether a crime has occurred. If a crime has occurred, the sworn supervisor shall notify his / her division commander through the chain-of-command
  2. A sworn employee shall document his / her observations and actions in writing for inclusion in an incident report. The incident report shall include the notification, listing the time of notification and the name of the employee(s) notified.
- B. Upon learning that an employee in his / her command has been arrested, is a suspect or is a restrained party on a restraining order, the facility / section / unit commander shall notify the Sheriff through the chain of command via confidential memorandum.
1. If the Sheriff has been arrested, is a suspect or is a restrained party on a restraining order, the Undersheriff shall notify the following:
    - a. Mayor
    - b. City Attorney
    - c. President of the Board of Supervisors
- C. In the event that another agency reports an employee-involved domestic violence incident, the employee receiving such information shall immediately notify his / her sworn supervisor. The sworn supervisor shall ensure that the proper notifications listed as above are made.
- D. As with any allegation of criminal misconduct involving an employee, separate criminal and administrative investigations shall be conducted in accordance with federal / state / local law and SFSD policy.
1. The Criminal Investigation Unit shall have the primary responsibility for the criminal investigation, within the primary jurisdiction of the Sheriff. The investigator shall advise the unit commander of the Criminal Investigations Unit, providing assistance regarding resources, procedure, case law and other issues; this shall include, but is not limited to, information including domestic violence advocates, available shelters, victim confidentiality, etc.
  2. Internal Affairs shall have the primary responsibility for the administrative investigation and shall be responsible for the coordination of administrative matters.
- E. Any sworn employee who is aware that he / she has been named as a suspect and / or named as a restrained party on a protective order in a domestic violence incident shall immediately notify his / her facility / section / unit commander.
1. The sworn employee may be subject to a detail assignment pending the resolution of the matter.
  2. When directed, the sworn employee shall surrender his / her department-issued firearm(s) to the Internal Affairs or Criminal Investigation Unit investigator or an employee designated by the Sheriff or Undersheriff.

## Employee-Involved Domestic Violence Criminal Complaint

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- a. With probable cause and pursuant to state law the sworn employee's personal firearms shall be seized and booked into evidence.
  3. When directed, the employee shall surrender any department-issued electronic device to the Criminal Investigation Unit investigator or his / her facility / section / unit commander.
  4. While an investigation of an employee regarding an employee-involved domestic violence allegation is on-going, the SFSD shall review whether the employee's access to the SFSD's computer databases, such as CLETS, should continue or be suspended, in accordance with state law and policy.
- F. Employees of the SFSD that are the subject of a domestic violence investigation shall not appear at any employee-involved domestic violence-related court proceeding while on-duty, except as specifically ordered by a subpoena or as ordered by executive command staff.
1. While off-duty, employees appearing at an employee-involved domestic violence related court proceeding shall not wear or display any SFSD identification, star or insignia.

### **III. Forms:**

Not Applicable

### **IV. Reference:**

Penal Code Section 136 et. seq.

Penal Code Section 166 et seq.

Penal Code Section 243(e)(1)

Penal Code Section 273.5

Penal Code Section 273.6

Penal Code Section 836 et. seq.

Penal Code Section 853 et. seq.

Penal Code Section 18250

Penal Code Section 13700(b)

Government Code Section 6254

Domestic Violence Referral Card

Peace Officer Bill of Rights





**San Francisco Sheriff's Department  
Information Regarding ICE Request for Notification of Release  
Initial Statement**

- Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- 請寄來中文表格。 / I request to receive this form in Chinese.
- Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date: \_\_\_\_\_ Name: \_\_\_\_\_ DOB: \_\_\_\_\_

A# \_\_\_\_\_ Housing Location: \_\_\_\_\_ SF#: \_\_\_\_\_

Current charge(s): \_\_\_\_\_

Under the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, we are required to provide you with the attached copy of the ICE request and inform you of whether we intend to comply with the request. ICE requests that SFSD notify them prior to your release and that SFSD maintain custody of your for up to 48 hours after your scheduled release to allow ICE to take you into their custody.

**The San Francisco Sheriff's Department does not intend to comply at this time. However, based on San Francisco Administrative Code 12H and 12I, if you are held to answer on a qualifying felony, a review of your criminal history will be conducted to determine if you qualify for possible notification based on local law.**

If your background, current charges and history of convictions and other information conforms to San Francisco Administrative Code 12I and SFSD decides to notify ICE of your release, we will notify you and your attorney or another person that you choose. Please provide the contact information, including phone number and / or email, for your attorney or another person that you choose on the provide SFSD Form 17-02, "Designation of Persons to Receive ICE Information Requests".

Please contact Prisoner Legal Services or your attorney if you have any questions or concerns.

Public Defender Phone: 415-553-1671

Prisoner Legal Services Phone: 415-558-2472

NOTE: A copy of the list of non-profit legal service providers for the San Francisco Immigration Court is also included with the notice. Please consider reaching out to one of the listed Immigration Rights Advocates since you have been informed that you are the subject of ICE proceedings. If you return to the San Francisco County Jail for future charges, ICE may continue to request a notification. If you are re-incarcerated elsewhere, that jurisdiction may elect to notify ICE of your impending release.

For SFSD Use Only:

Delivered By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Copies to:

SFSD Records

Public Defender/Attorney of Record

Prisoner Legal Services



**San Francisco Sheriff's Department  
Information Regarding ICE Request for Notification of Release  
Designation of Persons to Receive ICE Request Information**

- Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- 請寄來中文表格。 / I request to receive this form in Chinese.
- Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date: \_\_\_\_\_ Name: \_\_\_\_\_ DOB: \_\_\_\_\_

A#: \_\_\_\_\_ Housing Location: \_\_\_\_\_ SF#: \_\_\_\_\_

Current charge(s): \_\_\_\_\_

Please complete the following information regarding the person you would like notified regarding any ICE Requests for Notification: (Select one)

Attorney

Other Designee (if applicable)

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

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

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

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

Email: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

The above selected individuals are to be notified with copies of any documents received from ICE that request notification of my release. In the event the San Francisco Sheriff's Department elects to notify ICE pursuant to the San Francisco Administrative Code 12I, these persons will also be provided with that information at the earliest opportunity.

Inmate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SFSD Use Only:**

- I was able to see the above named inmate and complete this form. I subsequently forwarded a copy of this form, Form 17-1 and the request from ICE to the name individual(s)
- I was not able to see the above named inmate due to his/her release from custody via \_\_\_\_\_
- The person was contacted and did not want to complete this form
- Other \_\_\_\_\_

Processed by: \_\_\_\_\_ Unit: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Copies to:      SFSD Records                  Public Defender/Attorney of Record                  Prisoner Legal Services





**San Francisco Sheriff's Department  
Information Regarding ICE Request for Notification of Release  
Determination to Notify**

- Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- 請寄來中文表格。 / I request to receive this form in Chinese.
- Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Date: \_\_\_\_\_ Name: \_\_\_\_\_ DOB: \_\_\_\_\_

A#: \_\_\_\_\_ SF#: \_\_\_\_\_ Housing Location: \_\_\_\_\_

Date of Original Notice 17-01 \_\_\_\_\_

Under the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, we are required to notify you and your attorney or another person that you choose in writing if we inform Immigration and Customs Enforcement (ICE) of your release.

The San Francisco Sheriff's Department makes such notifications only if you meet the criteria as listed in San Francisco Administrative Code section 12I.

**It has been determined that you meet the criteria for Notification of Release.**

The purpose of this letter is to inform you that on \_\_\_\_\_ at \_\_\_\_\_, we  
Date of Notice to ICE Time of Notice to ICE

notified ICE that you are scheduled to be released on \_\_\_\_\_ at \_\_\_\_\_.  
Date of Scheduled Release Time of Release

We will also provide this information to your attorney/designee of record as noted below:

Attorney/Designee Name and Contact Information: (as provided on SFSD Form 17-02)

Name: \_\_\_\_\_ Contact Info: \_\_\_\_\_

Date Contacted: \_\_\_\_\_ Contacted by: \_\_\_\_\_

Please contact the Sheriff's Department Prisoner Legal Services at 415-558-2472 if you have any questions or concerns.

**SFSD USE ONLY:**

I provided a copy of this form to the above named inmate on: Date \_\_\_\_\_ Time: \_\_\_\_\_

I was not able to see the above named inmate due to his/her release from custody via \_\_\_\_\_


Other: \_\_\_\_\_

Processed by: \_\_\_\_\_ Unit: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Copies to:      SFSD Records,                      Attorney of Record,                      Prisoner Legal Services



<p align="center"><b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b></p>  <p align="center"><b>POLICY AND PROCEDURE</b></p>	<p>Date Issued: 12/07/2017</p>	<p>Policy #: SFSD 02-39</p>
	<p>Last Revised:</p> <p>Related Policies:  SFSD 01-09 - CORI  SFSD 01-17 - CLETS Compliance  FODM 07-01 - Central Warrant Bureau Responsibilities</p>	
<p>Chapter: 02 Legal Enforcement and Operations</p>	<p>Approved By: <i>Vicki L. Hennessy</i>  <b>Vicki L. Hennessy, Sheriff</b></p> <p>Title: <b>Immigration</b></p>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) shall serve all members of the public equally without consideration of immigration status. A person's immigration status shall have no bearing on the manner in which employees execute their duties. The SFSD does not comply with Department of Homeland Security / Immigration and Customs Enforcement Agency (DHS / ICE) requests to detain individuals after they are eligible to be released from SFSD custody.

The Sheriff alone may exercise discretion to respond to DHS / ICE requests for notification of release from SFSD custody, if the subject of that request meets the specific criteria set forth in San Francisco Administrative Code 12I.3(d.)

The SFSD does comply with criminal arrest warrants signed by a judge. This policy does not prohibit or restrict employees "from sending to, or receiving from, DHS / ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual." (8 U.S.C. 1373.)

Under no circumstances shall employees arrest or detain an individual based solely on their known or suspected immigration status.

**PURPOSE:** To provide guidelines about SFSD employees duties, and responsibilities associated with the enforcement of immigration law, including DHS / ICE Requests for Release Notification and / or detention, in conformity with federal, state and local law.

**I. General:**

A. This policy supersedes and replaces all previous SFSD policies and directives concerning immigration.

B. Background

1. Immigration Enforcement Jurisdiction

a. DHS / ICE has primary responsibility to investigate and enforce federal immigration laws. DHS / ICE is responsible for the identification, apprehension, and removal of undocumented persons, where appropriate under federal immigration law.

i. Removal is a civil, not a criminal matter.

b. Federal law does not compel state and local LEA' (LEA) participation

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in federal civil immigration functions. SFSD employees may not assist DHS / ICE in the enforcement of federal civil immigration laws, except as noted in this policy.

- i.* All employees must forward DHS / ICE requests for SFSD enforcement assistance in the investigation of non-immigration related criminal violations to the Sheriff, through the chain of command, for approval.
  - ii.* SFSD employees may assist DHS / ICE by providing emergency assistance when employees determine that an emergency poses an imminent danger to public safety, including to the safety of DHS / ICE agents.
  - iii.* If safety permits, employees must seek supervisor approval before providing emergency assistance. On-scene supervisors shall evaluate each request for emergency assistance to ensure the SFSD's participation remains consistent with this policy while protecting human life and property.
2. Federal Criminal Enforcement:
  - a. State and local law permits SFSD cooperation with federal criminal investigations. The Sheriff, through the chain of command, shall direct all SFSD cooperation with federal criminal investigations.
3. DHS / ICE Voluntary Detainer / Notification Requests:
  - a. A DHS / ICE detainer / notification request is typically a written request to a LEA, asking the LEA to:
    - i.* hold an individual beyond the time when the individual is otherwise eligible for release from local custody, so that DHS / ICE may take custody of that individual and / or;
    - ii.* notify DHS / ICE in advance of the individual's scheduled release. DHS / ICE detainer / notification requests are only requests, and compliance is completely voluntary. The form of these requests may vary. Currently, DHS / ICE requests detention and release notification by submitting to LEAs a Form I-247A (Immigration Detainer – Notice of Action). According to DHS / ICE, Form I-247A replaces the following forms:
      - Form I-247D (Immigration Detainer- Request for Voluntary Action)
      - Form I-247N (Request for Voluntary Notification of Release of Suspected Priority Alien)
      - Form I-247X (Request for Voluntary Transfer.)
      - Form I-247 A requests that the receiving local LEA:
    - iii.* Notify DHS / ICE as early as practicable, at least 48 hours, if

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- possible, before a removable alien is released from local custody; and
- iv.* Maintain custody of the alien for a period not to exceed 48 hours beyond the time he / she would otherwise have been released to allow DHS / ICE to assume custody for removal purposes.
- b. Additionally, DHS / ICE requests for detention and release notification may include the following attachments:
    - i.* Form I-200, "Warrant for Arrest of Alien" or
    - ii.* Form I-205, "Warrant for Removal/Deportation."
    - iii.* Both Form I-200 and Form I-205 are administrative civil warrants signed by Immigration officials and not by a judge. These documents are not criminal warrants.

## II. Procedures:

### A. Order

1. When SFSD personnel encounter perceived immigration law violations, members shall be guided by the options set forth in this policy, in compliance with federal, state and local law.
2. Immigration Violation Complaints:
  - a. If members of the public contact SFSD employees to report suspected immigration violations, employees shall inform such persons that DHS / ICE – not SFSD – enforces the civil immigration laws.
3. Immigration Status:
  - a. SFSD employees shall not initiate contact with, investigate, detain, or arrest any person based solely upon their known or suspected immigration status.
    - i.* However, employees may investigate the immigration status of victims, witnesses or suspects if employees reasonably believe that immigration status may be a material fact of an alleged criminal violation, including for example, trafficking, smuggling, harboring and terrorism.
  - b. SFSD personnel shall not conduct sweeps, or assist DHS / ICE sweeps, intended solely to locate and detain undocumented immigrants.
  - c. Employees may assist DHS / ICE by providing emergency assistance when employees determine that an emergency poses an imminent danger to public safety, including to the safety of DHS / ICE agents.
    - i.* If safety permits, employees must seek supervisor approval before providing emergency assistance.
    - ii.* On-scene supervisors shall evaluate each request for emergency assistance ensure the SFSD's participation remains consistent

## Immigration

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with this policy while protecting human life and property.

### B. Establishing Identity

1. SFSD personnel shall attempt to identify any person they detain, arrest or who come into the custody of the SFSD.
2. Any person eligible for citation and release, who is unable to present satisfactory evidence of his or her identity, shall be detained for the purpose of establishing his or her identity.

### C. Central Warrant Bureau Procedure:

1. SFSD personnel who are tasked with confirming warrants shall continue to process DHS / ICE warrants for booking that are confirmed as criminal warrants per memo (Reference: 2016-037, dated March 11, 2016, see attached.) If there is such a booking, Central Warrant Bureau employees shall notify Sheriff's Legal Counsel immediately.
2. SFSD employees shall process all confirmed criminal arrest warrants received from any law enforcement agency, including DHS / ICE, consistent with SFSD Field Operations Division Policy 17-01, Central Warrant Bureau Responsibilities.
  - a. As noted above, DHS / ICE requests for detention and notification are not criminal arrest warrants.

### D. DHS / ICE Immigration Detainers and Requests for Notification / Process

#### 1. Fingerprints:

- a. Once a person is arrested, SFSD scans his / her fingerprints during the booking intake process. The inmate's fingerprints are automatically sent to California Department of Justice (Cal DOJ). According to Cal DOJ, the fingerprints are shared with the Federal Bureau Investigations (FBI), the FBI shares them with DHS / ICE to check for prior contacts, and following a contact, DHS / ICE may then send a Form I-247A – a combination detainer and notification request - to the SFSD requesting action.

#### 2. Detainer Requests:

- a. A DHS / ICE detainer (currently Form I-247A) requests that SFSD detain the subject for up to 48 hours after they are eligible to be released from local custody.
- b. The SFSD does not honor these detainer requests.

#### 3. Notification Requests:

- a. A DHS / ICE release notification request (currently Form I-247A) asks that SFSD notify DHS / ICE at least 48 hours before the inmate is released from custody. All DHS / ICE notification requests for intended release dates of suspected undocumented immigrant inmates in our custody are voluntary in nature. San Francisco Administrative Code 12I.3(d) defines the circumstances under which the Sheriff may honor

## Immigration

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DHS / ICE notification requests. If those conditions are met, the Sheriff may exercise discretion to notify pursuant to that request.

- b. SFSD has established the following process to individually review each request and track the appropriate action in each case.
  - i. The Central Records Unit shall review all Voluntary Requests (DHS Form 1-247 D, 1-247X, 1-247 N) and the consolidated form 247A) to determine if responding to the request complies with local and state law.
  - ii. If an inmate, who is the subject of a voluntary notification request, is held to answer on an open felony case, the Central Records Unit will then review the individual's criminal history to determine if the individual meets the Administrative Code section 12I.3(d) criteria.
  - iii. If the Central Records Unit determines that the individual meets the Administrative Code section 12I.3(d) criteria, Central Records employees shall forward the voluntary request to the Sheriff for final consideration.

### E. Truth Act Compliance

1. In conformance with Government Code Section 7283.1, upon receiving a DHS / ICE detention, notification or transfer request, Prisoner Legal Services Employees shall:
  - a. Provide a copy of the request to the inmate in our custody.
  - b. Provide a copy of the attached SFSD Form 17-1, "Information Regarding DHS / ICE Request for Notification of Release", which informs the subject whether the Department intends to comply with the DHS / ICE voluntary request, to the inmate.
  - c. Request that the inmate complete SFSD Form 17-2 "Designation of Persons to Receive DHS / ICE Request Information" so SFSD will know who to notify in the event the Sheriff exercise discretion under 12I to notify DHS / ICE of the inmate's release date or release.
2. The decision whether to honor the voluntary request will be made pursuant to this policy and in compliance with San Francisco Administrative Code 12I.3(d).
3. If SFSD notifies DHS / ICE that an individual is being, or will be, released on a certain date and time, the SFSD employees providing that information to DHS / ICE shall promptly provide the same notification, using Form 17-3 "Decision to Notify ICE", to the inmate and to the inmate's attorney or designee, using the contact information provided by the inmate on Form 17-2.

### F. Communications with LEA, Including Agencies Conducting Civil Immigration Enforcement.

1. SFSD employees are authorized to provide to any LEA, including DHS / ICE, upon request, the following information,

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- a. Date and location of Arrest
  - b. Current charges
  - c. Next court date
  - d. Bail amount
2. SFSD employees are NOT authorized to provide the following access or information to any agency representatives or individuals conducting civil immigration enforcement (including DHS / ICE):
    - a. Access to inmates in jail
    - b. Access to SFSD computers and/or databases
    - c. SFSD Logs
    - d. Booking and arrest documents
    - e. Release dates and times
    - f. Home or work contact information
  3. Responses to I-247A or other DHS / ICE release notification requests unless expressly authorized by the Sheriff.
  4. Employees shall refer all DHS / ICE requests for assistance with criminal investigations to the Central Records Unit. The Central Records Unit shall forward those requests to the Sheriff who shall direct any assistance, through the chain of command.

### G. Contact:

1. SFSD employees or others with questions regarding this policy shall be referred to Sheriff's Legal Counsel, Monday thru Friday 0800 to 1700 hours:
  - a. Chief Legal Counsel Mark Nicco  
[REDACTED]  
[REDACTED]  
[REDACTED]
  - c. Or after hours at the Central Warrant Bureau – emergency notification line to reach Sheriff's Legal Counsel [REDACTED]

### III. Forms:

SFSD Form "Information Regarding ICE Requests for Notification of Release, Initial Statement"

SFSD Form "Information Regarding ICE Requests for Notification of Release, Designation of Persons to Receive ICE Request Information"

SFSD Form "Information Regarding ICE Requests for Notification of Release, Determination to Notify"



**IV. Reference:**

“The Miranda-Olivares v. Clackamas County decision (Case No. 3:12-cv-02317-ST), a 2014 Federal decision, established that holding a person in custody based solely upon an ICE immigration detainer request may violate the individual’s constitutional rights, and the involved local/state agency can be held liable for this violation of constitutional rights.


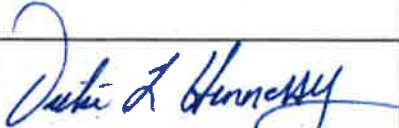
“ICE Guidance for Completing FORM I-247A

San Francisco Administrative Code 12I.3(d.)

(8 U.S.C. 1373.)

SFSD Criminal Warrants Memo (Reference: 2016-037, dated March 11, 2016)



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>    <b>POLICY AND PROCEDURE</b>	Date Issued: <b>06/05/2019</b>	Policy #: <b>SFSD 02-40</b>
	Last Revised: <b>09/23/2019</b>	
	Related Policies COD Grievance COD Credit	
	Approved By:	 <b>Vicki L. Hennessy, Sheriff</b>
Chapter: <b>02 Legal Enforcement and Operations</b>	Title: <b>Milestone Credits</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) affords inmates the privilege and opportunity to earn "Milestone" Credits for successful completion of specific program performance objectives, for approved educational and rehabilitative programming.

**PURPOSE:** To provide guidelines for supplemental credit-earning programs for inmates who successfully complete specific program performance objectives for approved educational and rehabilitative programming including, but not limited to, additional sentence credit of not less than one week to not more than six weeks for performance benchmarks in accordance with 4019.4 PC:

**I. General:**

- A. Inmates who successfully complete approved specific program performance objectives, including, but not limited to: academic, vocational and substance abuse programs; vocational training; domestic violence prevention; and anger management, may be awarded Milestone Credits which reduce the term of their confinement.
  - 1. A Milestone Credit award is a reduction of an inmate's sentence of not less than one week to not more than six weeks in a 12-month period.
- B. Inmate participation in the Milestone program is a privilege and not a right. Inmates shall have a reasonable opportunity to participate in rehabilitative programming, based on a list of approved programs and classes, that qualifies for program credit reductions consistent with institutional security, available resources and guidelines set forth by the Sheriff.
- C. An inmate who received Milestone Credit awards may not receive credit awards for the same course of study even if completion of the same course was in a different 12-month period of continuous incarceration.
- D. An inmate may not have their term of confinement reduced by more than six weeks based on Milestone Credits awarded, during a 12-month period of continuous incarceration.
  - 1. Additional credits earned during one 12-month period may be carried over to an additional 12-month period of continuous incarceration.
- E. The Central Records and Warrants Unit (CRW) are authorized to apply Milestone Credits and recalculate release dates, based on the Sheriff's approval.

## Milestone Credits

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1. For inmates who earn Milestone Credits and are sentenced to state prison, CRW will report that information to the courts.
- F. The Administration and Programs Division Chief Deputy and / or the Director of Programs shall maintain, update and disseminate a list of approved programs and classes for Milestone Credits to the CRW, at the beginning of each calendar year and as needed thereafter.
- G. Inmates are not eligible for Milestone Credits awards that result in an inmate being overdue for release. Additionally, credit awards will not be carried over from one case / incarceration to another separate case / incarceration.
1. Inmates who earn Milestone Credits and are subsequently released prior to sentencing, who then return to custody on the same matter, may be entitled to the credits earned on the case.
  2. Inmates who are given credit for time served at sentencing will not be afforded program Milestone Credit awards on the case for which they have been released from custody.
  3. Inmates who are sentenced to consecutive sentences may only earn Milestone Credits on one case at a time.
  4. Inmates who are sentenced to concurrent sentences may be entitled to have any earned Milestone Credit awards applied to all concurrently sentenced cases.
- H. Placement in disciplinary separation (lock-up) does not necessarily preclude an inmate from continuing independent study programs that have been previously initiated. Inmates in administrative segregation may apply for self-study programs.
1. Inmates may not receive credit during a disciplinary separation in which there was a sustained Level 3 violation incurring a separation of more than five days.
- I. Inmates who are not housed in program housing areas or facilities, where programming is readily available, may request to participate in programming using an Inmate Action Request form.
- J. Inmates may be denied access to or removed from a Milestone Credit program for violations of jail rules, institutional security concerns, lack of available resources or guidelines set forth by the Sheriff.
1. Milestone Credit awards earned by an inmate may be forfeited pursuant to the provisions of California Penal Code Section 4019 and for violation of SFSD rules.
  2. Inmates who have been denied access to or removed from a Milestone Credit program may appeal the action following the normal grievance procedure.
  3. Inmates who have been removed from or denied access to a Milestone Credit program may be afforded the opportunity to complete the program via an independent study on a case-by-case basis predicated on available resources and guidelines set forth by the Sheriff.

## Milestone Credits

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### II. Procedures:

- A. All inmates participating in approved programming are automatically eligible to be awarded Milestone Credits upon achievement of benchmarks. No more than 20 hours of Milestone Credits can be earned in a week.
- B. Within seven days of an inmate completing any performance Milestone, the instructor or program coordinator in charge of the approved program shall:
  1. Fill out a Proof of Completion Milestone Credit Awards form and have the form approved by the instructor if it is a sworn supervisor, program coordinator or authorized Five Keys Charter School employee.
    - a. If the instructor is not authorized to approve the form, take the form to a program coordinator in their chain of command for approval.
  2. Deliver the original to CRW and give a copy to the inmate, once the Proof of Completion Milestone Credit Awards form is approved.
- C. Upon receipt of, a completed and approved Proof of Completion Milestone Credit Awards form, CRW shall:
  1. Verify that the inmate is eligible for the Milestone Credits and is sentenced:
    - a. If eligible and sentenced, recalculate inmate's release date per department procedure and make an entry in the inmate's global jacket. Place copy of Proof of Completion Milestone Credit Awards form in inmate's jacket.
    - b. If eligible and not sentenced place Proof of Completion Milestone Credit Awards form in inmate's jacket.
  2. If not eligible, document the reason on Proof of Completion Milestone Credit Awards form, place a copy in the inmate jacket and give a copy to the inmate.
  3. When requested by Adult Probation, the District Attorney, the Courts, and / or another agency, CRW will forward Milestone Credit to the requesting agency.
- D. Milestone Credits are not retroactive prior to the beginning of the Milestone Credit Program, except as outlined in the Frequently Asked Questions (FAQ).

### III. Forms:

Proof of Completion Milestone Credit Awards

### V. Reference:

Appendix A: Approved Program List for Milestone Credits

California Penal Code Section 4019.4

Title 15 Section 3043(c)

Milestones Frequently Asked Questions (FAQ).

**San Francisco Sheriff's Department**  
**Approved Program List for Milestone Credits**

PROGRAM / COURSE	NUMBER OF HOURS NEEDED	MILESTONE CREDITS
RSVP	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Roads to Recovery	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Keys to Change	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Keys to College	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
COVER	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
SISTER	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Sub-Acute Psychiatric Housing Unit and Psychiatric Sheltered Living Unit	60 hours approved programming (Not including 5KCS)	1 Milestone Credit
Five Keys Charter School	Completion of 5 units of education (i.)	1 Milestone Credit
College Level Courses	Completion of 3 college level units	1 Milestone Credit
Five Keys Independent Study	Completion of 5 units education. (1 credit usually equals 1 packet)	1 Milestone Credit
Discover Your True Self (Inmates not housed in a program housing unit / facility)	20 hours	Combine with other classes to equal 60 hrs.
Parenting Class	Completion (50-60) hours	1 Milestone Credit
Parenting Class (Inmate not housed in a program housing unit / facility)	Completion (50-60) hours	1 Milestone Credit
	20 Hours Segments (ii.)	Combine with other classes to equal 60 hrs.

- i. High school academic courses provided through charter school providers have various levels of achievement; however, the completion standard is based on "Carnegie Units" which are equal to one unit of credit for every 12 hours of instruction. At the successful completion of five (5) Carnegie Units, one Milestone Credit will be awarded. Since some students only need to complete partial courses toward their high school diploma, completed academic classes can be combined to earn a Milestone Credit. Example: Algebra (2 Units) + English (3 Units) = 5 Units completed or one Milestone Credit
- ii. Inmates may request the combine 20 hours of parenting classes with other approved core programs. However, the student may not use those same 20 hours to complete parenting classes for full credit. (Example: Inmate completes 20 hours of Parenting Class and 20 hours of Discover True Self and needs an addition 20 hours to earn one Milestone Credit. If the inmate uses the 20 hours from a parenting class then completes/graduates form parenting, they will need an addition 20 hours of parenting or another approved core program to earn another Milestone Credit.



**Proof of Completion Credit Milestone Credit Awards**

*Section Completed by Instructor or Program Coordinator*

Inmate Name: \_\_\_\_\_ SF #: \_\_\_\_\_

Core Program(s) Completed: \_\_\_\_\_

Date Milestone(s) Completed: \_\_\_\_\_

Number of Milestones completed (max 6 per year) \_\_\_\_\_

Instructor and Contract Service Provider Name : \_\_\_\_\_

Instructor's signature: \_\_\_\_\_ RSC Signature: \_\_\_\_\_

Admin/Program Chief, Dir. of Programs or Designee Signature: \_\_\_\_\_

Date Transmitted to Records: \_\_\_\_\_

**Instructor and / or program coordinator's signature on this form is a declaration under penalty of perjury under the laws of the State of California that to the best of their knowledge the inmate listed above has earned the above number of Milestone Credits and all the information is true and correct.**

*Section Completed by the Central Records and Warrants Unit*

Date / Time Received: \_\_\_\_\_

1: Is Inmate eligible for PC 4019.4 Credits?      Yes      No (If no, indicate why on reverse)

2: Is Inmate Sentenced?      Yes      No

3: Has inmate been afforded PC 4019.4 Credits in the past 12 months?      Yes      No

4: If yes, how many? \_\_\_\_\_ (no more than 6 Milestone Credits may be awarded per 12 months of continuous custody. Excess Credits may be applied at a later date during same incarceration.)

5: Number of credits to be awarded: \_\_\_\_\_ (1 Credit = 7 days)

6: If sentenced, have Credits been awarded?      Yes      No

7: New Release Date: \_\_\_\_\_



## Proof of Completion Milestone Credit Awards

Notice to Inmate

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Milestone Credits have been approved. New release date: \_\_\_\_\_



Credits have not been approved for the following reasons.

1. Not eligible for Credits per 4019.4 on federal case
2. Not yet sentenced. Once sentenced the Credits will be applied on all State cases.
3. Already earned and been credited with the maximum number of Credits allowed per PC 4019.4.
4. Other: \_\_\_\_\_  
\_\_\_\_\_

Staff Signature & Star # \_\_\_\_\_

Date: \_\_\_\_\_



<b>SAN FRANCISCO SHERIFF'S DEPARTMENT</b>  <b>POLICY AND PROCEDURE</b>	Date Issued: <b>03/01/1984</b>	Policy #: <b>SFSD 03-01</b>
	Last Revised: <b>01/18/2013</b>	<i>Formerly C-01</i>
	Related Policies: ALL	
Approved By:  <b>Ross Mirkarimi, Sheriff</b>		
Chapter: <b>03 Payroll and Personnel</b>	Title: <b>Employee Rules and Regulations</b>	

**POLICY:** The San Francisco Sheriff's Department (SFSD) shall provide a code of conduct by which all employees and those entering facilities / sections / units must abide.

**PURPOSE:** The Employee Rules and Regulations represent a standard of conduct for all employees to follow. Every SFSD employee is expected to know and abide by the SFSD Rules and Regulations, both in its specific directions and in the spirit in which it was written.

**DEFINITIONS:**

A. Organization Definitions:

1. Department: The San Francisco Sheriff's Department herein referred to as SFSD
2. Division, Sections, Units: The geographical and / or administrative components that make up the SFSD.

B. Personnel Definitions

1. Departmental Personnel: Any person who receives a salary or wage which is paid whether by, or through, the SFSD, regardless of the source of funds, for service rendered to the SFSD. Any person who works for an entity, (or individually) contracts to provide a service to the SFSD.
2. Employee: Same as Departmental Personnel.
3. Deputized or Sworn Employee: Any employee who is a peace officer under California State Law.
4. Non-sworn or Civilian Employee: Any person who works for the SFSD and is not a peace officer.
5. Commander, Director: Any command officer or person in charge of a division, section, or unit.
6. Supervisor, Supervisory Officer: Any employee of the SFSD assigned to positions requiring the exercise of immediate supervision over the activities of other employees.
7. Superior, Superior Officer: Any person holding a higher supervisory or command rank or position.
8. Seniority: When a question of seniority may arise regarding who shall be in

## Employee Rules and Regulations

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command, such seniority shall be determined as follows:

- a. First by rank
- b. Second, if members are of equal rank, by one employee being designated by a competent authority as in command.
- c. Third, if employees are of equal rank, by length of continuous service at that rank with the SFSD. If appointment date is the same, by order on the eligibility list.

9. Competent Authority: The person in such a position as to have the responsibility and authority for approving an activity or function.

### C. Other Terminology

1. SFSD Manuals: Reference guides specifying the rules and regulations governing the conduct of personnel and the operation of the SFSD as well as specifying SFSD policies and procedures. All manuals in force in this SFSD are issued by authority of the Sheriff and carry the weight of a General Order. Compliance with provisions of SFSD manuals is required.
2. Policies and Procedures: Written directives issued at SFSD level by the Sheriff. Policies and Procedures remain in full force and effect until amended, superseded, or cancelled by the Sheriff. SFSD Policies and Procedures establish policy, procedure, or regulations governing matters, which affect the entire SFSD or a large portion of the SFSD. They may be used to amend, supersede, or cancel any other rule, regulation, or order.
3. Special Orders: Written directives issued at SFSD of Division levels by the Sheriff, Undersheriff, Assistant Sheriff, or Division Commander. They specify instructions governing particular situations and may be used to cover that situation until a revised Policy and Procedure can be issued. Division Special Orders are effective only within the division in which issued. A copy of all Division Special Orders shall be forwarded to the Undersheriff.
4. Facility Operations Manuals: Written directives issued at the Division or Facility level by the Division Commander or Facility Commander, which incorporate (and remain consistent with) the SFSD Policies and Procedures, into specific operating procedures for that Division, Facility, Unit, or Section. Division Commanders and/or Directors, or Facility Commanders are responsible for updating these manuals and providing copies to the Training Division.
5. Personnel Orders: Assignment or reassignment of personnel to or within the SFSD is accomplished by SFSD Personnel Orders issued from the Director of Personnel, or designee of the Sheriff, with approval of the Sheriff. Assignment or reassignment of personnel within a Facility, Unit, or Section is issued by the applicable commander. A copy of these personnel orders shall be forwarded to the Personnel Director of the SFSD.
6. Memoranda: All other inter-office correspondence that does not come under the above.
7. Daily Muster Board or Bulletins: A clip board, located at each duty station, and / or

## Employee Rules and Regulations

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accessible to staff within each division, which contains the Special Orders, appropriate Personnel Orders, and Memoranda of SFSD business. It may also contain recently revised or issued General Orders for review by all personnel.

8. Lawful Order: Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of duty which is not in violation of any law, ordinance, or any SFSD Rule and Regulation.
9. Direct Order: Any written or oral order, given directly to a specific employee(s), stating a specific duty or function to be performed by the employee(s) or to prohibit a specific activity.
10. In-Custody: Inmates are considered to be in the custody of the SFSD whenever they are under the supervision of the SFSD. This includes, but may not be limited to, all secure facilities and courts and all non-secure facilities including work furlough, SWAP, county parole, day reporting, supervised pre-trial release, home detention, supervised program placement, arrestees, and those prisoners released pursuant to 4011.7 PC and 4011.9 PC.
11. Objective: Desired end for which effort is expended and which, if attained, fulfills the purpose of the SFSD. Within each primary objective, there may be a number of subordinate objectives, each of which, if attained, fulfills the purpose of the SFSD.
12. Procedure: A method of performing an operation or a manner of proceeding on a course of action.
13. Rule: A specific prohibition or requirement which is stated to prevent deviations from policy or procedure. Rules allow little deviation other than for stated exceptions.
14. Indication of Time and Date: The SFSD day shall begin at 0001 hours and shall conclude at 2400 hours. All reports and inter-SFSD correspondence requiring time indication shall be stated according to the 24-hour clock system. The date (month, day, year) shall be shown in the conventional manner on all documents, reports, policies and notes.
15. Right: In reference to conditions of employment, the term "right" shall designate those conditions specifically outlined by state or federal law, the City Charter, City Ordinance, City Rules, the Memorandum of Understanding with the Deputy Sheriff's bargaining unit, etc.
16. Privilege: Employment conditions which are not rights but are granted at the discretion of the SFSD.
17. Shall / Will / Must: Indicates that the action required is mandatory.
18. May: Indicates that the action is permissive.

### **I. General:**

- A. These Rules and Regulations also apply to all private, contract or other City and County of San Francisco (CCSF) department personnel who enter any SFSD facility / building.

### **II. Procedures:**

- A. Professional Conduct & Responsibilities:

## Employee Rules and Regulations

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1. SFSD employees shall conduct their private and professional lives in such a manner as to avoid bringing the SFSD into disrepute.
2. Sworn employees shall conduct themselves in a manner consistent with the Law Enforcement Code of Ethics:

As a Law Enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

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

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

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

3. Employees' Duty to Follow Policies, Orders and Directives:
  - a. Employees shall operate in conformance with SFSD rules, policies, orders, and directives. The burden for justifying any deviation shall be placed on the employee at all times.
4. Cooperation:
  - a. Cooperation between ranks, units and divisions of the SFSD is essential to accomplish the mission effectively. Therefore, all SFSD employees are strictly charged with establishing and maintaining a high spirit of cooperation.
5. Assistance:
  - a. Employees are required to aid a fellow employee exposed to danger or in a situation where danger might be impending.
6. Suggestions for the Good of the Department:
  - a. Employees are encouraged to make suggestions for the good of the SFSD to supervisors, manager or commanders. An employee who desires to make a comprehensive suggestion for the good of the SFSD should submit

## Employee Rules and Regulations

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a detailed memorandum through chain-of-command.

### 7. General Responsibilities - Mission Statement:

- a. The mission of the San Francisco Sheriff's Department is to be an effective and integral part of civil and criminal law enforcement efforts of the State of California and the City and County of San Francisco. The Department will accomplish its mission through competent performance by its deputized personnel and support staff, in accordance with the powers established by the laws of the State of California and the Charter and ordinances of the City and County of San Francisco.
- b. To this end, the Department will:
  - i. Maintain a force of well-trained, professional Deputy Sheriffs dedicated to public service, the enforcement of law and the protection of the lives and property of all providers in the City and County of San Francisco.
  - ii. Maintain and operate a safe and secure jail system.
  - iii. Provide security in designated public buildings, safely and effectively transport prisoners, and augment police services for special events, demonstrations, mass arrests and other emergency situations.
  - iv. Provide effective and efficient support services for the Criminal and Civil Courts of the City and County of San Francisco.
  - v. Execute and enforce criminal and civil warrants, civil process, orders issued by the Courts, Board of Supervisors, or orders issued by any legally authorized department or commission.
  - vi. Maintain effective alternatives to incarceration and provide community, jail based and post-release education, vocation, restoration and treatment programs to enhance public safety, meet the needs of victims of crime, and offer opportunities for prisoners to function in a productive, lawful manner upon reentry into the community.

### 8. Off- Duty Service Requirements:

- a. Employees shall have regular hours assigned to them for active duty and / or may work at other times. An employee shall be considered to be on-duty whenever compensated for hours worked by the SFSD. When not so compensated, an employee shall be considered "off-duty". Sworn employees, however, are subject to duty call as needed.

### 9. Questions Regarding Assignments:

- a. Employees in doubt as to the nature or detail of their assignment shall seek such information from their supervisors, while utilizing the chain of command.

### 10. Tenure Not Controlling in Assignment:

## Employee Rules and Regulations

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- a. Employees are not entitled to remain indefinitely in assigned positions. Performance of a particular job on a long term basis may not be controlling when SFSD needs are reviewed.
11. Knowledge of Laws, SFSD Rules and Regulations:
  - a. Employee are required to acquire and maintain a knowledge of all laws and ordinances in force in the City and County of San Francisco that affect the operations of the SFSD; the SFSD Rules and Regulations; the SFSD Policies and Procedures; the General and Special Orders of the SFSD and the divisions thereof.
12. Performance of Duty:
  - a. Employees shall perform their duties as required or directed by law, SFSD rule, policy or order or by the order of a **superior officer** or supervisor. All lawful duties required by competent authority shall be performed promptly as directed.
13. Obedience to Laws and Regulations:
  - a. Employees shall observe and obey all laws and ordinances, all rules and regulations of the SFSD and all General or Special Orders of the SFSD.
14. Reporting Violations of Laws, Ordinances, Rules and Orders:
  - a. Employees who know of other SFSD employees who violate laws, codes, SFSD rules or disobey orders shall report same to their supervisor and / or Investigative Services Unit (ISU).
15. Conduct Toward Superior and Subordinate Officers and Peers:
  - a. Employees shall treat superior officers, supervisors, subordinates and peers with respect. They shall be courteous and civil at all times in their relationship with one another. When on duty and particularly in the presence of other SFSD employees, inmates or the public, sworn employees should be referred to by rank.
16. Criticism of Orders:
  - a. While on duty, employees shall not publically, or in the presence of inmates, criticize instructions or orders they have received.
17. Manner of Issuing Orders:
  - a. Orders from superior to subordinate shall be in clear and understandable language, civil in tone and issued in pursuit of SFSD business.
18. Unlawful Orders:
  - a. No command, supervisory officer or supervisor shall knowingly issue any order which is in violation of any law, code or SFSD rule.
19. Obedience to Unlawful Orders:
  - a. Obedience to an unlawful order is never a defense for an unlawful action; therefore, no employee is required to obey any order which is contrary to

## Employee Rules and Regulations

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Federal / State law / City Ordinance. Responsibility for refusal to obey rests with the SFSD employee. He / she shall be required to justify his / her action and must do so in writing at the earliest opportunity.

### 20. Obedience to Unjust or Improper Orders:

- a. Employees who are given orders they feel to be unjust or contrary to City and County of San Francisco or SFSD Rules and Regulations, but not unlawful, must first obey the order to the best of their ability and then appeal through the chain-of-command.

### 21. Conflicting Orders:

- a. Upon receipt of an order conflicting with any previous order or instruction, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the second command shall be obeyed first. The person countermanding the issuing of the conflicting order shall be responsible to contact promptly the officer giving the first order with notification that a conflict exists. Conflicting orders will be countermanded when reasonably necessary for the good of the SFSD.

### 22. Reports and Appeals - Unlawful, Unjust or Improper Orders:

- a. An employee(s) receiving an unlawful, unjust or improper order shall, at first opportunity, report in writing to the original issuing SFSD supervisor. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at this time.

### 23. Insubordination:

- a. Insubordination is the failure or deliberate refusal of any employee to obey a lawful order given by a superior officer.
- b. Employees shall not commit an act of insubordination. Insubordination shall be a basis for **disciplinary action**, which may lead to suspension or termination.

### 24. Impermissible Behavior:

- a. Any rude, insolent, impertinent, antagonistic, discourteous, or disrespectful conduct either written, oral or by gesture to supervisors of higher rank that falls outside the definition of insubordination. Ridiculing a supervisor or his / her orders, whether in or out of his / her presence, is also impermissible behavior.
- b. No SFSD employee shall behave in an impermissible fashion. A finding of impermissible behavior shall be a basis for disciplinary action.
  - i. Employees shall treat supervisors, subordinates and peers with respect. They shall be courteous and civil at all times in their relationships with one another. When on-duty and particularly in the presence of other SFSD employees, inmates or the public

## Employee Rules and Regulations

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sworn employees should be referred to by rank. Failure to comply may constitute a charge of impermissible behavior.

### **25. Neglect of Duty:**

- a. Failure of any employee to adequately comply with the orders, directives, rules, regulations, training instructions or operating practices of the SFSD that pertain to them or to take appropriate action when circumstances dictate.
- b. SFSD employees shall not neglect their duty. Neglect of duty shall be a basis for disciplinary action, which may lead to suspension or termination.

### **26. Unacceptable Job Performance:**

- a. Failure of an employee to discharge his / her responsibilities at a level which will accomplish the SFSD's objectives.
- b. A charge of "Unacceptable Job Performance" may be characterized by demonstrating the lack of ability or desire to perform at the required level. Unacceptable job performance shall be a basis for disciplinary action, which may include suspension or termination.

### **27. Misconduct:**

- a. Conviction of any felony or misdemeanor.
- b. Violation of these Rules and Regulations or lawfully issued directives, orders and / or procedures.
- c. For sworn employees - Conduct, on or off duty, unbecoming to a sworn employee (e.g. an arrest, abuse of position, under the influence of alcohol or drugs, etc.)
- d. Conduct, on or off duty that reflects adversely on the SFSD.
- e. Conduct constituting dismissal for cause as that term is used in the San Francisco City Charter.
- f. A finding of misconduct shall be the basis for disciplinary action which may lead to suspension or termination.

### **28. Gifts, Gratuities, Fees, Loans, etc., Acceptance:**

- a. Employees shall not accept, either directly or indirectly any gifts, gratuity, loan, fee or any other thing of value arising from or offered because of their employment with or any activity connected with SFSD without the express permission of the Sheriff or designee. No employee shall accept any gift, gratuity, loan, fee or other thing of value the acceptance of which might tend to influence, directly or indirectly, the actions of said employee in any matter of SFSD business; or which might tend to cast any adverse reflection on the SFSD or any employee thereof. No employee shall receive any gift or gratuity from other employees junior in rank without the express permission of the Sheriff or designee.

### **29. Gifts, Gratuities, Fees, Rewards, Loans, etc. Soliciting:**



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- a. Employees shall not under any circumstances solicit any gift, gratuity, loan or fee where there is any direct or indirect connection between the solicitation and their SFSD employment. Exception would be an SFSD employee association holding legal nonprofit fundraisers.
30. Relationships with Inmates in Custody of the SFSD:
- a. Employees shall not enter into or attempt to enter into a personal (sexual or otherwise) or business relationship with an inmate while the inmate is in the custody of the SFSD. Employees shall not accept, engage in any transaction or pay any inmate for performing any personal service. Employees shall not give nor lend any inmate anything of significant value or anything deemed to be contraband by the SFSD. SFSD employees shall report to their supervisor when a relative or a person with whom they have had a preexisting relationship becomes an inmate in the employee's assigned area.
31. Relationships with Relatives and Visitors of Inmates in Custody of the SFSD:
- a. Employees shall not enter or attempt to enter into personal (sexual or otherwise) or business relationships with the visitors and / or relative of inmates who they meet in the course of performing their duties for the SFSD.
32. Rewards:
- a. SFSD employees shall not accept any gift, gratuity, or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful salary and that authorized by the Sheriff.
33. Disposition of Unauthorized Gifts, Gratuities, etc.:
- a. Any unauthorized gift, gratuity, loan, fee, reward or other item falling into any of these categories coming into the possession of any employee shall be forwarded to the office of the Sheriff together with a written report explaining the circumstances.
34. Recommending Attorneys and Bail Bond Broker Prohibited:
- a. Employees shall not suggest, recommend advice or otherwise counsel the retention of any attorney or bail bond broker to any inmate.
35. Endorsement of Products and Services:
- a. The SFSD is bound to provide fair and impartial service in all circumstances. Thus while sworn employees may endorse any organization, program, product or service of their choice as an individual, the endorsement or means of endorsement shall not in any manner, directly or indirectly, indicate that the endorsement has the official sanction of the SFSD unless prior written approval of the Sheriff has been obtained.
36. Off-Duty Arrest / Incident Reports:

## Employee Rules and Regulations

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- a. When an off-duty sworn employee makes an arrest, the sworn employee shall notify the watch commander at County Jail #1. A written report shall be prepared by the sworn employee within 24 hours after the arrest and filed with the Undersheriff, with a copy to the sworn employee's unit commander and a copy to the supervisor who was verbally notified.

### 37. Arrest or Detention of a SFSD Employee:

- a. When any employee of the SFSD is arrested for any reason, he / she shall submit an incident report within 24 hours after the arrest / detention to the Undersheriff with a copy to his / her Division Commander. If the employee is required to remain in custody after the arrest and will not be immediately released, the employee will contact his / her Division Commander who will prepare the required report for the employee and file it within the stated time period. The employee will supply a copy of the arresting agency's incident report to the Undersheriff as soon as it becomes available.

### 38. Intra-Agency Contact:

- a. When any SFSD employee is involved as a witness to crime, reporting a crime to the appropriate agency or acting in concert with another law enforcement agency in any capacity, whether that SFSD employee is on or off duty, that participation shall be reported to the employee's immediate supervisor as soon as practicable.

### 39. Obligation to Identify:

- a. When any sworn employee, on or off duty, is a witness to a crime being investigated by another agency, he / she must identify himself / herself as a sworn employee to the investigating agency at the earliest opportunity.

## B. General Conduct On Duty:

### 1. Prohibited Activity on Duty:

- a. SFSD employees are prohibited from engaging in the following activities while on duty with the exceptions as noted;
  - i. Showing bias or prejudice against race, religion, or any other group or individual, gender or sexual orientation;
  - ii. Sleeping;
  - iii. Reading and / or studying any non-job related materials and any other materials, job related or not, specifically prohibited by a supervisor;
  - iv. Conducting private business;
  - v. Drinking intoxicating beverages and / or consuming or possessing illegal substances;
  - vi. Any activity deemed in violation of federal / state / or city statute;

## Employee Rules and Regulations

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- vii. Engaging in distracting activities or games with other employees or inmates unless specifically allowed by the Sheriff and / or,
- viii. Bringing non-job related materials into the secure housing areas of the jails.

### 2. Reporting for Duty:

- a. SFSD employees shall report to duty at the time and place specified, properly uniformed, equipped and ready for duty. They shall give careful attention to orders and instruction. They will acquaint themselves daily when on duty and immediately upon return to work after absence or days off with information on the daily bulletin as well as other orders and memoranda. SFSD employees shall remain alert at all times while on duty.

### 3. Off-Duty Reporting:

- a. Sworn employees off duty shall, upon official notice, report for duty in a timely manner upon receipt of and in compliance with the directions given at the time of notification. They shall, without notice, report for duty immediately in the event of a major disaster and in any other emergency wherein it would be reasonably expected that the SFSD would require the added service of all officers.

### 4. Sickness:

- a. Any SFSD employee, when off duty due to illness or any other reason, shall report the fact immediately to the SFSD, per existing SFSD Procedure. Failure to report within the guidelines of the procedure may result in discipline.

### 5. Relief:

- a. All SFSD employees are to remain at their assignment and on duty until properly relieved by another employee or until dismissed by a competent authority.

### 6. Incident Reports and Required Documents:

- a. SFSD employees shall promptly submit such reports and other documents as are required in the performance of their duties or by competent authority. No employee shall prepare, sign or submit a false report or statement knowing that it is false or with the intent to defraud.

### 7. Requesting Legal Opinions:

- a. SFSD employees do not have the authority to request directly a formal, written legal opinion either from the Sheriff's Legal Counsel or any other county or state legal office, including any judicial personnel. All such requests shall be transmitted through the chain-of-command and approved by the Undersheriff or Sheriff. Sole authority to directly request a legal opinion outside the SFSD is vested in the Sheriff, the Undersheriff or the Sheriff's attorney.

### 8. Contacting Governmental Officials and Agencies:

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- a. Sworn employees shall use the chain-of-command to contact governmental officials and agencies outside the SFSD in matters pertaining to or affecting SFSD policies, procedures and general orders.

### 9. Driver's License Required:

- a. All sworn employees, and those non-sworn employees, authorized and required to drive department vehicles, shall maintain and have in their possession a valid California Driver's License. If any specific class of license is required by state law to drive a particular vehicle, the sworn employee shall obtain and maintain such a license and related documents. Loss of the right to drive or suspension of the license shall be reported to the Sheriff or Undersheriff at once followed by a written incident report submitted through the chain-of-command.

### 10. Duty to Identify:

- a. All SFSD employees shall identify themselves to any person, including inmates, making such a request. Sworn employees shall give full name and star number. Other SFSD employees shall give full name and assigned unit in the Department.

### 11. Absence Without Leave:

- a. Absence from duty without leave by any member of the SFSD will be followed by a forfeiture of pay for the time absent and disciplinary action shall be imposed against him / her unless otherwise directed by the Sheriff or Undersheriff. An unexplained absence without leave of any employee for five (5) days without proper permission will be deemed and held a resignation in conformance with the City and County of San Francisco Civil Service Rules.

### 12. Inspections:

- a. From time to time the division Commander and / or Facility Commander may call for an inspection of sworn employees. All sworn staff directed to attend such inspections shall report in the uniform prescribed, and carrying the equipment specified. An unauthorized absence from such inspection is chargeable as "absence without leave".

### 13. Training:

- a. All SFSD employees shall attend all training as assigned by SFSD.

### 14. Consumption of Intoxicants:

- a. SFSD employees shall not consume intoxicants while off-duty to the extent that ability to perform their scheduled duty is impaired or that evidence of such consumption is apparent when reporting for duty.

### 15. Involuntary Relief from Duty:

- a. SFSD employees may be involuntarily relieved from duty when any of the following conditions are met:
  - i. The employee appears to be under the influence of alcohol or

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another substance and is unable to perform his / her duties in a safe and effective manner, consistent with the guidelines outlined in the SFSD Substance Abuse Policy and Procedure.

- ii.* The employee is ill and unable to perform his / her duties in a safe and effective manner.
- iii.* The employee is continuously insubordinate and refuses to conform to the standards of behavior set by these Rules and Regulations.
- iv.* The employee is the subject of an ISU investigation and / or criminal investigation that puts the security of the Sheriff's operations at risk if he / she were to remain on duty.

- b. An employee can only be relieved from duty with the concurrence of the Sheriff, Undersheriff or designee.

### 16. Smoking and Chewing Gum or Tobacco in Public:

- a. Sworn employees in uniform shall not smoke or chew gum or tobacco in public places while on duty. Employees shall not smoke in facilities and areas designated as "non-smoking".

### 17. Critical Information Sheet:

- a. All SFSD employees shall have on file with the Administrative Offices of the SFSD a completed Critical Information sheet. It is the responsibility of the employee to inform the Personnel Manager, in writing, of any change in the data contained on the Critical Information sheet. Such notification shall be submitted within 72 hours after any change occurs.

### 18. Address and Telephone Number:

- a. Immediately upon reporting to a new assignment, employees shall record their correct residence address and telephone number with the Facility / Unit / Section administrative supervisor. All employees shall have a working telephone at their place of residence. Changes in address or telephone number shall be reported to the Administrative Offices and the duty assignment within 72 hours of the change.

### 19. Impartial Attitude:

- a. All SFSD employees, while on duty, must maintain an impartial attitude toward all persons coming to the attention of the SFSD. Exhibiting partiality for or against a person because of race, creed, influence, gender or sexual orientation is unprofessional conduct.

### 20. Harassment / Discrimination:

- a. Harassment or discrimination of an applicant or employee, whether by a superior, subordinate, peer or co-worker on the basis of race, religion, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, sex or age will not be tolerated. Retaliation against a person for filing a harassment charge or making a harassment

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complaint is prohibited.

### 21. Harassment / Discrimination – Penalty:

- a. A finding of harassment or discrimination shall be a basis for disciplinary action which may lead to suspension or termination.

### 22. Conduct Toward the Public:

- a. SFSD employees shall be courteous and professional in their dealings with the public. They shall perform their duties professionally, avoiding harsh, violent, profane or insolent language. Upon request, SFSD employees are required to supply their names and / or star numbers in a courteous manner. They shall attend to requests from the public quickly and accurately.

## C. Control of Inmates:

### 1. Use of Physical Force:

- a. Physical force may be used: (1) to overcome the physical resistance to a lawful order by a peace officer until that resistance stops or is overcome and / or: (2) where necessary to accomplish a legitimate task. When an employee is required to use considerable force, he / she shall immediately notify a supervisor, or if not practical, contact the supervisor as soon as the incident has been concluded. Deadly force shall only be used in compliance with SFSD policy.

### 2. Assisting Inmates in Criminal Acts:

- a. An SFSD employee shall not directly nor indirectly aid an inmate to escape or attempt to escape, dispose of or secrete evidence or contraband or in any way assist them in any criminal endeavor.

### 3. Performing Favors for Inmates:

- a. SFSD employees shall not do any favors for any inmate in custody of the SFSD unless that action is provided for by SFSD rules or procedures. Any questions regarding the legitimacy of such a request shall be directed to a sworn supervisor, prior to complying with that request.

### 4. Security of Locked Facilities:

- a. Off-duty employees are only allowed to enter the designated administrative areas of any jails. Permission must be requested and received from the Division Commander, Facility Commander or Watch Commander prior to entering a non-administrative area.

## D. Department Property & Equipment:

### 1. Care of Department Equipment:

- a. SFSD employees are responsible for the proper care of SFSD property, equipment assigned to them and any evidence or property in their control or custody. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

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2. Damaged, Inoperative Property or Equipment:
  - a. SFSD employees shall immediately report to their supervisor and / or watch commander in an incident report form any loss of or damage to SFSD property assigned to or used by them. The immediate supervisor will be notified of any defects or hazardous conditions existing in any SFSD equipment or property.
3. Care of Department Buildings:
  - a. SFSD employees shall not mark, alter or deface any surface of any SFSD building. No material shall be affixed in any way to any wall in SFSD buildings without specific authorization from the appropriate supervisor.
4. Notices:
  - a. SFSD employees shall not mark, alter or deface any posted notice of the SFSD. Notices or announcements shall not be posted on official SFSD muster / bulletin boards without permission of a SFSD supervisor. No notices of a derogatory nature will be posted at any time.
5. Manuals Maintenance:
  - a. All SFSD employees issued manuals are responsible for their maintenance and shall make appropriate changes or inserts as they occur.
6. Surrender of Department Property:
  - a. SFSD employees are required to surrender all SFSD property in their possession upon separation from service. Failure to return non-expendable items will cause the person to reimburse the SFSD for the fair market value of the articles. This amount may be deducted from any monies owed the individual by the SFSD.
7. Sheriff's Authority to Order / Issue Identification:
  - a. The Sheriff or designee has sole authority to order a star or issue an identification card for any member of the SFSD. Such authority may be delegated by the Sheriff to the Undersheriff.
8. Identification Disposition upon Dismissal, Resignation, or Suspension:
  - a. When an employee resigns or is dismissed his / her star, and / or identification card and all issued equipment shall be turned into the SFSD Administrative Office without delay. When an employee is under suspension, his / her badge and / or identification card and service firearm (if sworn) shall be turned into the SFSD Administrative Office without delay.
9. Department Vehicle Use:
  - a. SFSD employees shall not use any SFSD vehicle without the permission of the appropriate supervisor, unless the vehicle is assigned to that employee.

### E. Communications & Correspondence:

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1. Restrictions:
  - a. SFSD employees shall not use SFSD letterheads for private correspondence. Copies of all official SFSD correspondence to entities outside the SFSD shall be sent to the Sheriff's Chief of Staff.
2. Forwarding Communications to Higher Commands:
  - a. Any employee, including supervisors, receiving a communication for transmission to a higher command shall in every case forward such communication.
3. Telephones:
  - a. Personal phone use shall be brief.
4. Radio Discipline:
  - a. All SFSD employees of the SFSD operating the SFSD radio shall strictly observe regulations for such operations as set forth in SFSD procedures and by the Federal Communications Commission.
5. Department Business Cards:
  - a. A standard business card approved by the Sheriff may be used by employees. Nothing will be entered on any SFSD business card, which confers special consideration to the recipient.

### F. Death & Injury Notifications:

1. Death or Serious Injury:
  - a. When an employee is killed or seriously injured either on or off duty, and that fact is reported to an SFSD employee at his / her regular place of assignment, immediate verbal notification shall be made to the Sheriff, Undersheriff or Assistant Sheriff. The appropriate supervisor shall forward a written report no later than the following workday. Information shall include the date, location, cause, extent of injuries and property damage. Serious injury in this instance means an injury, which could result in death.
2. Death of an SFSD Employee:
  - a. Any SFSD employee receiving notice of the death of any employee or retired employee during regular business hours shall notify the Sheriff, Undersheriff or Assistant Sheriff. After regular hours, the Watch Commander of the section, unit or division in which the employee worked shall be notified.
3. Notification of Family:
  - a. The family of an employee seriously injured or killed on-duty shall be notified without undue delay by the Sheriff or his designee.

### G. Additional Employment:

1. Civil Service Rules:



- a. Civil Service rules of the City and County of San Francisco allow employees to engage in additional employment with the approval of their Department Head. Full time employment with the SFSD is considered employees primary employment.
2. Off-Duty Employment:
    - a. SFSD Employees must request and receive permission to engage in employment outside the SFSD prior to engaging in such activity. This includes employees who are self-employed. The employee must renew his / her request, in writing, every six months. SFSD employees may be denied permission based on their attendance, discipline history or any other criteria established by the Sheriff. Outside employment is subject to the provisions of the Outside Employment Procedure of the Department.
- H. Judicial & Investigative Actions:
1. Court Appearance:
    - a. Attendance at a court or judicial hearing as required by subpoena is an official duty assignment when it arises out of the SFSD employee's scope of employment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, sworn employees normally working in details where they are required to wear uniforms shall wear the designated Class A uniform. All others shall wear the appropriate non-uniform dress prescribed by the SFSD Grooming Standards. Employees will present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court.
  2. Testifying for the Defendant:
    - a. Any SFSD employee subpoenaed to testify for the defense, in a matter relative to the scope of his / her employment, in any trial or hearing, or against the CCSF or SFSD in any trial or hearing shall notify the Division Commander upon receipt of the subpoena. A sworn employee shall also notify the Sheriff's Legal Counsel.
  3. Civil Action, Court Appearance - Subpoenas:
    - a. An SFSD employee shall not volunteer to testify in civil actions relative to the scope of his / her employment and shall not testify unless legally subpoenaed or directed to testify by the Sheriff. SFSD employees will accept all subpoenas legally served. If the subpoena arises out of SFSD employment or if the employee is informed that he / she is a party to a civil action arising out of SFSD employment, the employee shall immediately notify the Sheriff's attorney of the service or notification. SFSD employees shall not enter into any financial understanding for appearance as witnesses prior to any trial except in accordance with current procedure.
  4. Civil Depositions and Affidavits:

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- a. SFSD employees shall confer with the Sheriff's attorney before giving a deposition or affidavit on a civil case relative to the scope of his / her employment.
5. Department Investigations - Cooperation
- a. SFSD employees are required to actively and courteously cooperate when questioned by a competent authority in an investigation conducted by our agency or others. All employees are required to:
    - i. Divulge all known information.
    - ii. Answer all questions truthfully without evasion.
    - iii. Produce all physical evidence in their possession, under their control or to which they have access, or identify the location.
    - iv. Give answers that are clear, responsive, unambiguous, and that most accurately reflect the truth in the matter.
    - v. Provide all information and evidence to investigators whenever such information or evidence becomes known or available.
6. Departmental Investigations - Unethical Conduct:
- a. Failure to actively and aggressively cooperate with investigations is misconduct and is subject to discipline. It is certainly unethical and could be illegal for employees to:
    - i. Obstruct, impede, delay or otherwise hinder an investigation.
7. Truthfulness:
- a. SFSD employees are required to be truthful at all times whether under oath or not.
    - i. Employee Discipline
8. Progressive Discipline:
- a. Whenever discipline is sustained for a second or subsequent misconduct, the SFSD adheres to a policy of progressive discipline. If an employee's record indicates prior sustained misconduct, the disciplinary action imposed shall be more severe than for a first offense even if the second offense is unrelated to the first offense.
9. Factor in Mitigation and Aggravation:
- a. In determining the severity of discipline, the SFSD shall also consider factors in mitigation and aggravation. Mitigating factors may include, but are not limited to, length of employment with the department; length of time since prior discipline; work performance record; willingness to accept responsibility for misconduct or negligence; and individual efforts to address underlying causes of misconduct.
  - b. Factors in aggravation may include, but are not limited to, substandard work performance evaluation, refusal to accept responsibility for

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misconduct, disrepute or notoriety brought to the SFSD as a result of the misconduct, severity of injury to the aggrieved party, pattern or practice of action amounting to misconduct, multiple sustained complaints and misconduct which results in endangerment to the public.

### 10. Termination, Just Cause:

#### a. SFSD employees may be terminated for the following:

- i.* Inadequate performance by probationary sworn employee or entry employee.
- ii.* When progressive discipline has been enforced but the employee continues to violate department standards.
- iii.* When any single incident of misconduct is so serious as to render the employee untrustworthy in terms of inmate security or the safety of public fund.
- iv.* Other circumstances as directed by federal / state / local law.
- v.* Failure to successfully complete the basic academy to which the sworn employee is originally assigned.


### III. Forms:

Not Applicable

### IV. Reference:

Not Applicable



<p>SAN FRANCISCO SHERIFF'S DEPARTMENT</p>  <p><b>POLICY AND PROCEDURE</b></p>	<p><b>Date Issued: 08-15-96</b></p>	<p><b>Policy #: SFSD 03-02</b></p>
	<p><b>Last Revised: 12-01-08</b></p>	
	<p><b>Related Policies:</b></p> <p><i>Michael Hennessey</i></p>	
	<p><b>Approved By:</b></p> <p>Michael Hennessey, Sheriff</p>	
<p>Chapter: Administration</p>	<p>Title: Discrimination and Harassment</p>	

**POLICY:** All members of the San Francisco Sheriff's Department shall be treated with respect and dignity, and Work in an environment free from discrimination and harassment.

Nothing in this policy shall be interpreted to restrict the rights provided under federal, state, or local laws, or in any applicable Memorandum of Understanding (MOU).

Members who believe they are victims of, or are witnesses to, any form of discrimination or harassment are required to submit a complaint.

**PURPOSE:** To promote and ensure respect and dignity for any person entering a Sheriff's Department facility and to ensure these facilities are free from discrimination and harassment.

**SCOPE:** This policy applies to all employees of the San Francisco Sheriff's Department. The maintenance of a workplace that is free from all forms of discrimination and harassment is the obligation of every employee.

**DEFINITIONS:**

Discrimination - Discrimination is defined as behavior, which gives preferential or worse treatment to one group of persons over another group or one person over another, based on:

Race/color

National origin/ethnicity/ancestry

Sex (male/female; pregnancy, childbirth or related medical conditions)

Sexual Orientation

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Religion

Age

Physical or mental disability or medical condition (including HIV and AIDS)

Marital status or domestic partner status

Political affiliation or beliefs

Veterans Status

Gender Identity/Appearance/Behavior

Height

Weight

Harassment

Sexual Harassment

Harassment - Harassment is a form of discrimination and is defined as undue pressure which is imposed because of an individual's or group's sex, race, color, nation origin, ethnicity, sexual orientation, religion, age, physical or mental disability or medical condition (including HIV and AIDS), marital status, political affiliation or belief.

Sexual Harassment - The law defines sexual harassment as unwanted sexual advances, request for sexual favors or visual, verbal or physical conduct of a sexual nature when: 1) Submission to such conduct is made a term or condition of employment; or 2) Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or 3) Such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.

1. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves co-worker harassment by a supervisor or manager, or by persons doing business with or for the department.
2. Members in supervisory positions shall not explicitly or implicitly demand sexual favors from a subordinate in exchange for tangible job benefits. Thus, supervisory employees may not threaten or insinuate that a refusal to provide sexual favors will result in reprisals, such as withholding support for appointments, assignments, promotions, transfer, etc.

## Discrimination and Harassment

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3. There are many forms of offensive behavior. The following is a partial list of what is considered offensive.
- a. Unwanted sexual advances, propositions, or requests for sexual favors.
  - b. Offering employment benefits in exchange for sexual favors.
  - c. Making or threatening reprisals after a negative response to sexual advances.
  - d. Visual conduct - leering, making sexual gestures, displaying or referencing sexually suggestive objects, pictures, cartoons, posters, drawings, letters, or graffiti.
  - e. Verbal conduct - making or using sexually explicit remarks, or derogatory comments, innuendoes, epithets, slurs, sexually explicit jokes, suggestive comments about an employee's body or dress, sexually degrading words, or suggestive or obscene letters, notes or invitations.
  - f. Physical conduct - unwanted touching, assault, impeding or blocking movement, sexual gestures, physical interference with normal work movement.
  - g. Visual & Electronic - Visual materials not limited to, but including pictures, calendars, postcards, emails, and websites can contribute to a hostile work environment if they are sexually explicit or derogatory of a protected characteristic, or material that would offend a reasonable person is prohibited.

Slurs - A slur, as used in this policy, is a word or combination of words that by its (their) very utterance inflicts injury, offers little opportunity for response, appeals not to rational faculties, or is an unessential or gratuitous part of any exposition of fact or opinion.

Retaliation - Retaliation is also prohibited and itself constitutes discrimination and/or harassment. Regardless of rank, no member may retaliate or threaten to retaliate against an applicant or another employee who:

- a. Complained of discrimination, harassment and/or use of slurs;
- b. Testifies on behalf of, and/or support of, a person who complained of discrimination, harassment, and/or the use of slurs;

- c. Advised any applicant or employee or assisted or participated in any manner in any manner in any investigation proceeding, or hearing concerning a person who complained of discrimination, harassment, or slurs.

**PROCEDURE:**

**I. Discipline**

- A. Employees - Any employee who violates this policy and procedure or interferes with its implementation shall be subject to disciplinary action, which may include suspension or termination.
- B. Supervisor's Responsibilities - Every supervisor shall enforce this policy and procedure. Approval of harassment or discrimination by "turning a blind eye", laughing, and treating a situation as a joke, failure to take action, or concealing a situation constitutes "negligent supervision" and will subject the supervisor to disciplinary action. Excuses will not be accepted or tolerated if the investigation reveals that the supervisor knew or should have know about the harassment or discrimination. A supervisor must lead by example and not commit harassment, continually monitor the work environment to insure that harassment is not occurring, and immediately report any potential harassment that comes to his/her attention. Supervisors who fail to immediately report potential harassment may expose the victim to continued harassment, the organization to a costly lawsuit, and themselves to discipline.
- C. Retaliation - Retaliation against a member who has made a complaint or assisted in the initiation of a complaint or who has been involved in an investigation or resolution of a complaint will not be tolerated and is itself a violation of this policy and procedure and will prompt additional disciplinary enhancement to the original disciplinary charge.

**II. Training**

- A. The department recognizes its responsibility to provide continuing education and training to all members in discrimination, harassment, retaliation, and slurs.
- B. The department is committed to this responsibility and shall pursue an aggressive educational and training program for all members to ensure that no employee shall be discrimination or retaliated against, harassed, subjected to slurs, or in any way denied fair and equal treatment.
- C. To further prevent harassment, discrimination, retaliation, and use of slurs in the department, the department shall institute and maintain the following:
  - 1. Training for department employees in the prevention of discrimination, harassment, and use of slurs;



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2. Inquiry and assistance, consultation, counseling, referrals and mediation with all members (including supervisory and command officers) regarding equal employment matters, and
3. Formal investigation of cases of alleged discrimination, harassment, retaliation and/or the use of slurs.

### III. Unlawful Practices

- A. Discrimination or retaliation against, harassment of, and/or the use of slurs against any applicant or employee based on any non-merit factor listed in the definition of discrimination in this policy is prohibited and will not be tolerated. It is prohibited to discriminate, harass, and/or use slurs against a person in any area.
- B. Specific Employee Conduct
  1. Employees shall not engage in discrimination as defined in this policy.
  2. Employees shall not engage in sexual harassment as defined in this policy.
  3. Employees shall not engage in unlawful harassment as defined in this policy.
  4. Employees shall not willfully or negligently use slurs as defined in this policy.
  5. Employees shall not threaten or engage in retaliation as defined in this policy.
- C. Specific Supervisor Conduct
  1. When a violation of this policy is reported, an investigation shall be conducted to determine whether there was or should have been knowledge on the part of any supervisor, and whether the supervisor failed to take immediate and appropriate corrective action.
  2. When a supervisor receives an allegation of sexual harassment he/she must immediately report that allegation to the facility commander or watch commander, or to the department's designated sexual harassment and discrimination investigative officer, whether or not the complainant requests confidentiality and/or request that no action be taken.
  3. Negligent supervision, tacit approval of harassment, discrimination, retaliation, and/or slurs by "turning a blind eye", laughing, and treating a situation as a joke, failing to take appropriate action or concealing a situation, will subject the supervisor involved to disciplinary action. Excuses to evade responsibility will not be accepted or tolerated if the investigation reveals that the supervisor knew or should have known about

the situation.

D. Exceptions

1. It shall not be unlawfully discriminatory or harassing to follow a seniority system as long as that system is a bona fide one and not designed to circumvent or evade this policy.
2. It shall not be discriminatory or harassing to select, assign, or reject a person for employment or assignment based upon bona fide occupational qualification, career development, or organizational necessity, which can be articulated and is not designed to circumvent or evade this policy.

**IV. Complaint Procedures**

- A. An employee may submit a complaint verbally or in writing and may include a suggested method of resolution.
- B. An employee may choose to submit the complaint internally or externally in one or more of the following ways:
  1. Internally
    - a. To the facility/section/unit/watch commander
    - b. To the department's designated sexual harassment and discrimination investigative officer
    - c. To the Investigative Services Unit
    - d. To the undersheriff
    - e. To the sheriff
  2. Externally
    - a. Information may be obtained by calling the San Francisco Department of Human Resources.
- C. An employee must submit an internal complaint as soon as possible after the alleged incident occurred, or as soon as possible after becoming aware of the violation.
- D. The investigation shall be completed as soon as possible or at the direction of the sheriff.

**V. Duties of Command Officers and other Supervisors**

- A. When receiving discrimination, harassment, retaliation, or slur complaints from any source, review this policy with the offended employee and explain all the options for filing a complaint.
- B. When hearsay or anonymous information comes to the attention of any supervisor or command officer, there is a responsibility to investigate and take action when violations of this order have occurred.
- C. Prepare a written report and maintain the confidentiality of the complaint and complainant. The report must include the following information:
  - 1. Name of complainant (unless refused)
  - 2. The basis of the complaint, i.e. race, sex, religion, etc.
  - 3. Collect as many details as provided at the time of the complaint, including all allegations, dates, circumstances, the names of all persons involved, and the names of all witnesses. Do not conduct an investigation or interview witnesses unless requested to by the department designated sexual harassment and discrimination investigative officer.
  - 4. What action the complainant requests.
- D. Collect, preserve, and photograph (if necessary) any evidence related to the incident. Do not conduct interviews of witnesses at this time.
- E. Forward the report and any evidence to the department's designated sexual harassment and discrimination investigative officer in a sealed envelope marked "CONFIDENTIAL" as soon after the incident as possible.
- F. The department's designated sexual harassment and discrimination investigative officer is responsible for:
  - 1. Reviewing the confidential inter-office memorandum.
  - 2. Directing the complaint to the undersheriff or the unit of origin.
  - 3. Maintaining confidentiality of the complaint.

**VI. Department's Designated Sexual Harassment and Discrimination Officer Duties**

- A. Review the complaint and evidence, log the case, and notify the sheriff and/or undersheriff immediately upon receipt of the complaint. The complaint and evidence must remain confidential.

## Discrimination and Harassment

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- B. If the investigation is to be referred to the unit of origin, notify the commanding officer of the unit and forward the complaint to him/her. If the commanding officer is the offending party, refer the matter to the undersheriff.
  - 1. The commanding officer (or his/her supervisor, if applicable) will investigate the incident, take appropriate action, and resolve the complaint. He/she will also provide a confidential report indicating the action taken to resolve the complaint.
  
- C. If the Department's designated sexual harassment and discrimination investigative officer investigates the complaint, upon concluding the investigation, he/she shall make a recommendation. The department's designated sexual harassment and discrimination investigative officer will also:
  - 1. Review the findings of all investigations and make recommendations to the sheriff or undersheriff.
  - 2. Notify the complainant in writing of the disposition of the case.

### **VII. Other Duties of the designated Sexual Harassment and Discrimination Investigative Officer**

- A. Maintain a log of each discrimination or harassment complaint.
  
- B. Complete and maintain statistics of all discrimination, harassment, retaliation, or slur violations and complaints. The statistical data shall include, but not be limited to:
  - 1. Number of violations and complaints
  - 2. Origination of complaints by location
  - 3. Number of investigations
  - 4. Number of complaints filed internally
  - 5. Number of complaints filed through outside agencies
  - 6. Status of all complaints
  
- C. Monitor statistics to determine if there are patterns of discrimination, harassment, retaliation, and/or slurs within various units of the department and recommend appropriate action to the sheriff or undersheriff.
  
- D. Report all statistics regarding discrimination, harassment, retaliation, and slur complaints to the sheriff and undersheriff on a quarterly and cumulative (annual) basis.

## Discrimination and Harassment

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- E. Submit quarterly reports to the Department of Human Resources in accordance with City Ordinance 33.7 of all discrimination complaints filed by employees of the department.



SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure #		SFSD 03-03
Date Issued:	March 5, 1985	Date Revised: September 17, 1997
Approved by:		<i>[Signature]</i>
Chapter:	Personnel	

SUBJECT:

Seniority

**POLICY:** Seniority is established in accordance with *Civil Service Rules 2.22, 6.04, 13.01, 13.02, 13.03*, and the Sheriff's Department Seniority Policy as stated in the Memorandum of Understanding.

**PROCEDURE:**

**I. Seniority Guidelines**

- A. Within each class/rank, seniority is determined in order from the highest to lowest.
  - 1. Permanent Civil Service Appointees (PCS): Seniority is established by the permanent Civil Service certification date. Where two or more individuals have the same date of appointment, seniority shall be established by their rank on the Civil Service list of eligibles from which they were appointed.
  - 2. Temporary Civil Service (TCS): Seniority is established by the appointment date.
  - 3. Limited Tenure (LT): Seniority is established by the appointment date.
  - 4. Non-Civil Service (NCS): Seniority is established by the appointment date.
- B. Station Officers, Class 8217, are treated as deputies, class 8304 for seniority purposes. Therefore, a deputy who was formerly a station officer shall establish his/her seniority based on the date of appointment to class 8217 within the Sheriff's Department.

## Seniority

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- C. Employees who accept a permanent appointment to another City and County of San Francisco department and who seek reinstatement back to the Sheriff's Department, upon the approval of the Sheriff and the appointing officer of the former department, in a former classification in which the probationary period had been completed shall be with former seniority standing in the Sheriff's Department.
- D. A permanent employee who has completed his/her probationary period and who resigns from the Sheriff's Department with satisfactory services and leaves employment with the City and County of San Francisco may be reappointed to their former classification, subject to the approval of the Sheriff.
  - 1. When reappointed, an employee with a break in Department service of six (6) months or less shall have his/her original appointment date used as the basis of his/her seniority. An employee with a break in Department service of more than six (6) months shall have his/her reappointment date used as the basis of his/her seniority.
- E. A probationary employee serving in an entrance classification who is terminated by the Department and who subsequently has his/her name returned to the eligible list by the Civil Service Commission will have his/her new appointment date used for the basis of seniority.
- F. Employees who had prior City and County service before employment with the Sheriff's Department shall start work as a new appointee with no Department seniority rights based on that prior City and County service, except such as may be specifically provided in the vacation, sick leave and salary standardization ordinances and in the examination procedures with respect to credit for City and County service.



SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure #		SFSD 03-04
Date Issued:	October 29, 1990	Date Revised: September 17, 1997
Approved by: <i>[Signature]</i>		
Chapter:		Rules of Conduct

SUBJECT:

Substance Abuse

**POLICY:** The San Francisco Sheriff's Department recognizes alcohol and other drug dependency as a serious illness that may lead to major behavioral and job performance problems. The misuse/abuse of alcohol and other drugs is also recognized as a potential health, safety, and security problem. The abuse of alcohol, prescription drugs and the use of controlled substances is reflected in practically every occupation. The law enforcement profession is no exception. The SFSD recognizes it has a duty and responsibility to provide all its employees, both sworn and non-sworn, with a healthy and safe work environment. Further, the nature of the law enforcement profession creates a demand for the highest standards of performance, professionalism, and personal conduct from all SFSD personnel.

**PURPOSE:** To promote a drug-free, healthy, safe and secure work environment. To establish standards for an employee's safe and effective performance of duties when conscientious efforts to seek help in combating drug/alcohol abuse are exercised. To provide guidelines for the detection and deterrence of alcohol and drug abuse and eliminate any substance abuse, which increases the potential for accidents, substandard performance, or damage to the Department's reputation. Violations of this policy may result in discipline up to and including termination.

**SCOPE:** This policy applies to all employees of the San Francisco Sheriff's Department. This policy applies to alcohol and to all controlled substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform assigned job duties.

**DEFINITIONS:**

Controlled Substance: - As defined under the California Uniform Controlled Substance Act of the Health and Safety Code of the State of California, section 11007 which states: "Controlled substance" unless otherwise specified, means a

## Substance Abuse

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drug, substance, or immediate precursor which is listed in any schedule in section 11053 through 11058 inclusive.

Impaired Job Performance: - Diminished ability, in thought or action, to properly perform required work in a safe and effective manner.

Reasonable Suspicion: - That degree of perception that would lead an ordinary, prudent, and cautious person to believe, based on observations that the employee has ingested a controlled substance or is under the influence of alcohol. (The presence of the odor of alcohol, without other evidence of impairment, does not constitute reasonable suspicion.) For the purposes of this policy, the facts constituting "reasonable suspicion" must be articulable and must be "individualized", which means they are only relevant to a specific employee.

### PROCEDURE:

#### I. Regulations

- A. Employees shall not possess, or use any controlled substance whether on or off-duty unless the substance has been legally prescribed to the employee by a person licensed to do so. Employees shall not sell or distribute any controlled substance on or off-duty.
- B. The unlawful manufacture, distribution, possession, or use of alcohol while on-duty or while on the SFSD premises is strictly prohibited.
- C. Reporting to work under the influence of alcohol, illegal drugs prescribed or over the counter drugs in excess of prescribed dosages or becoming intoxicated while on duty or on the SFSD premises is strictly prohibited.
- D. Any employee who is arrested by any jurisdiction for any crime, including drug or alcohol related offenses, must report this arrest and any subsequent court action within 24 hours of each incident or on the next business day to the Undersheriff.
- E. Violation of this policy shall result in disciplinary consequences, which may include termination and possible criminal prosecution in accordance with applicable laws.
- F. The SFSD encourages active rehabilitation of employees with alcohol and drug problems. Accordingly, the Sheriff may mitigate disciplinary action in those cases where the employee initiates rehabilitation.
  1. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance either from the Employee Assistance Program or other avenues.

- G. While the SFSD will be supportive of those who seek help voluntarily, the Department will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help or continue substance abuse while enrolled in counseling or rehabilitation programs.

## II. Medications

- A. The proper use of medically prescribed drugs and authorized medication is not per se a violation of this policy, however, each employee shall report the use of medically authorized drugs which are likely to impair job performance to his/her immediate supervisor before beginning work and provide proper written medical authorization to work from a physician.
  - 1. This authorization must be submitted immediately upon return to work after the physician has prescribed the drug.
    - a. Once informed, the employee's immediate supervisor will contact the appropriate medical personnel to determine whether the employee is fit to perform other duties. If not, the employee shall be placed on sick leave or disability leave if the injury was a result of employment.
  - 2. It is the employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the use of the prescribed drug would impair his/her ability to safely and effectively perform assigned job duties.
  - 3. Any failure to report the use of such drugs or other substances, or failure to provide proper evidence of medical authorization, may result in disciplinary action up to and including termination.
  - 4. Employees shall not possess prescription drugs for their own use that have been prescribed for others.

## III. Employee Responsibilities

- A. Employees shall not report to work or be subject to duty while his/her ability to perform job duties is impaired due to alcohol or drug use.
- B. Employees shall not possess, sell, or distribute controlled substances.
- C. Employees shall not possess or use alcohol or impairing drugs during work hours or while subject to duty or at any time while on SFSD premises.
- E. Employees shall not directly or through a third party sell or provide alcohol to any person while on duty or at any time while on SFSD premises.

- F. Employees shall notify their immediate supervisor, before beginning work, when taking any authorized medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties.
- G. Employees shall cooperate with the administration of the urine test or face consequences of a charge of insubordination, which will lead to discipline and may lead to termination.
- H. Any employee who has specifically observed that another employee is illegally using drugs or narcotics, or is under the influence of alcohol, shall report such fact to his/her immediate supervisor or next higher ranking person in his/her chain of command, without delay. No retaliation will result from such a report.

#### **IV. Enforcement**

- A. Managers and supervisors at all levels in the Department are responsible for the reasonable and consistent enforcement of this policy.
- B. Managers and supervisors at all levels in the Department have a duty to confront employees suspected of substance abuse and an obligation to provide a substance abuse free workplace for their subordinates.
- C. When a manager or supervisor has a "reasonable suspicion" that an employee is intoxicated or under the influence of drugs and/or alcohol while on duty or on SFSD premises, he/she may request authorization from the Sheriff or Undersheriff to test an employee for alcohol/drug usage.
  - 1. Any manager or supervisor requesting authorization to test an employee must immediately prepare written, confidential documentation of the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
    - a. Written documentation supporting requests for employee testing as well as the result of such tests will be contained in a separate confidential file that will be kept under the control of the Undersheriff.
    - b. The reports or test results shall be disclosed to the tested employee upon request.
  - 2. A positive test from a drug and/or alcohol analysis may result in disciplinary action up to and including termination.
  - 3. The employee shall be informed that any refusal to cooperate with the administration of the drug test will be considered insubordination and may

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result in discipline up to and including termination. Such non-cooperative actions include any alteration of consent forms and any refusal to consent to, or cooperate fully with the collection of urine specimens.

4. Employees who have been disciplined for drug or alcohol violations shall be subject to random testing for up to two years, as a condition of continued employment with the Department.

### **V. Employee Assistance Program**

#### **A. Self Initiated Participation**

1. Any employee who voluntarily requests assistance in dealing with a substance abuse problem, prior to any direct disciplinary action or criminal action, may do so through the Employee's Assistance Program with complete assurance of confidentiality and without any adverse impact on his/her employment with the Department.

#### **B. Participation through Referral**

1. If the Department participates in the referral of an employee to a rehabilitation program, the Department shall monitor the progress of the Individual in the rehabilitation/treatment program. Such monitoring shall include random drug/alcohol testing during the rehabilitation/treatment program and for up to two years after completion of such program.

### **VI. Rehabilitation**

- A. The discontinuation of any involvement with controlled substances, alcohol, or the abuse of prescription drugs, is an essential requisite for participation in any treatment program.
- B. Employees, who so request, may be granted a leave of absence or sick leave while participating in a rehabilitation treatment program. If granted such leave, the employee shall agree to undertake and to successfully complete a course of treatment as agreed upon with the Sheriff.
  1. Employees may be required to successfully complete a rehabilitation/treatment program as an element of discipline.
- C. After successful completion of the rehabilitation or treatment program, the employee, if on sick leave or leave of absence, shall be returned to active service at the discretion of the Undersheriff or Sheriff. The return to service may be conditional on the completion of a medical examination, including a drug/alcohol test.

- D. Random drug and alcohol testing shall be required for those employees who have been referred to a rehabilitation/treatment program by the Department for up to two years after successful completion of the program. Any positive test result shall result in disciplinary action, up to and including termination.
- E. When an employee, whose participation in a rehabilitation program is initiated by the Department, fails to conform to the requirements of such rehabilitation/treatment program and/or fails to successfully complete the program, disciplinary action up to and including termination may result.

**VII. Investigative Procedures**

- A. Any supervisor who has observed an employee and has “reasonable suspicion” that the employee is under the influence of an illegal/controlled substance or alcohol shall immediately contact the highest ranking supervisor on duty at the assignment.
  - 1. The reporting supervisor and the highest ranking on duty supervisor will discuss the basis for “reasonable suspicion” that the employee has used an illegal/controlled substance or is under the influence of alcohol on duty.
  - 2. The highest-ranking supervisor on duty shall personally evaluate the employee’s condition and must concur with the reporting supervisor’s determination of “reasonable suspicion” to proceed.
  - 3. Supervisors shall not interrogate the employee as these questions could constitute an interrogation as defined in section 3303(h) of the Government Code and the employee would be entitled to a representative.
    - a. If the employee volunteers information, it shall be documented in front of a witness.
  - 4. If “reasonable suspicion” is based on an employee’s physical characteristics/behavior, then the form Suspected Substance Abuse Report – Initial Report shall be completed by the supervisor contacting the Undersheriff.
- B. The ranking supervisor shall contact the Undersheriff or designee and articulate the observations, which led to “reasonable suspicion” that the employee has used an illegal/controlled substance or is under the influence of alcohol on duty.
  - 1. The Undersheriff shall determine whether to proceed.
  - 2. If the decision is made to proceed, the Undersheriff shall contact an investigator of the same sex as the employee to respond immediately to the duty location and begin an investigation.

## Substance Abuse

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3. That supervisor shall then contact his/her facility or section commander with a report on the situation.
- C. The investigator shall report to the duty assignment of the employee as soon as possible and shall assume responsibility for the investigation. He/She shall respond to evaluate the supervisor's "reasonable suspicion" of the employee and make a determination if a urine sample shall be required from the employee for testing.
1. The investigator shall document in the presence of witnesses (preferably the employee's immediate supervisor and the highest ranking supervisor on duty, the directions, orders, and responses of the employee when confronted. The employee shall be told the Department needs to test his/her urine based on the specific causes for "reasonable suspicion" that he/she has used an illegal/controlled substance and/or that he/she is suspected of being under the influence of alcohol on duty.
  2. If the employee volunteers information, it shall be documented in front of a witness.
  3. If the employee states he/she is under a doctor's care and is taking a prescribed medication, the employee shall be asked to produce the prescribed dispenser showing the employee's full name and the name of the prescribed medication. Such information shall be treated in the strictest confidence by the supervisor.
    - a. Even if the prescription is produced, the investigator shall require a urine test and the employee shall be relieved from duty as explained below, based on the "reasonable suspicion" of his/her impaired condition.
  4. If the investigator evaluates and concurs with the basis for "reasonable suspicion", the investigator shall request a urine sample.
  5. If the employee refuses the request, the employee's supervisor shall order the employee to comply.
    - a. The employee shall be told that any refusal to cooperate with the collection of a urine sample will be considered insubordination and may result in discipline up to and including termination.
  6. The employee does not have the option to provide blood in lieu of urine.
  7. The employee shall be relieved from duty pending the results of the test and/or administrative action.

D. Testing Procedures

1. If the employee agrees to provide the urine sample either voluntarily or as a result of the direct order, the investigator shall accompany the employee (of the same sex) to a designated restroom.
  - a. The Department shall attempt to prevent placing employees in embarrassing situations. Therefore, employees shall not be compelled to provide a urine sample in the presence of co-workers or in the presence of family or friends. A separate private restroom shall be used.
2. The investigator shall:
  - a. Provide the employee with two sterile urine sample containers.
  - b. Have the employee remove the top and urinate in the containers. The urine sample shall be collected in full view of the investigator.
  - c. Have the employee seal the container with evidence seals provided and write their civil service signature across the seal. The investigator shall put both sample containers in an evidence envelope and complete the information on the face of the envelope. The employee shall then sign the back of the sealed envelope.
  - d. The investigator shall deliver the samples to the certified laboratory under contract to the Department.
  - e. the investigator shall instruct the employee to call the Undersheriff for further instructions at 0900 hours on the next regular business day.
  - f. Arrange for another department employee to transport the employee home, when;
    - i. Employee volunteers or is ordered to give a urine sample.
    - ii. Employee refuses to give a urine sample.
    - iii. Transportation arrangements cannot be made by the employee with a friend, family member, or public transportation.
  - g. The investigator shall record all observations, statement, etc. and include them in his/her report to the Undersheriff along with a



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completed Suspected Substance Abuse Report – Investigator’s Report.

3. The employee who tests negative, absent from other incriminating evidence, shall be placed back on duty and made whole for any loss of wages, benefits, or sick leave.
4. The employee who tests positive for substance abuse shall be processed according to this procedure and the Department’s disciplinary procedure.
5. The Department shall provide the employee, at the Department’s expense, the opportunity to have the sample tested and evaluated by a California state licensed, independent laboratory/testing facility, and the Department shall provide the employee an opportunity to rebut or explain the results.
6. All reasonable efforts shall be made to keep the investigative process and all test results confidential.

**VIII. Scientific and Technical Guidelines for Laboratory Testing**

- A. Initial testing shall use an immunoassay, which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether negative or positive for these five drug or classes of drugs:

	ng/ml
Marijuana metabolites	100
Cocaine metabolites	300
Opiates	300
Phencyclidine	25
Amphetamines	1000

- B. Laboratory testing is not necessarily limited to the substances listed above.
- C. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. Quantitative GC/MS confirmation at the following cutoff values shall be used for the following drugs:
  1. Results below the following cutoff values shall be considered negative:

	ng/ml
Marijuana metabolites	20
Cocaine metabolites	50
Opiates	300
Phencyclidine	25
Amphetamines	300

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2. With the exception of marijuana and cocaine, the drugs listed in Section VIII, A, test results above the cutoff values listed, shall be considered positive evidence that an employee has used illegal drugs.
  3. Test results for marijuana between 20 and 50 ng/ml, and test results for cocaine between 50 and 150 ng/ml shall be considered along with other evidence to ascertain whether or not an employee has used illegal drugs. Results over 50 ng/ml for marijuana and over 150 ng/ml for cocaine shall be considered positive evidence that an employee has used illegal drugs.
- D. A test that indicates a presence of 0.04 percent or more, by weight, of alcohol in his/her blood shall constitute a positive result that the employee was under the influence of alcohol at the time of the test.
1. Percent, by weight, of alcohol shall be based upon grams of alcohol per 100 milliliters of blood.

SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure #		SFSD 03-05
Date Issued:	September 1, 1982	Date Revised: September 17, 1997
Approved by:		<i>[Signature]</i> Michael Hennessey, Sheriff
Chapter:		Personnel

SUBJECT: Personnel Files

**POLICY:** In order to record, monitor, and evaluate employee's performance, all Facility Commanders will maintain a current Personnel File on each employee assigned to them.

**REFERENCE:**  
*California Government Code, Chapter 9.7, Sections 3300-3311.*

**DEFINITIONS:**  
Adverse Document - A document, which contains comments unfavorable to the interest of an employee.

Facility File - A Personnel File maintained by the Facility Commander on each employee assigned to him or her.

**PROCEDURE:**

**I. Facility File**

- A. When a new employee is assigned to a division, Personnel will start a Facility Personnel File on a new employee and forward it to the Training Unit upon his/her date of hire.
- B. If an employee is reassigned to another Facility Commander, the employee's former Commander will forward the employee's Facility File to his/her new Facility Commander within five (5) working days of the reassignment.
  - 1. In the event that an employee has more than one Facility File, the employee's Facility Commander will combine the files, discarding any repetitive material.
- C. Facility Files will be organized as follows:

## Personnel Files

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1. Section 1 - Attendance Information: This section will include the employee's:
  - i. Current address and telephone numbers.
  - ii. Star number (if applicable)
  - iii. Attendance information and late slips
  - iv. Records of acquired and taken:
    - a. Overtime and Compensatory time
    - b. Days-in-lieu and Floating Holidays
    - c. Vacation and sick leave
  - v. Medical verifications and sick leave statements
    - a. The originals must be sent to the Personnel Manager for the employee's Administration Personnel File. A copy shall be placed in the employee's Facility File by the Administrative Supervisor.
2. Section 2 Assignment Records: This section will include all records of assignments and Civil Service Classification changes.
3. Section 3 Disability Records
4. Section 4 Performance Records: This section will include records of employee:
  - i. Awards
  - ii. Performance evaluations, counseling, and discipline
    - a. The originals must be sent to the Personnel Manager for the employee's Administration Personnel File. A copy shall be placed in the employee's Facility File by the Administrative Supervisor.
5. Section 5 General Training and Education Records: This section will include:
  - i. P.O.S.T. Certificates (copies)

- ii. Department sponsored training courses
- iii. Educational accomplishments
- 6. Section 6 Department Training Records: This section will include Department training records and employee master training records.

## **II. Adverse Documents**

- A. Facility Commanders will schedule a conference with an employee before he/she adds any adverse document to the employee's Facility File.
- B. During the conference, the Facility Commander will give the employee an opportunity to read and sign an acknowledgment that the adverse document is being placed in the employee's Facility File.
  - 1. If the employee refuses to sign the acknowledgment on any adverse document, the Facility Commander will note on the document the employee "refused to sign", and initial and date the notation before placing a copy of the document in the employee's Facility File.
- C. The Facility Commander will give the employee a copy of each adverse document, send the original to the Personnel Manager, and place the document(s) in the employee's Facility File.
- D. The employee will have thirty (30) calendar days from the date of the conference within which to submit to their Facility Commander a written response to the adverse document. Late responses will not be accepted.
  - 1. If the Facility Commander receives the employee's written response within the allowed time period, he/she will attach a copy of the response to the pertinent adverse document in the employee's Facility File, and send the original response to the Personnel Manager for inclusion in his/her Administrative Personnel File.
  - 2. If the Facility Commander does not receive the employee's written response within the allowed time, he/she will note on the pertinent adverse document that the employee failed to submit a written response within the allowed time, then date and sign the notation.

## **III. Employee's Review of their File**

- A. Employees are allowed to review their Facility File by requesting a review with their Facility Commander who will schedule a time for the review.

B. At the review, if the employee discovers any adverse documents that were previously unknown to the employee, the employee will have thirty (30) calendar days within which to submit to their Facility Commander a written response to the adverse document.

1. Follow the above procedures for written responses to adverse documents.

**IV. Removal of Adverse Documents**

A. Employees may submit, at any time to the Undersheriff, a written request to have any adverse documents removed from their Facility File.

B. The Undersheriff will respond in writing and indicate whether the document has been removed, destroyed, or retained.

**V. Facility File - Discontinued Employment**

A. When a person's employment with the Department is discontinued, their Facility Commander will forward their Facility File to the Personnel Manager with ten (10) working days of being notified of the person's departure from the Department.

B. The Personnel Manager will combine the former employee's Facility File and Administration Personnel File into one file, discarding any repetitive material and store the file with the files for former employees.

**SAN FRANCISCO SHERIFF'S DEPARTMENT**



**POLICY AND PROCEDURE**

Policy / Procedure # SFSD 03-06	
Date Issued: April 29, 1985	Date Revised: May 1, 2007
Approved by: <i>Michael Hennessey</i> Michael Hennessey, Sheriff	
Chapter	Personnel

SUBJECT:

Performance Appraisal

**POLICY:** A Performance Appraisal shall be completed for each employee at regularly-designated intervals or at the supervisor's discretion.

**PURPOSE:** To provide objective standards to evaluate employees.

**DEFINITION:**

**Performance Improvement Plan (PIP):** A document addressing an employee's failure to meet Department's expectations and a plan for performance improvement.

**PROCEDURE:**

**I. General**

- A. Employee performance appraisals shall be completed for an employee by his/her immediate supervisor, reviewed by the section commander or above, and forwarded to the Personnel Section.
  - 1. Employee performance appraisals shall be completed within the designated time frame.
- B. The section/unit commander shall assign employee performance appraisals to the appropriate supervisors under his/her command.
- C. The Sheriff's Administration Division is responsible for sending notification to the sections/units of Employee Performance Appraisals that are due 60 days prior to their due date.
- D. Additional performance appraisals may be written for an employee when there is a performance deficiency or significant performance improvement.
- E. Probationary Employees:
  - 1. An entry level employee is required to complete the probationary period defined in his/her Collective Bargaining Agreement.

## Performance Appraisal

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- a. An entry level employee who fails to complete his/her probation is subject to:
    - i. having his/her probation extended; or
    - ii. having his/her employment terminated.
  - b. A probationary employee must be rated "meets expectation" or higher in every category to successfully pass probation.
2. An employee serving a probationary period is subject to having the probationary period extended due to personal time off taken by the employee and/or for time off due to some types of leaves of absences. The Sheriff's Department Personnel Section will designate the period of time that the probationary period is extended, when it becomes applicable.

### **II. Probationary Performance Appraisals**

- A. A Probationary Performance Appraisal for supervisory ranks of the Sheriff department shall be completed at least six months after permanent appointment to the promotional rank and thirty days prior to the end of probation.
  1. Probationary Performance Appraisals are required when temporary or non-civil service appointments are made to promotional ranks.
  2. An employee appointed to a promotional rank is required to complete successfully the probationary period.
    - a. An employee appointed to a promotional rank must be rated "meets expectation" or higher in every category to successfully pass probation.
    - b. If the employee fails to pass promotional probation, he/she is subject to:
      - i. having his/her probationary period extended;
      - ii. losing his/her promotional rank.
  3. An employee serving a probationary period is subject to having the probationary period extended due to personal time off taken by the employee and/or for time off due to some types of leaves of absences. The Sheriff's Department Personnel Section will designate the period of time that the probationary period is extended, when it becomes applicable.
  4. If Probationary Performance Appraisals are completed for temporary or non-civil service appointments to promotional ranks, the appraisals shall be completed at six months, thirty days prior to the one year date of appointment, and then annually (from the date of appointment) thereafter while in the temporary or non-civil service appointment.

### **III. Probationary Performance Appraisal for an 8302 Deputy Sheriff**



## Performance Appraisal

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- A. Probationary Performance Appraisal for an 8302 Deputy Sheriff who has not completed the academy shall follow this schedule:
  - 1. The final Basic Academy Performance Report may serve as the first performance appraisal during probation.
  - 2. The employee must complete Core Class training.
  - 3. The employee shall receive a Performance Appraisal at the conclusion of the Jail Training Program written by the Jail Training Coordinator.
  - 4. The remaining probationary Performance Appraisals shall be completed after 10, 14 and 17 months.
  
- B. The Probationary Performance Appraisal for an 8302 Deputy Sheriff who has completed academy prior to date of hire:
  - 1. If hired a minimum of six weeks prior to attending the core training course, a performance appraisal shall be completed at six weeks.
  - 2. The employee must complete Core Class training.
  - 3. If hired with less than 6 weeks, the employee shall receive a Performance Appraisal at the conclusion of the Jail Training Program written by the Jail Training Coordinator.
  - 4. The remaining probationary Performance Appraisals shall be completed after 10, 14 and 17 months.

### **IV. Annual Performance Appraisals**

- A. An Annual Performance Appraisal shall be completed based on each employee's permanent date in his/her current classification or rank.

### **V. Performance Improvement Plan (PIP)**

- A. The Performance Improvement Plan is designed to provide training, accountability, responsibility, learning and development in order to improve an employee's documented performance deficiencies. A Performance Improvement Plan may be written for any employee at any time to assist the employee in achieving a meets expectations performance standard. The process is designed to provide an employee feedback with clear written performance expectations and timely feedback about an employee's performance.
  - 1. A successful completion of a Performance Improvement Plan may be a condition of completing probation.
  - 2. A Performance Improvement Plan is not a form of discipline.
  
- B. Performance Improvement Plan will cover a specific period. If, at the conclusion of the designated period of the Performance Improvement Plan, the employee fails to meet expectations, the Performance Improvement Plan may be extended for an additional specific period. There will be a meeting with a supervisor at the beginning of the Performance Improvement Plan and a follow up meetings throughout the specified period to review the employee's progress. If, at the conclusion of the Performance Improvement Plan, the employee successfully achieves the rating standard of meets expectation, the

## Performance Appraisal

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Performance Improvement Plan will be deemed successfully completed and the Performance Improvement Plan shall be discontinued.

- C. An employee has the right to prepare and submit a written rebuttal within 30 days after receiving the Performance Improvement Plan. However, the submittal of the employee's response will not delay the immediate implementation of the PIP.

### VI. Sick leave and Punctuality Guidelines

- A. Sick leave use in the reporting period shall be used for rating attendance as indicated in the chart below.
1. All use of sick leave with or without medical verification shall be counted towards the overall rating, with the exception of the following:
    - a. sick leave use pursuant to an authorized leave.
    - b. Sick leave use due to bereavement leave.
- B. For 8302 probationary Deputy Sheriffs, the total is cumulative throughout the eighteen months.

Attendance:

Rating Category	Annual and Promotional	Probationary (18 months)
Exceptional	0 to 1 day	0
Exceeds Expectation	2 to 4 days	1 day
Meets Expectation	5 to 12 days	2 days
Needs Improvement	13 to 18 days	3 days
Unacceptable	More than 19 days	More than 4 days

Punctuality:

Rating Category	Non-Probationary	Probationary
Exceptional	2 consecutive yrs w/o late slips	N/A
Exceeds Expectation	0	0
Meets Expectation	1 to 3 tardy or less than 3 hours	1 tardy / less than 3 hours
Needs Improvement	4 tardy or more than 3 hours	2 to 3 tardy /more than 3 hours
Unacceptable	Any tardiness after counseling	Any tardiness after counseling

SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure # SFSD 03-07	
Date Issued: January 22, 1981	Date Revised: October 10, 1997
Approved by: <i>[Signature]</i>	
Chapter	Personnel

SUBJECT: Counseling and Disciplinary Procedures

**POLICY:** Employees who work at less than acceptable levels of performance may be subject to disciplinary procedures in accordance with the applicable Charter provisions, Civil Service Rules and Regulations, and the Rules and Regulations of the Sheriff's Department.

**PROCEDURE:**

**I. Counseling Procedure**

- A. Counseling is not to be construed as punishment.
- B. Counseling is a formal means whereby a supervisor can document a problem and then indicate to a subordinate employee the corrective action to be taken.
- C. Any supervisor may initiate a formal counseling conference with a subordinate employee under his/her authority, for any reason related to job performance.
  - I. The conference shall be documented on the proper department form, stating the reason for the conference, the supervisor's comment, subordinate's comments, and the supervisor's suggestions or instructions for the subordinate's future conduct.
    - a. Both the supervisor and the employee shall sign the form.
    - b. A copy shall be given to the subordinate, a copy shall be placed in his/her Personnel File, and the original shall be sent via the chain of command to the Personnel Manager for placement in his/her Administration Personnel File.

## Counseling and Disciplinary Procedures

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- D. If a supervisor contemplates disciplinary action against a subordinate, he/she should not initiate counseling.

### **II. Disciplinary Procedure**

- A. All employees are subject to three (3) forms of disciplinary action:
  - 1. Written Reprimand
  - 2. Suspension
  - 3. Termination
- B. Only the Sheriff or the Undersheriff may issue a Written Reprimand.
- C. Only the Sheriff has the authority to impose a suspension or order the termination of an employee.
- D. Any supervisor may request that t subordinate employee be disciplined. Such a request is to be made as follows:
  - 1. All documents (e.g. counseling forms, Incident Reports, memoranda, etc.) relevant to a request for disciplinary action shall be submitted to the Undersheriff via the chain of command, with a written cover memorandum from the initiating supervisor detailing the reason for disciplinary action and the nature of the disciplinary action recommended.
  - 2. Managers within the chain of command shall indicate their agreement or disagreement regarding appropriateness of the reason for disciplinary action and the nature of the disciplinary action requested.
  - 3. A request for disciplinary action shall be given high priority status for action through the chain of command. In any case, it must be delivered to the Undersheriff within two (2) business days of the date of the request.
  - 4. The Undersheriff will evaluate the request and recommend to the Sheriff the appropriate action.

### **III. Involuntary Relief from Duty**

- A. An employee may be involuntarily relieved of duty and ordered to leave Sheriff's Department offices or facilities for the following reason:
  - 1. Being under the influence of alcohol or drugs (Department Regulation 3.15).

## Counseling and Disciplinary Procedures

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2. Continuing refusal to obey a direct order from a supervisor.
  3. Compromising the security of a jail unit.
- B. An employee may only be involuntarily relieved from duty by the highest-ranking supervisor available at the employee's work site.
1. The supervisor relieving an employee from duty must submit a written Incident Report to the Undersheriff within 24 hours describing the incident in full.
- C. An employee involuntarily relieved of duty will be carried on the payroll as working until a determination is made by the Sheriff of a more appropriate designation.



SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure # SFSD 03-09	
Date Issued: November 4, 1982	Date Revised: September 17, 1997
Approved by: <i>[Signature]</i> RM	
Chapter: Personnel	

SUBJECT:

Record of Absences

**POLICY:** Facility Commanders and Unit Directors are responsible for the timely and accurate maintenance of absence records for the employees assigned to them.

**PROCEDURE:**

**I. Recording Employee Absences**

- A. Facility Commanders (Directors) will be responsible for having a separate Record of Absences maintained on each employee assigned to them as follows:
  - 1. A new Record of Absences form will be started on each employee no later than November 14<sup>th</sup> of each year.
  - 2. The information regarding the employee's Division Assignment, Section Assignment, Facility Assignment, Shift Assignment, and Regular Days Off must be kept current (updated within two weeks of any changes in this information).
  - 3. All employee absences must be logged on their Record of Absences form within one week from the end of the pay period in which the absences occurred.
    - i. Absences must be logged in the grid box for the date of the absence, using the correct absence code (see the back of the Record of Absences form for an explanation of the absence codes).
      - a. All absences codes will be printed in **BLACK** ink, except for "AWOL" and "SL", which will be printed in **RED** ink.

## Record of Absences

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- b. Employees using sick leave on a legal holiday that they were scheduled to work will be logged as using "SL" for that day.
  - c. When an employee uses sick leave on a day that the employee was scheduled to work, which immediately precedes or follows the employee's regular days off, those "RDO's" must be logged on the employee's Record of Absences, along with the employee's "SL's".
  - d. When an employee takes a Day-in-Lieu (DIL), in the grid box for that date on the employee's Record of Absences form, draw a black diagonal line, then in the space above the line print "DIL" and in the space below the line print the date that the "DIL" was earned, by printing the number of the month, then the day.
  - e. When an employee takes only part of a working day as sick leave (SL), vacation (VAC), or comp time (CT), in the grid box for that date on the employee's Record of Absences form, draw a diagonal line, then in the space above the line print the correct absence code (SL in **RED** only), and in the space below the line print the number of hours that the employee worked in **BLACK**.
4. The total number of sick leave hours used by each employee during the calendar year will be totaled and logged in the space provided on the employee's Record of Absences form, no later than three (3) weeks after the end of the calendar year.
  5. A photocopy of each employee's completed Record of Absences form will be sent to the Personnel Manager no later than four (4) weeks after the end of each calendar year.
- B. Each employee's Record of Absences forms will be kept in Section 1 of the employee's Facility Personnel File.



SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure # SFSD 03-09A	
Date Issued: November 4, 1982	Date Revised: September 17, 1997
Approved by: <i>[Signature]</i> RM	
Chapter: <i>[checkmark]</i>	Personnel <i>[checkmark]</i>

SUBJECT:

Recording Attendance

**POLICY:** Facility Commanders and Unit Directors are responsible for the timely and accurate maintenance and submission of attendance records for the employees assigned to them.

**PROCEDURE:**

**I. Recording Employee Attendance**

- A. Facility Commanders (Directors) will be responsible for having Attendance Records accurately maintained and properly filled out as follows:
  - 1. The Facility, Unit, Section and/or Division (if any), for which attendance is taken, must be clearly printed or typed at the top of the Attendance Record.
  - 2. Employee's names will be grouped by three (3) shifts, starting with the midnight shift (first shift), and ending with the swing shift (third shift).
    - i. County Jails #1, #2, #3, #7, #8, and #9 will use separate pages for each shift.
    - ii. All other 24-hour operations will skip two lines between each shift.
    - iii. Include shifts like 1200 hrs to 2000 hrs with the day shift.
  - 3. Employee's names for each shift will be grouped by civil service class number (CSC), with sworn classes before civilian classes, in descending order of their civil service class number.
  - 4. Within each group of names by civil service class number, the employee's names will be listed in alphabetical order, last name first.

## Recording Attendance

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5. Full-time employees have four (4) regular days off (RDO) within a two (2) week pay period.
  - i. Mark RDO's in **BLACK** ink.
6. Employee absences must be printed in **RED** ink, using the appropriate absence code in the box across from the employee's name that corresponds with the date of each absence.
7. Each employee's attendance must be printed in **BLACK** ink in the box across from the employee's name that corresponds with the date of each attendance.
  - i. Attendance may be indicated by printing the number of hours that the employee worked or by printing the employee's post assignment.
  - ii. If an employee worked hours other than their shift assignment during a pay period (excluding shift changes), in the box across from the employee's name that corresponds to the date when the hours were worked, draw a diagonal line, and in the space above the line print the employee's starting time, and in the space below the line print the employee's ending time. (Use military time).
  - iii. When an 8304 Deputy Sheriff works a shift as the Acting Watch Commander at County Jails #1, #2, #3, #7, #8, #9 or the second shift at SFGH Ward 7D/7L print "AWC" in **RED** in the box across from the deputy's name that corresponds to that date.
  - iv. When an employee uses a day-in-lieu (DIL), in the corresponding box across from the employee's name, draw a **RED** diagonal line, then in the space above the line print "DIL" in **RED**, and in the space below the line print the date that the "DIL" was earned, giving the number of the month, then the day.
  - v. When an employee uses only part of a working day as sick leave (SL), vacation (VAC), or comp time (CT), in the corresponding box across from the employee's name, draw a **RED** diagonal line, then in the space above the line print the appropriate absence code in **RED** along with the number of hours being used. In the space below the use either the other pertinent absence code in **RED**, or the number of hours worked that day in **BLACK**.

**II. Mid Pay Period Verified Attendance**

- A. All Facility Commanders (Directors) will have delivered to Payroll, no later than noon of the 1<sup>st</sup> Friday of the pay period, the original Attendance Record for that pay period, showing the verified attendance from the beginning of the pay period until the 2<sup>nd</sup> Monday (including the 1<sup>st</sup> and 2<sup>nd</sup> shifts for that 2<sup>nd</sup> Monday), and the anticipated absences (in RED), for the remainder of the pay period.
- B. Facility Commanders (Directors) will keep a copy of the Mid Pay Period Attendance Record, which will be referred to as the Total Pay Period Verified Attendance Record.

**III. Total Pay Period Verified Attendance**

- A. All Facility Commanders (Directors) will submit the original completed Total Pay Period Verified Attendance Record to Payroll no later than noon on the 2<sup>nd</sup> Thursday before the end of the pay period.
  - 1. If there are any changes on the Total Pay Period Verified Attendance Record, from the Mid Pay Period Verified Attendance Record, of reported absences, RDO's, shifts, or any reassignments, draw a RED asterisk just to the right of each employee's name for whom there is a change.
- B. Facility Commanders (Directors) must review and sign all attendance records for their areas of responsibility, in the space marked "Approved By:", before submitting the attendance records to Payroll.

