NEW ORANGE COUNTY CRIME LABORATORY
DNA EVIDENCE SUBMISSION GUIDELINES

Background

The Orange County Crime Laboratory uses one universal evidence request form for work to be performed by the ID Bureau, Toxicology, and Criminalistics. This form is available on the OCSD website. Expanded utilization of increasingly sensitive DNA analyses in the analysis of high volume / property crimes such as car thefts and burglaries has significantly impacted the number of DNA case submissions to the Crime Laboratory. In order to manage this increasing workload in an efficient manner, the following DNA evidence submission guidelines have been created and will apply to all DNA analysis requests.

Work requests submitted to the crime lab for DNA analysis should include the following information:

____ Basic case information such as department DR number, victim and suspect names, crime charge, date of incident, a brief case scenario, including the type of biological evidence collected and a specific description of where the evidence was located, and how the evidence relates to the suspect(s).

____ Any item that needs to be processed for latent fingerprints should be submitted to the ID Section before the work request and evidence item is submitted to the DNA Section.

____ Evidence should NOT be listed on the work request as simply “swabs” or “swabs of biological material.” Complete evidence descriptions must be provided including information about the item that was swabbed and its location.

____ The DNA profile(s) obtained from evidence samples for CODIS entry (DNA database) must be suspect related and from crime scenes. However, evidence collected directly from a known suspect, other than a buccal swab or blood standard, cannot be entered into CODIS. Examples of samples that cannot be entered into CODIS are fingernail scrapings, penile swabs, or clothing collected directly from the suspect or his environment.

____ It is highly recommended that victim, witness and consensual sex partner (for sex related crimes only) elimination standards be collected in major crime cases prior to submitting a case to the laboratory for analysis. The analysis of elimination standards will prevent non-suspect related DNA profiles from being entered into CODIS. CODIS has strict
requirements for database entry. If victim or elimination standards cannot be obtained, then the reason should be clearly noted on the work request.

_____ Each evidence swab must be dried and individually packaged in its own coin envelope. The coin envelopes must be sealed and clearly marked with a description of the swab inside. All of the sealed coin envelopes can then be packaged in one 6X9 manila envelope.

_____ Touched and handled evidence swabs submitted for DNA analysis should have been collected from areas known or strongly expected to have been touched by the suspect(s). Do not submit evidence swabs from frequently touched surfaces in public places, such as exterior door knobs, counters in stores, and cash drawers handled by numerous cashiers.

_____ Victim elimination standards are required to be submitted when requesting DNA analysis of evidence swabs from touched and handled items unless it is documented that the item was left behind by the suspect and was not touched by the victim(s).

_____ Do not place victim or suspect standards in the same package as evidence swabs. Clearly mark the outside of the package with the name of the individual sampled. Indicate the nature of the connection of the individual to the incident (suspect, victim, witness, boyfriend, etc.)

_____ If investigators would like a suspect standard entered and uploaded into CODIS then the attestation on the work request must be signed.

**Violent Crime Cases: Work request and evidence submission guidelines**

All violent crime cases require consultation with a DNA supervisor to determine which evidence items may be probative and submitted for DNA analysis. The number of evidence items that may be submitted will also be determined and agreed upon during the consultation.

Contact information for the OCSD-FSS DNA Section Supervisors and DNA Director:

Kenny Wong  
Russell Baldwin  
Elizabeth Thompson

**High Volume / Property Crime Cases: Work request and evidence submission guidelines:**

- Prioritize the three samples that would provide the best forensic opportunity for obtaining a suspect DNA profile on the work request.
- Submit the appropriate victim elimination standards.
• If elimination standards are not available, then wording indicating that the sample is from the suspect and not from the victim should be included on the work request.

459/488/487 CPC (burglary) – a maximum of three samples plus victim elimination standard(s) will be accepted. Suspect standards may be submitted for comparison as available.

10851 CVC (recovered stolen vehicles) – a maximum of three samples plus victim elimination standard(s) will be accepted. One of the three samples should be a swab from the vehicle interior, such as a steering wheel or gear shift swab that will relate the suspect to the stolen vehicle.

Attempted 10851 cases and cases where the contents of the vehicle were attempted to be stolen will not be analyzed unless there are exceptional circumstances.

20001/20002 CVC – (vehicle accident with injuries) – a maximum of three samples plus victim elimination standard(s) will be accepted.

Casework for the following charges will generally not be accepted for DNA analysis; however, these types of cases can be reviewed based on the case information provided and accepted if extenuating circumstances dictate that they are of a highly probative value, part of a series or connected to an extremely important circumstance.

594 CPC (vandalism)

11350/11377 H&S (drug and drug paraphernalia possession)

Found fire-arm (unless connected to a crime)

12021/12031 CVC (gun possession)

243.4 CPC (sexual battery)

The above are guidelines only. If you have special case circumstances or questions regarding the Orange County Crime Laboratory’s DNA evidence submission policy, please contact one of the DNA Supervisors listed above.
SUSPICIOUS POSTAL PACKAGES

BACKGROUND:
When the original version of this bulletin was first published in 1992, the common threat to recipients of suspicious packages was the postal bomb. In the aftermath of the 9/11 terrorist attacks and subsequent mailing of anthrax letters, the additional threats posed by packages containing chemical, biological and radiological agents must also be addressed. This does not in any way lessen the threat or danger of explosive devices, but instead identifies additional hazards which employees need to be familiar with.

IDENTIFICATION:
It is important to develop specific procedures for all incoming mail or package deliveries. The following indicators are provided to assist in the identification of suspicious postal items:

- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
- Indicators
HANDLING GUIDELINES:

If the package is CLOSED and/or a SPECIFIC THREAT IS NOT IDENTIFIED

- Identify indicators which make the item(s) suspicious
- Don’t open, shake, or move any packages which have been identified as suspicious
- Isolate the package, evacuate the immediate area and establish a perimeter of
- Request a response by the OCSD Bomb Squad
If the package or letter is OPENED and/or a SPECIFIC THREAT IS IDENTIFIED

- In the case of a suspected explosive device, evacuate IMMEDIATELY and request a Bomb Squad response
- In the case of suspected chemical, biological or radiological agents, if the item was handled wash hands with soap and water and avoid further disturbance of the package
- In all cases, isolate the package, establish at least ___ perimeter and deny access to the area where the package is located
- Request a response by the OCSD Bomb Squad __________ and local fire department
- In the event of a chemical, biological or radiological threat, additional resources and notifications are necessary which may include:
  - Fire Department
  - Orange County Environmental Health Hazardous Materials Teams
  - FBI / WMD Coordinator
  - Orange County Intelligence Assessment Center

ENFORCEMENT:

 Sending an explosive device or WMD (chemical, biological or radiological agent) by mail is a federal offense and the Federal Bureau of Investigation would likely take the lead investigative responsibility in an incident involving this type of activity. The OCSD Bomb Squad however, has initial responsibility for Render Safe Procedures and must be requested for any suspicious packages or threatening items believed to contain an explosive device or WMD.

Sending a facsimile or hoax explosive device or WMD by mail may be prosecuted under the following state laws:

CPC 148.1(d) - Any person who maliciously gives, mails, sends, or causes to be sent any false or facsimile bomb to another person, or places, causes to be placed, or maliciously possesses any false or facsimile bomb, with the intent to cause another to fear for his or her personal safety or the safety of others.

CPC 11418.5(a) - (a) Any person who knowingly threatens to use a weapon of mass destruction, with the specific intent that the statement as defined in Section 225 of the Evidence Code or a statement made by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the
circumstances in which it is made, is so unequivocal, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety, or for his or her immediate family’s safety.

If a crime report is written or an arrest is made for violations pertaining to mailed explosive devices or WMD, whether they are actual or facsimile, the OCSD Bomb Squad must be requested to respond. The Orange County District Attorney’s Office will NOT file criminal charges unless the Bomb Squad has collected the evidence for analysis and submitted a supplemental technical report.
BULLETIN NO. 12-02
THE ABC’s OF BATH SALTS/SPICE IN CALIFORNIA
(Effective 4-16-12)

State lawmakers have voted a measure into law in California to make illegal the sale and distribution of the designer drugs known and sold as "bath salts", "spice", "incense", "K2", or "Blaze". Bath salts are a synthetic drug that most closely resembles meth or cocaine. Spice, incense, K2, and Blaze are synthetic versions of marijuana. The new law will impose fines and possible jail time for people arrested and charged with selling designer drugs.

Synthetic marijuana is sold as incense, which is really a plant material coated with a variety of chemicals that can cause a high similar to pot if smoked. Both products are labeled as "not for human consumption," but are used by buyers to get what they believe will be a legal high.

The designer drugs have been available to those over the age of 18 at convenience stores, head shops, smoke shops and online. Lawmakers, law enforcement, and public health and safety advocates have been concerned about the rising numbers of people, particularly young people, being sickened after taking the drug. People have been reported as having psychotic episodes, severe anxiety and depression, and committing violent crimes while on the drugs. Many suicides have occurred as a result of using these synthetic drugs.

The new law will make the sale of the designer drugs a misdemeanor and can lead to a $1000 fine and up to six months in jail for selling the drugs. First-time offenders will more likely face a fine than jail time, considering the overcrowding of prisons in California.
Health and Safety Code 11375.5(a), was just enacted which makes it illegal to sell/distribute/give away “any synthetic stimulant derivative”, a misdemeanor offense. The target offense on this is going after stores who sell “bath salts.” However, simple possession of these synthetic stimulants is not a crime (not to be confused with the criminal possession of numerous other stimulants under Health and Safety Code 11377).

Health and Safety Code 11357.5(a), was just enacted which makes it illegal to sell/distribute/give away “any synthetic cannabinoid derivative”, a misdemeanor offense. The target offense on this is going after stores who sell “incense.” However, simple possession of these synthetic cannabinoid derivatives is not a crime (not to be confused with the criminal possession under Health and Safety Code 11357).

What is curious is the broad language in the statute. After all, California already has Health and Safety Code 11378 which makes it a straight felony to sell a wide variety of controlled substances, stimulants such as MDMA and Amphetamine are some examples of stimulants covered by this statute.

Additional weirdness in Health and Safety Code 11375.5 is the specific exclusion of MDPV, which has been banned in other states and is widely agreed to be the predominate and problematic compound in bath salts. The likely reason for this is that the legislature hopes that the ban on “any synthetic stimulant derivative” is enough to cover their bases when chemists undoubtedly figure out how to alter MDPV so that it is no longer MDPV, but an analog substance.

Currently there are no field tests available for these compounds. Any suspected violation would most likely result in the submission of evidence collected to the lab, and a complaint being filed after the results are available.

As with many controlled substances, bizarre, aggressive and assaultive behaviors are often side effects of their abuse. Officer safety concerns should be paramount when contacting persons believed to be involved in the abuse of these synthetic stimulants as there have been several documented cases indicating their abuse often results in extreme paranoia, hallucinations, severe agitation and a strong resistance to pain.

If you have any questions please contact your respective narcotics detail.
BULLETIN NO. 12-03
MISSING PERSONS

This Training Bulletin is being issued to serve as a guide to assist responding deputies, supervisors, and handling dispatchers in missing person cases. The ultimate goal in any such case is the quick location of the missing person.

Handling personnel must collaborate, utilize available resources, and use proven investigative techniques. The manner in which the initial response is handled, to include the collection and transmission of information, will significantly influence the successful outcome of the investigation.

The Orange County Sheriff’s Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until the facts reveal otherwise. The Orange County Sheriff’s Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14205).

Department members must be aware of State mandates in missing persons cases.

**California Penal Code 14205(a) states:**

All local police and sheriffs’ departments shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property...

**Investigative Checklist:**
(This list should be used as an actual checklist during a missing person investigation to ensure every investigative effort is utilized.)

- Interview the informant. This can be accomplished via telephone or in person.
  - When possible, collect and/or review the following:
    - A photograph and a fingerprint card of the missing person, if available.
    - Any documents that may assist in the investigation, such as court orders regarding custody.
    - Any other evidence that may assist in the investigation, including personal electronic devices (cell phones, computers, etc), x-rays, address books, social media website information and passwords, credit card information.
  - The person making the report of a missing person shall sign the form authorizing the release of medical/dental records of the person reported missing. If the person missing is under 18 years of age, the signed form will also authorize the release of a recent photo.
Assess the information to determine if the missing person is at risk, and to plan what reasonable steps to employ for locating the missing person.

- **At Risk:**
  - A victim of a crime or foul play
  - A person missing and in need of medical attention
  - A missing person with no pattern of running away or disappearing
  - A mentally impaired missing person
  - A missing person that may be armed and pose a community safety hazard

- **Special Circumstances:**
  - If the missing person was known to have received threats
  - If the person was known to be carrying unusually large sums of cash
  - If the person has a history of suicidal inclinations or drug abuse
  - The mysterious disappearance of a person who has a history of dependability and reliable habits
  - All aged and mentally incompetent missing persons
  - Any unusual or suspicious circumstances that persist

- **Notify a supervisor immediately if there is evidence that a missing person is at risk or special circumstances exist.** Supervisor notification must be acknowledged and reflected in the missing person report.

- **A General Broadcast should be issued as soon as practicable but no more than one hour** after determining the missing person is under 16 or may be at risk.
  - A general broadcast is defined as, “A transmission via Red Channel to advise of a felony, missing child, major road closure and natural or un-natural disasters (i.e. plane crashes) within the last hour of occurrence”.

- **Contact teletype:**
  - Obtain a National Criminal Information Center (NCIC) number (also known as the “NIC” number).
  - When there is a known vehicle involved with the missing person, the license number must be entered into the Stolen Vehicle System (SVS) as a "vehicle associated with a missing person" and the File Control Number (FCN) is required to be recorded on the Missing Person's Report.
  - Initiate a direct teletype to the Department of Justice (DOJ) Missing Person's Unit. If the person reported missing is under 21 years of age, or there is evidence that the person is at risk. This notification (Teletype) shall be made within two hours after receipt of the report, (Penal Code §14205).

- **Contact the lead agency if the report relates to a previously made missing person report and another agency is actively investigating that report.**

- **Write the initial report using the OCSD’s “Missing Person Report Form”**.
  - Advise the appropriate supervisor as soon as a missing person report is ready for review.
  - Supervisor notification must be acknowledged and reflected in the report.

- **For an “At Risk” missing person, the responding deputy must, without delay, notify the law enforcement agency in which the person lives and also the law enforcement agency where the person was last seen.**
  - A copy of the report (copies to) must be directed to each of the agencies.
In every circumstance the deputy submitting a Missing Persons Report will fax an advanced copy to the Homicide Detail at [redacted] prior to the end of the shift.

Notifications:
Supervisory notifications must be made in a manner which provides confirmation that the supervisor has been informed, (face-to-face, telephone). Regardless of the method used, the supervisor must acknowledge the notification, and the notification must be documented in the Missing Person Report.

“MDC All Chat” is a useful tool for informal communications but does not meet the standards required for supervisory notification or General Broadcasts”.

Found or Returned Missing:
When a person reported missing has been located, a Follow-Up Report will be completed as a priority report. The deputy will also mark the report copies to:
- DOJ Missing Person's Unit
- The law enforcement agency that took the initial report
- The law enforcement agencies having jurisdiction over the missing person's residence and where the person was last seen
The deputy shall then contact Teletype and:
- Remove the subject/vehicle from the computer and include the NIC number and FCN in the report
- Initiate a cancellation notification on the Orange County only teletype
- Initiate a direct teletype to the law enforcement agency that took the initial Missing Person's Report
- Initiate a direct teletype to the DOJ Missing Person's Unit

Available Resources: (via the Department Commander)
- Air Support
- Harbor Patrol
- Canines
- Reserves
  - Bloodhounds
  - Search and Rescue
  - Neighborhood canvassing
  - Perimeters
- Public Information Officer

Additional References:
- OCSD Patrol Operations Procedure Manual / Section 31 - Missing Persons
- California Penal Code § 14213
BULLETIN NO. 12-04

BUTANE HONEY OIL EXTRACTORS

Over the last few months, the Orange County Sheriff’s Department Bomb Squad has noted a marked increase in calls for service related to the use of an improvised hash oil preparation method known within the marijuana user community as “BHO” or Butane Honey Oil extraction. This Training Bulletin addresses the hazardous chemical extraction method, and serves as a reminder to first responders to always contact the OCSD Bomb Squad when encountering any suspicious items resembling pipe bombs or other improvised explosive devices.

The use of the BHO method for hash oil extraction is not by any means a recent development, as any quick internet search will result in hundreds of thousands of website hits with some instructional entries dating back to the mid-1990s. It has however, for reasons unknown, seemed to surface more frequently in recent months in the form of hazardous device calls and/or “post blast scenes” after the use of the devices resulted in unanticipated explosions during the oil extraction process. In the Orange County operational area, the OCSD Bomb Squad has responded to no less than a half dozen of these incidents since 2011, with two incidents being post blast scenes mimicking the aftermath of an explosive device initiation.

The process is a simple one, utilizing a closed or semi-closed container full of marijuana and injecting a volatile solvent to extract a resinous mixture of cannabinoids, including the highly sought after tetrahydrocannabinol (THC) which can reportedly vary from 6% to 30% concentration in prepared hash oil (although many unverified sources claim concentrations of up to 70% are possible). The resin collects at the bottom of the extractor which is usually lined with a coffee filter or other suitable screen, then removed and heated to evaporate the remaining solvent and “purify” the end product. Alternate methods involve allowing the oil to drip directly onto a plate or Pyrex dish which is heated to speed the solvent evaporation process. Various solvents can be utilized including: isopropyl alcohol, ethanol, methyl
alcohol, and most notably - as is the topic of this Training Bulletin - butane or isobutane.

Butane has the qualities of being heavier than air, with a low boiling point (30-34°F) and will therefore settle toward the ground and evaporate from the end product relatively quickly. Additionally, butane is colorless, odorless and has a high potential for ignition and explosion when used in the presence of a flame source in enclosed spaces without adequate ventilation.

BHO extractors are commercially available, but with the easily acquired components and prolific internet instructions, they are frequently, if not most commonly, manufactured by amateurs. At first glance, homemade BHO extractors most closely resemble pipe bombs in their construction; with a single length of pipe inserted into one or two end caps. The top end cap will generally be drilled for accepting the nozzle of a butane canister with the bottom end cap being either undrilled, drilled in numerous places to allow the escape of the honey oil, covered with a filter of some type, or absent altogether. Many devices are constructed with PVC piping; however, fears of phthalate contamination have reportedly been the reason some builders choose to utilize steel pipes and end caps instead. The presence of a drilled end cap results in an item which closely resembles an “end-primed” pipe bomb that was either incompletely constructed (lacking the fuse), or failed to function after the fuse was ignited. It should be noted that this quality results in an extremely dangerous situation for first responders as there is no reliable method for determining the contents of the pipe without manually or remotely opening the item. If the device is in fact a pipe bomb, the mere act of unscrewing the end caps can produce sufficient friction to initiate a lethal explosion.

Butane Honey Oil extraction is covered under California Health and Safety Code 11379.6(a) which states in part, “every person who compounds, converts, produces, derives, processes, or prepares, either directly or indirectly by
chemical extraction or independently by means of chemical synthesis, any controlled substance...” is guilty of a felony. Although not designed to function as improvised explosive devices, these items utilize highly volatile chemicals under pressure which are easily ignited, and under certain conditions, will result in an explosion.

Given the presence of butane canisters, hot plates, associated drug paraphernalia and end product (hash oil) at a crime scene, there is a strong possibility that the questionable item is a BHO extractor; however, as indicated above there is no safe way for non-trained personnel to determine the contents of these suspicious devices. As previously stated in this bulletin, even when the item is in fact a BHO extractor, under certain conditions the possibility of an explosion still exists. For these reasons, OCSD Bomb Squad recommends all first responders in the Orange County operational area contact the Bomb Squad to evaluate and render safe any such items of concern. The Render Safe Procedures utilized by Bomb Technicians will preserve the container and contents for evidentiary purposes without unnecessarily exposing patrol or investigative personnel to risks associated with merely assuming the contents are benign.
On two separate occasions during the month of June 2012, the Orange County Sheriff’s Department Bomb Squad encountered antiquated railway emergency signaling devices commonly referred to as railroad torpedoes. The first device was collected from a local police department after it was found in an old storage locker; the second incident involved the discovery of four boxes of torpedoes by a railroad enthusiast during maintenance of cabooses destined for public display.

Railroad torpedoes or railway “detonators” as they are known in the United Kingdom and Australia, are square pouch shaped explosive charges with abrasive bottom coatings and flexible metal straps used to secure them to the top surface of railroad tracks. The devices contain an explosive composition that is designed to explode under the pressure of an advancing railroad engine’s wheel upon impact. In the United States, they were usually placed two per rail, staggered at least 50 feet apart to warn the engineer to reduce the speed of the train for a prescribed distance. The most modern domestic torpedoes were manufactured with a compressed potassium chlorate or perchlorate based mixture in the form of a pellet with a flat bottom and rounded top, then wrapped in moisture resistant paper. This impact sensitive explosive composition is similar to that which is used in illegal explosive devices commonly, though mistakenly referred to as “M-80’s, M-100’s” etc. While this composition carries with it a certain degree of danger, older railroad torpedoes were filled with an even more hazardous composition containing red phosphorus known as “Armstrong’s Mixture” which is extremely susceptible to initiation by impact, friction and flame.

Railroad torpedoes have a mass explosion potential, meaning if placed in close proximity to one another, one initiation may trigger additional devices to explode. Additionally, they are classified by the DOT as 1.4 G explosives for transportation purposes (moderate fire, no blast or fragmentation danger); however, this designation only applies if they are being shipped in proper packing containers. Once removed and/or stored inappropriately in bulk, they have the potential to mass explode and produce fragmentation in the form of the attached metal straps; in fact, media reporting indicates that in March 2012, the driver of a Dublin Area Rapid...
Transit (Ireland) commuter train was hospitalized after railroad torpedoes in his safety kit exploded inside the cab of the train. Additional Internet searches located numerous videos involving the tampering and inappropriate use of railroad torpedoes, including at least one incident which resulted in injury.

Internet searches show U.S. Patents associated to railroad torpedoes dating back to the 1870’s. Historically, railroad torpedoes were kept in partitioned metal storage boxes along with fuses (railroad flares) as part of the “flagging kits” housed in cabooses on freight trains. These kits were used by railroad crewmen to warn approaching trains of hazards or workers on the tracks. After the widespread retirement of freight train cabooses in the 1980’s, the storage containers were moved to the engine cabs, where on many trains they still remain in an empty state. In the Orange County operational area, there are no longer any railroad torpedoes stored on passenger trains (Amtrak or Metrolink); and although freight railroad employees admit their limited use continues in some rural areas of the country, they are no longer carried on Southern California freight rail lines.

With the advent of modern railway monitoring, warning and safety systems, the traditional use of explosive signaling devices has become nearly obsolete, except reportedly as a last resort on certain smaller railroads in rural areas of North America. Additionally, the improvements in hearing protection and sound proofing engine cabs, has made the torpedo an ineffective warning device. Although they remain as standard safety equipment on many railroads outside the United States, further technological advances in railroad safety may eliminate their domestic use altogether in years to come.

Due to the hazardous explosive compositions used in the manufacture of railroad torpedoes and their propensity for mass explosion if handled incorrectly, first responders in the Orange County operational area should never disturb, manipulate or move these devices. If at any time these devices are encountered in the field, contact the Orange County Sheriff’s Department Bomb Squad at (714) 538-2694 for a safe response, collection and disposal of the items.
BULLETIN NO. 12-06

EXCITED DELIRIUM

Deputies periodically come into contact with individuals exhibiting bizarre behavior. This behavior is often a result of alcohol intoxication, the influence of drugs, mental illness, uncontrolled anger, or a combination of these factors. However, in some cases bizarre behavior may be associated with a serious medical condition called Excited Delirium\(^1\), which in some instances may be fatal. Experts believe that intense physical exertion, such as when a subject violently resists arrest for prolonged periods, may increase the risk of death.

The purposes of this Training Bulletin is to help officers:

1) Identify individuals who are possibly in a state of excited delirium,
2) Manage the situation in a manner that minimizes the risks to all those involved, including the delirious individual, and
3) Facilitate medical care for the individual as soon as practical. This Training Bulletin is intended to complement training that the Department provides on Excited Delirium in the Excited Delirium class, the CPT TASER Update course and the Crisis Intervention training.

Recognizing Delirium

Delirium is a disturbance of consciousness that develops over a short period of time, usually hours to days, that is accompanied by a change in cognition, and tends to fluctuate during the course of the day. The condition can be caused by several factors including, chronic drug use (particularly cocaine or methamphetamine abuse), substance withdrawal, and/or mental illness. The person’s ability to focus, sustain, or shift attention is impaired and he/she is easily distracted. The person’s speech may be rambling and incoherent, and it may be difficult or impossible to engage the person in conversation. The person may also be disoriented in regards to time and/or locations, misinterpret perceptions, be delusional, and/or experience hallucinations. Due to an elevated body temperature, many of these individuals remove one or more items of clothing, and they often appear impervious to pain. A person in an excited delirium state may also exhibit one or more of the following:

<table>
<thead>
<tr>
<th>Agitation</th>
<th>Excitability</th>
<th>Paranoia</th>
<th>Aggressiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unusual Strength</td>
<td>Fear</td>
<td>Rage</td>
<td>Apathy</td>
</tr>
<tr>
<td>Depression</td>
<td>Confusion</td>
<td>Shouting</td>
<td>Violence towards Objects</td>
</tr>
<tr>
<td>Sudden Calmness</td>
<td>Hyperactive</td>
<td>Endurance</td>
<td>Sweating</td>
</tr>
<tr>
<td>Hyperthermia</td>
<td>Attraction to Glass</td>
<td>Violence towards Others</td>
<td></td>
</tr>
</tbody>
</table>
**Management of Delirious Subjects**

A Deputy has neither the expertise nor the opportunity in these situations to diagnose the underlying cause or type of the delirium in an individual. As a result, when a Deputy reasonably believes an individual may be in an excited delirium state, the individual should be treated as if he/she is in a medical crisis and will require medical attention. The individual should receive medical attention regardless of whether the subject is also suspected of being under the influence of drugs and/or alcohol.

The nature of this delirium and its effects on the body are such that continued struggling may worsen the medical condition and may result in the person's death in rare instances. The Department recognizes that under some conditions it is necessary to subdue a person, even one suspected of suffering from excited delirium. It is possible for a person in this condition to die, even when deputies take all reasonable precautions. When it becomes reasonably necessary to subdue a person who is believed to be in an excited delirium state, deputies should attempt to minimize the length of the struggle and seek immediate medical attention for the person thereafter.

**Incident Management**

Once a dispatcher or a deputy concludes that an individual may be in an excited delirium state, the incident should be managed as a medical emergency, in addition to whatever other law enforcement response may be required under the circumstances, including the use of reasonable force.

**Deputies’ Role**

If a deputy responds to an incident and concludes that an individual may be in an excited delirium state, the deputy should, as soon as practical, request EMS to respond if they were not initially dispatched to the incident. If the subject involved or others at the scene pose a potential threat, the deputy should designate a nearby safe location for EMS personnel to stage until the scene is secure.

**Dispatcher’s Role**

If a dispatcher believes based upon information provided by the reporting party that a person involved in an incident may be in an excited delirium state, EMS personnel should be dispatched and advised to stage at a location a safe distance from the scene until notified by deputies that the scene is secure. The dispatcher may also inform responding officers that EMS is enroute and where they intend to stage. If practical, a minimum of four deputies will be dispatched to the incident.

**EMS’ Role**

EMS will respond to the selected staging area and await notification that the scene is secure. As soon as the scene is secure, EMS personnel will respond to the scene, evaluate the individual involved, administer appropriate care, and monitor the individual until he/she is delivered to an emergency medical facility.
If the person appears to be unarmed and does not appear to pose an immediate threat to the physical safety of deputies or to other persons, or to him or herself, or pose an immediate threat to escape, deputies should, if practical, contain the subject while maintaining a safe distance and remove others who might be harmed by the subject from the immediate area. In this situation, the deputies’ objective is to gain the person’s voluntary cooperation. If the deputies determine it is appropriate to take the person into custody pursuant to Welfare and Safety Code Section 5150 and/or for criminal conduct, one or more of the following tactics may be helpful in gaining the person’s cooperation:

1. Attempt to “talk the person down.” Ideally, only one deputy should engage the person in conversation. However, if the person is unresponsive or non-compliant with the first deputy, attempts to communicate should be made by other deputies present. The deputies should project calmness and confidence and speak in a conversational and non-confrontational manner. The statements should include reassurance and that the deputy is trying to help the person. Whenever possible, determine if the person can answer simple questions; this will give the deputies at the scene an idea of the level of coherence of the person. Deputies should also turn down their radios.

2. Remember that the person’s mind may be racing, or he/she may be delusional and/or suffering from hallucinations, so statements and questions may need to be repeated several times. The person may also be fearful and extremely confused based on their psychological state so officers should be patient. If the subject is contained and does not appear to pose an immediate threat, there is no rush. It may take some time for the subject to calm down.

3. Attempt to have the individual sit down, which may have a calming effect.

4. Refrain from maintaining constant eye contact, as this may be interpreted as threatening.

5. If a family member or another person who has a rapport with the individual can safely participate, enlist his/her assistance in attempting to gain the individual’s cooperation.

If the person to be taken into custody is armed or combative or otherwise poses an immediate threat to the physical safety of officers or to other persons, or to themselves, deputies should employ that amount of force that is reasonable and necessary to protect themselves and others at the scene and to take the person into custody. To the extent practical, efforts should be made to minimize the intensity and duration of the subject’s resistance and to avoid engaging in a potentially prolonged struggle. If circumstances allow, it may also be possible to limit the subject’s resistance by employing several deputies simultaneously to restrain the subject quickly.

Once the subject is in custody and the scene is safe, EMS personnel are to be called to the scene. Some individuals believed to be in an excited delirium state have gone into cardiac arrest shortly after a struggle ended.

As a precaution, the person’s breathing should be monitored at all times and the person’s position adjusted so as to maximize their ability to breathe (e.g., avoid lying on stomach and/or
exerting excessive downward pressure on the upper torso). The person should be transported by ambulance to an emergency medical facility for evaluation and treatment.

1 The term "excited delirium" refers to a behavioral condition whereby a person exhibits extremely agitated and non-coherent behavior, elevated temperature, and excessive endurance without fatigue. Excited delirium is often seen in the context of people under the influence of an illicit stimulant substance or in people with a history of mental illness who are not taking their medications properly.
BULLETIN NO. 13-01

LEGAL UPDATE 2013

INTRODUCTION

For 2013, numerous new laws were enacted or revised. This Training Bulletin does not discuss all of them, but contains a brief synopsis of some of those laws. Personnel are required to read the entire text of these new laws and case decisions before applying them. Unless otherwise noted, these new statutes become effective January 1, 2013.

PENAL CODE:

§ 236.7 Forfeiture upon Conviction of Human Trafficking (Added)
Any interest in a vehicle, boat, airplane, money, negotiable instruments, securities, real property, or other thing of value that was put to substantial use for the purpose of facilitating the crime of human trafficking that involves a commercial sex act … where the victim was less than 18 years old at the time of the commission of the crime, may be seized and ordered forfeited by the court upon conviction of a person guilty of Human Trafficking 236(g)(1).

§ 851.5.(a) Rights of Custodial Parents to Make Phone Calls Upon Arrest (Amended)
An arrested custodial parent of a minor has the right to make two additional phone calls for the purpose of arranging for the care of the minor child or children. The arresting or booking officer must inform the arrestee of this right. Additionally, signs must be posted in a conspicuous place where the arrestee is being detained informing them of their right to make additional phone calls if they are a custodial parent of a minor. Any officer who willfully deprives an arrested person of any right granted by this section is guilty of a misdemeanor. *(See Training Bulletin 12-09 Custodial Parent Notification for full details.)*

§ 1299 – 1299.12 Bail Fugitive Recovery Act (Added)
This Act had been repealed in 2010, and is being added this year. It requires bail fugitive recovery persons to comply with the following requirements:

1) Shall be at least 18 years of age.
2) Completed a 40-hour Power of Arrest course certified pursuant to Penal Code 832.
3) Completed 20 hours of classroom education certified pursuant to Insurance Code 1800.
4) The person shall not have been convicted of a felony.
Any individual authorized by Penal Code 1299.2 to apprehend a bail fugitive shall carry certificates of courses required by this section at all times in the course of performing his or her duties under this article.

§ 3407(a)  Pregnant Inmates (Added)
Upon confirmation of an inmate’s pregnancy, she shall be advised orally and in writing of the provisions of this chapter, relevant regulations, and correctional facility policies.
1) An inmate known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body.
2) A pregnant inmate in labor, during delivery, or in recovery after delivery shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public.
3) Restraints shall be removed when a professional currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary.

§ 4024.2(b)(2)  Inmate Work Release/Credit for Educational Programs (Amended)
The Sheriff may permit a participant in a work release program to receive work release credit for documented participation in educational programs, vocational programs, substance abuse programs, life skills programs, or parenting programs. Participation in these programs shall be considered in lieu of performing labor in a work release program, with eight work-related hours to equal one day of custody credit. An inmate work release program requires Board of Supervisor approval. Thus, before this amendment to the program may take effect, the Board of Supervisors would need to approve it.

§ 26400(a)  Carrying an Unloaded Firearm that is not a Handgun (Added)
It is now a misdemeanor to carry an unloaded firearm that is not a handgun (long-gun). There are over 30 exceptions to this code (CPC 26405); review the entire text before taking enforcement action.

VEHICLE CODE:

§ 5201.1  Altered/Obscured License Plate (Amended)
(a) A person shall not sell product or device that is intended to obscure the reading or recognition of a license plate by visual means, or by an electronic device.
(b) A person shall not operate a vehicle with a device that violates Subdivision (a)
(c) A person shall not erase the reflective coating of, paint over the reflective coating of, or alter a license plate to avoid visual or electronic capture of the license plate.

(d) A violation of this section is punishable by a fine of $250 per violation.

§ 23123.5 **Hands-Free Voice-Operated Texting** (Amended)
The violation of using an electric wireless communication device (cell phone) for texting while driving has been amended to allow the use if the device is specifically configured to allow for hands-free voice-operated operation. Activating or deactivating a feature on the electric wireless communication device is no longer a violation of this section.

§ 23612 **Chemical Testing for DUI** (Amended)
A person arrested for driving under the influence of alcohol, drugs or drugs and alcohol combined, may choose to have a chemical test either by blood or breath. A person arrested for driving under the influence, who chooses a breath test may still be required to submit to a blood test if the officer has reasonable cause to believe that the person is also under the influence of drugs. A urine test shall be used only if breath and blood testing is unavailable.

§ 16028 **Proof of Insurance – Electronic Device** (Amended)
A driver may show evidence of financial responsibility using a mobile electronic device, (cell phone, tablet).

**HEALTH AND SAFETY CODE**

§ 11376.5 **Protections from Arrest - Seeking Medical Assistance for a Drug Overdose** (Added)
It shall not be a crime for a person to be under the influence of, or possess for personal use a controlled substance or drug paraphernalia if the person or other persons at the scene seek medical assistance for a person experiencing an overdose.

*Source: CPOA Legislative Manual*
CASE LAW

All excerpts obtained from the 2012 California Legislative Update Manual published by the California Peace Officers’ Association.

Fourth Amendment: Exigent Circumstances for Warrantless Search

1. **People v. Torres (2012) 205 Cal.App.4th 989:** Do exigent circumstances justify a warrantless entry into a hotel room to prevent the destruction of marijuana?

2. **Facts:** At a hotel in Los Angeles, a guest reported several items missing from her room, including a laptop and Blackberry phone. Hotel personnel had earlier helped the defendants into the victim’s room. Hotel security believed that the defendants were still in a different room of the hotel and called the police. Outside of the hotel room where the defendants were believed to be, LAPD officers noticed a “strong smell” of marijuana. Officers knocked on the door and the defendants and two men opened the door. When the door was opened, the odor of marijuana was stronger. The defendants and the two men were asked to step outside and officers conducted a “protective sweep” of the room. Officers saw a Blackberry cell phone and the victim’s identification in plain view. The laptop was also found under a mattress. At trial, the defendants moved to suppress the evidence found in the hotel room, arguing that there were no exigent circumstances permitting a warrantless entry and there was no evidence that a protective sweep was necessary. The trial court ruled that a protective sweep rationale did not permit a warrantless entry. However, the trial court found that there were exigent circumstances justifying the entry- the officers could enter the room to prevent the destruction of marijuana.

3. **Holding:** Conviction reversed. The police officer’s warrantless entry into the hotel room was not justified by exigent circumstances. A guest room in a hotel is considered a home for purpose of the Fourth Amendment. Warrantless entry into a home can be justified by exigent circumstances. The entry into a home based on exigent circumstances requires probable cause to believe that the entry is justified by one of these factors such as the hot pursuit of a fleeing felon, the imminent destruction of evidence, or the risk of danger to the police or others inside the dwelling. A belief that evidence of a nonjailable offense will be imminently destroyed is not sufficient to justify a warrantless entry based on exigent circumstances. Here, officers only smelled the odor of burning marijuana. The possession of less than 28.5 grams of marijuana is a minor offense that is nonjailable. Where, as here, police articulated no basis to believe that a jailable offense was occurring, there were no exigent circumstances justifying a warrantless entry to prevent destruction of evidence that would prove the offense.
4. **Lesson:** Officers who see and/or smell marijuana in a home may not enter that home without a warrant or consent to seize the marijuana in order to prevent its imminent destruction. (However, if the officer has *probable cause* to believe that there is more than 28.5 grams of marijuana in the home, a jailable offense, the officer there may have an argument that entry into the home is justified to prevent the imminent destruction of that evidence.)

**Fourth Amendment: Warrantless Entry of a Home**

1. **Ryburn v. Huff (2012) 132 S.Ct. 987:** Are officers entitled to qualified immunity from a civil lawsuit when they make a warrantless entry into a home under a reasonable belief that violence was imminent?

2. **Facts:** Four Burbank police officers responded to a call from high a school principal who told them about a rumor that a student, Huff, was threatening to shoot up the school. The officers learned that Huff had been absent from school for two days and that he was frequently subjected to bullying. The officers went to Huff’s home, knocked on the door, and announced their presence, but no one answered the door or the phone call the officers made to the home’s telephone. When the officers called Huff’s mother’s cell phone, she said she was with Huff inside the home. She hung up, but a minute or two later she came outside with Huff. One officer asked the mother if they could interview Huff inside the house, but she refused without inquiring about the purpose of the officers’ visit. When asked if there were any guns in the house, the mother did not respond, turned quickly, and went into the house followed by two officers. Two other officers, who did not hear the conversation, entered with the belief that they had permission to do so. The four officers remained in the living room for five to ten minutes while they talked to Huff and his parents. The officers did not search the Huffs or any of their property, and they ultimately concluded the rumor was false. The Huffs later sued the officers for violating their Fourth Amendment rights, and the Ninth Circuit held that the two officers who entered last were entitled to qualified immunity, but not the two officers who entered first.

3. **Held:** Reversed. A reasonable officer may believe that the Fourth Amendment permits a residential entry if the officer has a reasonable basis for concluding that there is an imminent threat of violence. Here, Mrs. Huff’s odd behavior—especially her entry into the home without addressing the question regarding guns—combined with the information the officers gathered at the school, could have led an objectively reasonable officer to believe that there could be weapons inside the house and that family members or the officers themselves were in danger.

4. **Lesson:** This is a fact, specific opinion in which one or two different circumstances may have changed the result. Individuals, for example, may appropriately
communicate their desire to end an interview and to retreat to their homes in a manner that would not permit a warrantless entry. Still, the Supreme Court unanimously recognized that an individual’s conduct, even when lawful, may sometimes reasonably “portend imminent violence,” which will defeat a lawsuit against an officer. The Ninth Circuit, by contrast, was too willing to evaluate the “rapidly evolving” situation in hindsight, and it did not pay sufficient respect to the officer’s need to make quick decisions.

Fourth Amendment: Vehicle Surveillance

1. United States v. Jones (2012) 132 S.Ct. 945: Is the attachment of a global-positioning system (GPS) tracking device to a vehicle and later use of that device to monitor the vehicle's movement on public streets a search under the Fourth Amendment?

2. Facts: Federal agents believed that Jones was part of a drug-smuggling ring, and they obtained a warrant to install, in Washington D.C. and within ten days, a GPS tracking device on Jones’s Jeep. The agents installed the device on the eleventh day when the Jeep was parked in Maryland, and they monitored it for the next four weeks and obtained over 2,000 pages of data, which linked Jones to a safe house that contained drugs and $850,000. Jones received a life sentence in federal court for drug trafficking, but the D.C. Circuit reversed and held that the evidence from the GPS device was obtained in violation of the Fourth Amendment.

3. Held: Affirmed. A government agent’s attachment of a GPS device on a vehicle to track the vehicle’s movement constitutes a search under the Fourth Amendment, which protects “persons, houses, papers, and effects,” including vehicles. Here, the agents physically intruded on a constitutionally protected area, or committed a trespass, by attaching the GPS device without Jones’s permission and without a valid warrant. The Supreme Court refused, moreover, to consider whether the search was reasonable, and hence lawful, because prosecutors had not properly developed the argument in the lower courts.

4. Lesson: The justices agreed that the attachment of the GPS was a search, but they disagreed on the rationale. Justice Scalia, writing for the majority, relied on older case law, which focuses on whether the government’s agents trespassed on private property. When they do so, there is a search. Justice Alito, writing for four justices, disagreed with the majority’s focus on property law, but would still have affirmed on the alternative ground that the long-term monitoring of the Jeep violated Jones’s reasonable expectation of privacy and thus was a search. Justice Alito, moreover, did not distinguish traditional visual surveillance from more modern electronic methods. In his view, any lengthy surveillance, including one lasting four weeks, is a search no matter how conducted.
Jones, though, is probably most notable for the questions that it does not resolve. The majority, for example, did not overrule a case, United States v. Knotts (1983) 460 U.S. 276, 278-279, that permitted the electronic monitoring of a beeper where the defendant placed a bag that already contained the beeper in his own car. Similarly, Jones did not definitively decide whether the tracking of a third party’s cell phone, or the use of a vehicle’s factory-installed anti-theft device, will constitute a search. The court similarly did not discuss whether officers may be permitted to rely on an officer’s good-faith belief that a pre-Jones GPS surveillance was lawful. Due to the prosecution’s litigation choices, moreover, the court did not address whether the brief use of a GPS device might be reasonable and thus lawful. Note, finally, that the agents could have avoided this issue by complying with the terms of the warrant.

Fourth Amendment: Unlawful Demand to Submit to Search Ignored

1. United States v. Pope (9th Cir. 2012) 686 F.3rd 1078: Does refusal to comply with a police officer’s demand to empty one’s pockets implicate the Fourth Amendment where a person has admitted possessing a controlled substance?

2. Facts: Police in the El Dorado National Forest responded to a call concerning a loud party. Defendant approached Officer Marcus, and appeared to be under the influence of marijuana. When asked he admitted smoking marijuana, but denied possessing any. Not believing him, Officer Marcus ordered defendant to empty his pockets. Defendant ignored the order. When asked again whether he had any marijuana in his possession, defendant admitted he did. Officer Marcus told defendant to “place the marijuana on the hood of the patrol car.” This time, defendant complied. Defendant was cited for possession of the marijuana and released. The trial court denied his suppression motion, and he was convicted.

3. Holding: The Ninth Circuit Court of Appeal affirmed. It held that the officer’s first command to empty his pockets, which was ignored by the defendant, was not a search and that the Fourth Amendment was therefore not implicated. A police threat to unlawfully detain a suspect is not a Fourth Amendment violation unless and until the suspect is in fact detained. (See California v. Hodari D. (1991) 499 U.S. 621.) The second command to put the marijuana on the patrol car’s hood, however, was a search because defendant complied. That command, however, was preceded by defendant’s admission that he did in fact have marijuana in his possession. This statement supplied the necessary probable cause to search. Exigent circumstances justified the immediate warrantless search because there was no opportunity to seek a search warrant. The marijuana was therefore lawfully seized.

4. Lesson: Do not read too much into this case. Had defendant complied with the first demand to empty his pockets by pulling out the marijuana at the time, there may have been probable cause still based on contacting a person recognized in training and experience to under the influence of marijuana, and then admitting that he’s
Fourth Amendment: Testing of Suspect’s Abandoned DNA

1. **People v. Thomas (2011) 200 Cal.App.4th 338:** Could officers test defendant’s DNA that was left on a PAS mouthpiece?

2. **Facts:** Defendant was the suspect in residential burglaries that occurred between 2006 and 2008. DNA was collected in five of the burglaries. A witness to a sixth burglary picked defendant’s photograph from a line-up. In November 2007, police received an anonymous tip about defendant and placed him under surveillance. On December 1, 2008, he was stopped for traffic violations. His eyes were bloodshot and watery. Defendant performed sobriety tests and consented to a PAS breath test that required him to place his mouth over the plastic tip of the device. Defendant was let go after passing all tests, but instead of discarding the mouthpiece of the PAS device, the police preserved it for DNA testing. The DNA profile derived from the mouthpiece linked defendant to two burglaries. A DNA sample obtained after defendant’s arrest matched genetic material recovered from five of the burglaries. Defendant was charged with six counts of first-degree residential burglary and prior felony enhancements. His motion to suppress was denied. He pled no contest to one burglary count and was sentenced to 17 years in prison under a plea agreement.

3. **Holding:** Conviction affirmed. Defendant abandoned any privacy interest in the DNA sample by not wiping off the PAS mouthpiece. The saliva defendant deposited on the PAS device was incidental to the PAS test and was not the material collected, the breath sample, for the limited purpose of the implies consent statute. And defendant was not subjected to an unlawful ruse by officers because defendant voluntarily submitted to the PAS test, he did not contest the legality of the traffic stop, and he knew that he was dealing with police in the context of a possible criminal investigation.

4. **Lesson:** A suspect can abandon their right to privacy in their DNA by discarding a bodily fluid.

Fourth Amendment: Vehicle Search

1. **People v. Evans (2011) 200 Cal.App.4th 735:** Were the searches of defendant’s car proper searches incident to his arrest and/or pursuant to the automobile exception to the search warrant? Would the contraband have been inevitably discovered during an inventory search?

2. **Facts:** Officers stopped defendant for traffic violations. Defendant appeared very nervous. When officers approached, defendant was attempting to use a cellular...
telephone, and his hands were shaking. An officer told him to put the phone down, turn off the engine, and roll down his window. Defendant partially opened the window. Defendant’s nervousness, coupled with the facts that the stop occurred at night, in gang territory, prompted the officer to ask defendant to step out of the car. Defendant refused and asked why he had been stopped. The officer explained the basis for the stop. The two “went back and forth,” with the officer asking defendant to exit the vehicle at least ten times. As the exchange continued, defendant continued to appear exceptionally nervous—his voice cracked and his hands shook. The officer told defendant he would use pepper spray or a taser if he did not exit the car. When additional units arrived, the officer sprayed a small amount of pepper spray into the car through the partially open window. Defendant rolled up the window and remained in the car, staring forward. An officer broke the driver’s side window. Defendant was tased and removed from the car. He was arrested for interfering with an investigation (Pen. Code, XX 148) based on his refusal to exit his automobile.

3. **Holding:** Conviction reversed. The searches of the vehicle were not valid searches incident to arrest. Defendant was not within reaching distance of the vehicle during either search (at the scene or impound yard) and the officers had no reason to believe the vehicle contained evidence relevant to the crime of arrest-interfering with an investigation (XX 148). Next, probable cause did not exist to search the vehicle at the scene of arrest pursuant to the automobile exception. Defendant’s erratic driving, nervousness, that the stop occurred in gang territory, and that the defendant refused to exit the vehicle did not establish probable cause. Nor did probable cause exist to search at the impound yard. Lastly, the inevitable discovery doctrine did not apply because the impound yard manager testified that the policy was only to inventory items in plain view. Because the cash and baggies were in the vehicle’s center console, and the cocaine was in an air vent, an inventory search would not have yielded those items.

4. **Lesson:** A search of a vehicle incident to arrest may only be conducted (1) if the arrestee is within reaching distance of the vehicle during the search, (2) if the police have reason to believe that the vehicle contains evidence relevant to the crime of arrest, or (3) if probable cause exists.
BULLETIN NO. 13-02

A Review of Officer-Involved Shootings in the Orange County Sheriff’s Department

A committee of stakeholders within the Department conducted a review of eleven officer-involved shootings that occurred over the last few years. The intent of the review was to identify trends and provide useful feedback to the men and women of the Sheriff’s Department.

A firearm should only be used to overcome lethal force or to prevent serious bodily injury or death. Many associated factors in any shooting situation are outside the control of the involved personnel. Deputies are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving. Deciding the amount of force and type of force to use under these conditions can be very difficult. Certain things, such as tactics, decisions, training, and mental preparation, can have a significant impact on officer safety and how the incident unfolds. Below are a few points for consideration:

1) Tactical Decision-Making
   Tactical decision-making is a key element in successfully and safely handling a confrontational encounter with a suspect who may be armed and dangerous. The decision to advance on the suspect, draw your firearm or opt for another force option, seek or leave cover, and engage in a foot pursuit can all have an influence on the outcome of a situation.

   Deputies should attempt to maximize the advantages of time, distance, and cover. Situations can evolve quickly, and having more time to perceive and evaluate helps facilitate better decision-making. A review of recent Officer Involved Shootings shows most engagements last less than 10 seconds. Adrenaline and stress serve to accelerate action. Deputies should pause and take time to evaluate when possible and slow things down. Use distance and cover to lessen the ability of a suspect to threaten you. Distance, if available, affords more time to react and helps avoid the need to make quick decisions and limits the possibility of being startled by unexpected actions of the suspect. If you need to leave cover, ****** to reduce the suspect’s accuracy.

2) Suspect’s Actions and Deputy Expectations
   Suspects are increasingly acting and reacting in irrational and unpredictable ways. They may be non-compliant or challenging even when faced with a Deputy pointing a firearm at them. Such unreasonable and irrational responses complicate the encounter and may reduce the amount of time a Deputy has to perceive, evaluate, and understand what is
transpiring. Consider how you will react to a suspect who acts in this manner. What options might you have? Will you seek cover and continue to point your firearm or transition to another force option?

3) Have the Proper Mindset
The routine of daily patrol activities can contribute to complacency and undercut a Deputy’s ability to be mentally prepared for a complex, rapidly evolving and dangerous confrontation with a suspect. Some common encounters include foot pursuits, felony car stops, confronting an armed and dangerous suspect, dealing with a potentially armed suspect who is non-compliant, etc. Think of such scenarios ahead of time and consider how you would react. Mental preparation can give you a decided edge.

4) Force Option Selection and Transition
Rely upon your training and available information to make the proper force option choice. A suspect who is believed to be possibly armed with a firearm, knife or other dangerous weapon should prompt the Deputy to opt for his or her firearm. A suspect known to be unarmed should be confronted with other, non-deadly force options, based upon the circumstances.

Confrontations can evolve quickly so Deputies must be prepared to alter their force option. Raise the level if the situation escalates. A suspect reaching for a deadly weapon should be confronted with a firearm. Lower the level if the situation de-escalates. A suspect known to be unarmed and actively resisting should be met with injuring or controlling force, unless there is imminent threat of death or serious bodily injury.

5) Basic Firearms Skills
Use solid firearms skills. Be proficient in drawing and holstering your weapon and acquiring your target. Don’t place your finger on the trigger unless you intend to shoot. Having your firearm drawn with a finger on the trigger greatly increases the chances of an accidental discharge.

The Department is currently expanding Advanced Officer and Perishable Skills training to place greater emphasis on Force Options, Decision Making, Firearms, and Field Tactics to better prepare Deputies for the increasingly complex and rapidly evolving incidents they may encounter in field situations.
BULLETIN NO. 13-03

Carotid Control Hold Update

The Orange County Sheriff’s Department uses the term Carotid Control Hold. It is not called a “choke hold.” Other law enforcement agencies use the terms Lateral Vascular Neck Restraint (LVNR) or Bilateral Vascular Neck Restraint. It is considered Controlling Force.

The Carotid Control Hold restricts the flow of oxygenated blood to the brain, whereas a choke restricts the flow of oxygenated air to the lungs. A choke can also damage the trachea, resulting in serious injury or death. The Proper application of the Carotid Control Hold should not damage the trachea. It should be applied for no longer than 15 seconds. Brain Damage can occur after 45 seconds and a 60-second application can result in death or irreversible brain damage. Loss of consciousness can occur in 3 to 12 seconds.

In applying the Carotid Control Hold, personnel are only allowed to use their arms. Batons, lapels and flashlights are not to be used. The technique may only be applied from the rear of the suspect and not the front and may only be applied once per incident and twice in a 24-hour period. To help determine the separation of incidents, personnel should consider if there has been transportation to a separate location, the amount of time passed since the first application or the drawing of a separate DR#.

After a successful application of the Carotid Control Hold, the suspect should be handcuffed as quickly as possible. Personnel should conduct a cursory search of the rear waistband, pockets and lower back. The suspect’s vital signs should then be assessed, with the pulse checked at the brachial or radial arteries—underneath the upper inside of the arm. The suspect’s pulse should not be checked at the carotid artery. If the suspect has no pulse or breathing, personnel should call for help and begin CPR.
If vital signs are present after the application of the Carotid Control Hold, personnel should complete a systematic and thorough search of the suspect. The suspect must be monitored for 20 minutes while seated in an upright position and must not be left in a prone position. A good location for this monitoring is the back seat of a patrol vehicle with a seatbelt on. This monitoring can also be conducted while recording on PVS (Patrol Video System). The suspect should be promptly examined by paramedics or other qualified medical personnel.

Personnel applying the Carotid Control Hold must ensure they make proper and timely advisements of its use, to include, a sergeant or supervisor as soon as possible, partners arriving on scene, medical personnel in the field and at the jail, and jail staff during the booking process. These advisements should include whether or not the suspect lost consciousness as a result of the carotid control hold. The suspect may need to be cleared at a hospital prior to booking. As always, thorough documentation of the incident is necessary.

For further details, see section 300.3.4 of the Orange County Sheriff-Coroner Department Policy Manual.
BULLETIN NO. 13-04

BOMB SQUAD RESPONSES

The Orange County Sheriff's Department Bomb Squad, also known as the Hazardous Devices Section (HDS), is the only Bomb Squad serving the 34 cities and 3.2 million residents located within Orange County. Bomb Technicians are available 24/7 - weekends and holidays, to respond anywhere within Orange County at the request of public safety agencies. The Bomb Squad is trained to handle a broad spectrum of unusual occurrences, ranging from simple fireworks possession and juvenile destructive devices, to found military ordnance, complex post-blast scenes involving fatalities and the stabilization of improvised nuclear devices. In addition to these responsibilities, the Bomb Squad also provides Explosive Detection K9 services, underwater post blast / hazardous device management, and explosive breaching and tactical support capabilities for SWAT teams within Orange County. It is nearly impossible to concisely cover the diverse variety of Bomb Squad missions, but the most frequent calls for service can be summarized under several commonly encountered categories. This training bulletin has been produced to assist OCSD personnel with the completion of initial threat assessments and determination of when a Bomb Squad response should be requested.

SUSPICIOUS PACKAGES AND DEVICES

Calls for service involving suspicious packages and devices are a regular occurrence in the Orange County operational area, and one of the Bomb Squad’s most common calls for service. When responding to a suspicious item or package, the first determination that must be made by public safety personnel is whether the item is simply “unattended” or if it is truly “suspicious” in nature.

Determining if an item is suspicious is a subjective decision and one which is usually made by the reporting party or the first responder arriving on scene, and as such, a thorough and accurate threat assessment by the first responder is paramount to the decision making process. Common sense, experience, training, instinct and familiarity with your surroundings are all factors which assist with determining if an item is considered suspicious.

Suspicious items may present some of the following warning indicators to observers:

1.
2.
3.
4.}

PAGE | 1
The following guidelines were created to assist public safety personnel, but should not be interpreted in a way that compromises the safety of first responders or the general public. When confronted with an incident involving the possible presence of explosives, SAFETY MUST ALWAYS BE THE FIRST PRIORITY.

- SAFETY of the first responders and the general public should always be the primary objective when dealing with suspicious items. No explosives or suspected devices should ever be considered safe regardless of their size or packaging.

- CONDUCT A DETAILED THREAT ASSESSMENT and relay information about the item as soon as possible to the incident commander without approaching, touching or moving the item and while maintaining a safe distance. As much detailed information as practical should be provided to the responding Bomb Technicians as part of the initial request for assistance. Consider the following questions while conducting your threat assessment:
REQUEST APPROPRIATE RESOURCES including the OCSD Bomb Squad, field supervisor, additional patrol units to secure and maintain a perimeter, fire department, etc. Contact the Orange County Sheriff's Department Bomb Squad directly at [redacted] or the OCSD Department Commander at [redacted] for technical assistance, assistance with determining the threat, or to request a Bomb Squad response (24/7). OCSD Field Operations Manual Section 21 mandates that requests for Bomb Squad field responses will be channeled through the Department Commander.

DO NOT TRANSMIT on any equipment that produces radio frequencies within [redacted] of the item – this includes cellular phones – unless failure to transmit compromises life safety.

EVACUATE the area as appropriate and establish [redacted] perimeter, while remaining behind and under hard cover. If adequate cover is unavailable, expand the perimeter. Provide physical barriers along access points with cones, crime scene tape, vehicles, etc. Refer to the Bomb Threat Standoff card featured below for recommended evacuation distances beyond the minimum [redacted] perimeter.

If additional suspicious packages or devices are located, treat them as live explosive devices and take appropriate measures to secure the area.
NEVER OPEN, MOVE, HANDLE OR TRANSPORT a suspicious item. If it has been deemed suspicious, treat it like a bomb. Only specially trained Bomb Technicians are qualified to handle suspicious or explosive devices.

BE AWARE of suspicious persons in the crowd who may be conducting counter-surveillance or waiting to initiate a remote controlled improvised explosive device. If necessary, expand the perimeter to keep observers out of sight and detain any subjects who are determined to be suspicious.

FOLLOW-UP with appropriate investigative techniques. Brief responding personnel, interview witnesses, document the incident and arrest suspects if applicable.
- Detain, separate, question and gather all pertinent identifying information from witnesses.
- Brief the investigators handling the scene if applicable (e.g. homicide, criminal investigations).
- OCSD Bomb Technicians may assist with follow-up investigations; however, at suspicious package or device scenes, their primary duties are to render the items safe, collect evidence for analysis and prepare technical reports detailing the construction and function of the device. They are not the primary investigative entity for the incident and do not conduct general investigative duties.

MILITARY ORDNANCE AND AMMUNITION
Military ordnance, which is frequently encountered in Orange County, has historically varied from inert practice hand grenades to items as large as 750lb high explosive battleship projectiles. Unexploded military ordnance is generally handled by U.S. military Explosive Ordnance Disposal technicians; however, if ordnance is outside control of the U.S. Department of Defense and located beyond the boundaries of military installations, it becomes the responsibility of the local Bomb Squad to determine if the item has been modified or altered from its original condition, and if so, whether or not to request military EOD assistance. Within Orange County, the OCSD Bomb Squad will make the determination when, or if military EOD assets are necessary, as many calls involving military ordnance are handled directly by OCSD Bomb Technicians in the field. Military ordnance should be treated with at least the same degree of caution as other suspicious items or packages; no item should ever be assumed inert or safe to handle. Any first responders encountering what they believe to be military ordnance are cautioned against handling, moving or otherwise disturbing the items. Do not attempt to assess military ordnance; instead contact the Bomb Squad and request a field response. It should be noted that the Bomb Squad does not collect bulk quantities of small arms ammunition, unless it is .50 caliber or greater OR contains incendiary / explosive compounds.

FIREWORKS AND ILLEGAL EXPLOSIVES
Along with suspicious items calls, the Bomb Squad also frequently responds to incidents related to possession or use of fireworks and illegal explosives. While these terms are many times used synonymously, it is important to point out that there are distinct differences between legal and illegal fireworks and those items which are classified as illegal explosives. First responders should be aware of these differences when taking enforcement action.

Fireworks in the State of California are required to have the State Fire Marshal Seal of Registration. The three most commonly encountered fireworks are: Dangerous, Safe and Sane, and Party Poppers/Snap Caps. Party Poppers and Snap Caps are LEGAL items to possess in Orange County. Examples of the Fire Marshal Registration Seals appear to the right.
**Unregistered Fireworks**

If the fireworks do not display a State Fire Marshal Seal of registration as previously illustrated, they are illegal. Health & Safety Code 12671 states “It is unlawful for any person to sell, offer for sale, use, discharge, possess, store, or transport any type of fireworks within this state unless the State Fire Marshal has classified and registered such fireworks.”

**Safe and Sane**

Fireworks labeled “Safe and Sane” are subject to city municipal codes and local laws. OCCO 3-3-35, Section 33101.2 states “The storage, use, sale, possession, and handling of fireworks 1.4g (commonly referred to as Safe & Sane) and fireworks 1.3G is prohibited.” Violation of this section is a misdemeanor offense. Safe & Sane fireworks may include items such as Piccolo Petes, Fountains, Strobes and Sparklers; but do not include items which are designed to rise into the air or explode – these items would be referred to as DANGEROUS fireworks and are illegal to possess anywhere in the State of California without a pyrotechnic permit. Examples of Safe and Sane fireworks appear in the images below.

**Dangerous Fireworks**

Fireworks classified as DANGEROUS are a FELONY to possess if the total weight exceeds 100 pounds. Health & Safety Code 12677 states “It is unlawful for any person to possess DANGEROUS fireworks without holding a valid permit.” Health & Safety Code 12680 covers placement, throwing, igniting or discharging DANGEROUS fireworks at a person or crowd where injury can occur or creating chaos, fear, or panic. Dangerous fireworks include aerial shells, Roman Candles, Firecrackers and Bottle Rockets. Examples of DANGEROUS fireworks appear in the images below.
Bottle Bombs are a category of illegal device which includes chemical reaction bombs (dry ice or acid/caustic bombs) and pyrotechnic bottles bombs, commonly referred to as Piccolo Pete Bottle Bombs. These items are classified as destructive devices (CPC 16460) and their possession or use is a felony (CPC 18710 / 18715). Their frequent use by juvenile suspects in destruction of property is not considered vandalism, but felony use of a destructive device. Bottle bombs are dangerous overpressure devices which many times contain hazardous chemicals and should only be rendered safe and collected by properly trained Bomb Technicians. Several examples of bottle bombs are featured in the images below.

Illegal Explosives include items commonly (and mistakenly) referred to as cherry bombs, M80’s, M1000’s, etc. These explosives are NOT FIREWORKS, but are non-commercial products constructed without quality controls or safety restrictions. They are a felony to possess (H&S 12305) in any amount and are classified as explosives by the CA State Fire Marshal (H&S 12000). They frequently contain large quantities of sensitive explosive powders and have a tendency to unexpectedly explode if handled or stored incorrectly. These items are extremely dangerous and capable of causing serious bodily injury or property damage. Fire Stations WILL NOT collect illegal explosives and they cannot be booked as normal evidence, so the OCSD Bomb Squad must always be requested for collection, evidence storage and/or disposal of these items.

Evidence Collection / Disposal
If fireworks or illegal explosives are considered evidence, contact the OCSD Bomb Squad for collection, processing and booking of the items. OCSD Bomb Technicians will respond to the scene to collect and book the items into the HDS Evidence Magazine and will write the appropriate follow-up technical report for courtroom purposes. If the items are NOT EVIDENCE and they require disposal, the Bomb Squad will still respond to the location and take possession of the items for disposal. For the purposes of property/evidence storage, fireworks are the same as other explosive items in that they may NOT under any circumstances be booked into normal evidence due to the hazards associated with their handling, storage and disposal.

WHEN IN DOUBT – CALL US OUT
BOMB SQUAD - ORANGE COUNTY SHERIFF’S DEPARTMENT
1900 West Katella Avenue, Orange, CA 92867 – 24 HRS
BULLETIN NO. 14-01

RADIOACTIVE MATERIAL INCIDENTS Replaces 92-17

INTRODUCTION
This training bulletin is designed to educate Orange County Sheriff’s Department personnel and minimize their risk and exposure levels to radiation during response to potential radioactive material incidents. Radioactive material and radiation should be respected, but not unreasonably feared. Radiation is not detectable by human senses and accurate detection and measurements are reliant on specialized equipment. Sources of radiation are generally metallic, but can come in liquid, powder, or solid forms. Radiation sources come in all shapes and sizes and are not obviously recognizable unless clearly marked as such. If radioactive material is intentionally or inadvertently released, responding personnel will likely be exposed to certain levels of radiation. Safe and successful emergency handling of radiation exposure or contamination incidents involves a combination of common sense and limiting exposure to the radioactive source by adherence to the protective measures of Time, Distance and Shielding to maintain radiation exposure levels As Low As Reasonably Achievable (ALARA).

RADIATION DEFINED
A simple understanding of radiation is necessary to comprehend the overall threat posed by radioactive material. The first step to acquiring this knowledge comes from understanding the basic structure of atoms. Atoms are the building blocks of all matter. They are composed of a nucleus, made up of positively (+) charged protons and neutrally (0) charged neutrons surrounded by “rings” of negatively (-) charged electrons. When they are electrically balanced, atoms are stable. When there is an imbalance of neutrons in the atom (either too many or too few), the nucleus becomes unstable. The unstable atom attempts to gain stability by releasing energy in the form of waves or particles. This process is referred to as radioactivity. The energy which is released by radioactive material is referred to as ionizing radiation.

The terms radioactive and radiation are often incorrectly interchanged. The relationship of the two terms can best be understood by remembering that radioactive atoms emit radiation. Ionizing radiation has the ability to strip electrons from surrounding atoms, thus creating additional unstable atoms and altering the matter which it collides with or passes through. If the matter impacted by the ionizing radiation is biological matter such as human tissue, the chemical changes can result in adverse health effects ranging from localized burns to an increased likelihood of developing cancer. Any material containing unstable atoms that emit radioactive particles or waves can be referred to as radioactive material.
Radioactive material may contain radioactive atoms which emit one or more of the following types of ionizing radiation:

*Alpha particles* are relatively large (yet invisible to the human eye), energetic particles that only travel up to two inches from the source. These particles can be shielded by a piece of paper or intact human skin; however, they can enter the body through the mouth, respiratory system or open wounds and may cause severe internal tissue damage.

*Beta particles* are fast moving particles that are ejected from the nuclei of unstable atoms. They are identical to electrons and travel up to 30 feet from the source. They are shielded by thick clothing, aluminum and plastic, but can penetrate through several centimeters of exposed skin causing localized burns. Like alpha particles, they are also an ingestion and inhalation hazard.

*Gamma and X-rays* are high-energy electromagnetic waves that can travel up to hundreds of yards from the radioactive source. They have sufficient energy to penetrate many layers of human tissue and can present both internal and external hazards due to the material necessary to sufficiently shield the source. Extremely dense materials such as lead, thick steel and high-density concrete are necessary to provide adequate shielding from Gamma and X-ray radiation.

*Neutrons* are uncharged particles found in the nuclei of all atoms, with the exception of hydrogen. They can travel hundreds of feet through the air and are difficult to shield. Materials high in hydrogen content such as water, thick concrete, thick plastic and damp earth are the best shielding options. Neutron particles can be extremely damaging to human tissue if present in large amounts. They are both an internal and external body hazard.

**COMMON INNOCENT RADIATION SOURCES**

Radiation exists all around us, the sources of which are both natural and man-made. There is radiation which originates from the sun and universe (cosmic), from the earth’s crust (terrestrial), from building materials, and from the food we consume. This radiation is considered natural background radiation and can vary based on altitude and geographic location. Besides background radiation, legitimate radioactive sources are also encountered in a variety of common applications including commerce, medicine, industry, energy production, and bio/pharmaceutical research:

- Medical isotopes may be in a person’s bloodstream or implanted as pellets – someone who has received treatment within several weeks may trigger a radiation detector alarm
- Concrete/cement (parking garages, docks or buildings)
- Agricultural products (large quantities of fruits & leafy vegetables, tobacco, marijuana and bananas)
Antique items (Ceramic-glaze products in orange, red or yellow cups and plates, decorative floor tiles, jewelry, pottery, and Vaseline glass (emerald green glass used in some antique cups and plates)
Camera lenses and other high quality optical lens systems
Radio-luminescent products (radium paint found in watches, clocks and instrument gauges)
Dental ceramics
Irradiated gemstones
Lantern mantles
Polishing powders
Propane tanker trucks
Smoke detectors
Television sets
Thoriated aluminum (particles on a welding rod)
Thoriated tungsten arc-welding electrodes (often labeled Thoriated welding rods)
Uranium ore samples
Marble
Monazite sand (natural mineral emitting radiation)
Feldspar (natural mineral emitting radiation)
Sandstone
Fertilizers
Slate
Granite
Industrial X-ray generators (construction sites)

Legally transported or stored medical or industrial material should be labeled, placarded and shielded to ensure the safety of persons working with or around the radioactive sources. Illegally transported materials, or sources which have been released from their packaging, storage, or transportation either by negligence, accidents, or terrorist acts can no longer be considered safe. These unconfined or improperly shielded materials may expose the public and first responders to the hazards associated with whatever specific type of materials are present.

PRECAUTIONS AND PROTECTION
The health effects of radiation exposure are dependent on three factors: time of exposure, distance to the radiation source and amount of shielding from the source. The three factors of TIME, DISTANCE, and SHIELDING are also emergency responders' best defense against the adverse effects of radiation and the most reliable method for keeping radiation exposure As Low As Reasonably Achievable (ALARA). By minimizing the time spent in close proximity to the source and maximizing the distance and shielding from the source, first responders enhance their ability to be adequately protected. Just because someone has been exposed to radiation, does not mean they have been contaminated. Contamination
occurs when particles (alpha or beta) are inhaled, ingested, injected or come to settle in unprotected airway passages, wounds, clothing, equipment, structures or terrain. Once the radioactive particles have been removed, there is no further contamination and the person, equipment or property is no longer radioactive. Gamma and X-rays on the other hand, irradiate whatever is exposed to them, but the person, item or area is not radioactive, or capable of irradiating others as a result of the exposure.

Ionizing radiation is odorless, beyond the spectrum of visible light, and contamination may or may not be visible; therefore exposed or contaminated persons may not be aware of tissue damage until days or even years after an incident. For this reason, the wearing of Personal Radiation Detectors (PRDs) or use of other detection equipment by adequately trained personnel is the ONLY reliable method by which personnel can successfully locate and determine safe distances from radiation sources while responding to emergency scenes.

Additional methods of protection against contamination when radioactive particles are suspected (for example a vehicle fire involving a shipment of radioactive material) include the wearing of Chem/Bio protective suits and Air Purifying Respirator (APR) masks. These protective measures will not protect against gamma and X-ray radiation, however they will provide a measure of protection against skin and respiratory contamination from alpha and beta particles and radioactive material carried by wind or smoke.

FOUND RADIOACTIVE MATERIAL
If placarded radioactive material is brought to a Sheriff’s Department facility for disposal or encountered in the field AND the handling personnel are certain there is no malicious intent or explosive components:

1. Check and record any information on the labeling
2. DO NOT TOUCH the radiation source, but utilize time, distance and shielding to isolate the item from the public and other personnel
3. Notify immediate Supervisor
4. Contact the OCSD Bomb Squad at (714) 538-2694 or via the OCSD Department Commander and request further guidance and/or a response
5. The Bomb Squad will ensure notification of the following entities as needed:
   - The Orange County Environmental Health Haz-Mat Team
   - Orange County FBI WMD Coordinator
   - Orange County Intelligence Assessment Center
   - Domestic Nuclear Detection Office – Joint Analysis Center Collaborative Information System (JACCIS)
   - Southern California Radiological Intake Center (SCRIC)
   - Fire Department Haz-Mat Team with jurisdictional responsibility
   - California Department of Health Services – Radiological Health Branch
6. Interview the person in possession of the material – detain if deemed appropriate – and determine the history of the person’s relation to the material
7. Document the incident on a “Follow-Up Report” form unless a crime has been committed, in which case, document the incident on an “Initial Crime Report” form
8. If there is any question regarding possible presence of explosives, take precautionary actions and request the OCSD Bomb Squad immediately

EMERGENCY RESPONSE
If OCSD personnel respond to an emergency incident involving suspected or actual release of radioactive material or exposure to radiation, responding personnel should:

1. Secure the scene, request the OCSD Bomb Squad and render aid as appropriate
2. Obtain identification information for all persons who are, or may have been exposed to radiation or contaminated by radioactive material
3. Request emergency medical assistance and inform responding resources of the known or suspected presence of radioactive material
4. If an injured person is transported to a medical facility and has not been decontaminated, the person being transported should be wrapped in a blanket, raincoat, or other covering to minimize the possible spread of radioactive material contamination within the transporting vehicle and onto the transportation and medical providers
5. Establish a perimeter, control access to the area and deny entry to any persons without official emergency responsibilities
6. If a known or suspected radioactive material container has been damaged, it should be assumed that the container has been breached, resulting in release of material and contamination of property
7. Always remain upwind from radiation sources, especially if fire is involved as winds and smoke can carry radioactive alpha and beta particles resulting in additional exposure and contamination

TERRORISM INCIDENTS
The illicit use of radioactive material as a Weapon of Mass Destruction continues to be a topic of interest among a variety of criminal and terrorist groups worldwide. If a radioactive material incident is suspected or determined to be criminal or terrorism related, or if explosive materials are possibly involved, the OCSD Bomb Squad MUST BE REQUESTED TO RESPOND. The Bomb Squad will contact additional resources, including: Orange County Environmental Health Haz-Mat Team, local fire department hazardous materials teams, the FBI/WMD Coordinator, OCIAC and the Joint Terrorism Task Force (JTTF).

There are three main methods in which legally or illegally obtained radioactive materials could be utilized as a weapon to cause adverse health effects or psychological and economic damage. These methods include the use of improvised nuclear devices, radiation emission devices and radiological dispersal devices.

Improvised Nuclear Device (IND): In the unlikely event that terrorists obtain a sufficient amount of fissile material, the individual or groups could theoretically construct an improvised nuclear device capable of producing a low yield nuclear explosion. Fissile material is radioactive material capable of sustaining an explosive chain reaction and requires enriched nuclear weapons grade materials also known as Special
Nuclear Material (SNM). The use of an IND on U.S. soil, although possible, is not the most likely scenario due to the need for sufficient quantities of enriched fissile materials and the technical expertise necessary to process the materials and manufacture the device. More likely options include the use of highly radioactive material in a radiation emission device (RED) or a radiological dispersal device (RDD).

Radiation Emission Device (RED): This weapon functions by the mere placement of radioactive material in high traffic areas where human exposure is probable. These weapons are designed to irradiate people who pass or linger within harmful range of the material and spend sufficient time within the area to receive harmful doses. Depending on the type of radioactive material present and method used for concealment, victims can potentially receive radiation doses from electromagnetic waves, contamination from radioactive particles, or both. The use of a RED would require pre-planning and placement at a special event venue, high traffic area or other target location prior to the implementation of enhanced security measures.

Radiological Dispersal Device (RDD): Use of a radiological dispersal device RDD is the most likely method for employing illicitly obtained radioactive materials as a weapon. RDD or “dirty bomb” refers to the combined use of explosives with radioactive materials for the purpose of spreading the radioactive material (without a nuclear detonation) over a large area as a result of the explosion. Many experts agree that the risk of injury or death as a result of successful RDD use would come from either increased risk of cancer among exposed persons or injury from the explosive device itself, and not in the form of acute radiation injuries or illness. Because of the psychological and economic damage which would result from RDD deployment, they are frequently referred to as “weapons of mass disruption” rather than weapons of mass destruction.

SELECTED ENFORCEMENT SECTIONS
Health and Safety Code 115165 - States the use, manufacture, production, transportation, transfer, or possession of any source of ionizing radiation unless licensed or registered to do so is unlawful in California.

Health and Safety Code 115170 - States it is unlawful for any person to manufacture, construct, produce, transfer, acquire, use, or possess any of the materials or facilities for which a permit or license is required under the provisions of the Atomic Energy Act of 1954 (Public Law 85-256) unless a permit or license has been obtained.

California Penal Code 11418(a)(1)-(b)(2) - States any person, without lawful authority, who possesses, develops, manufactures, produces, transfers, acquires, or retains any weapon of mass destruction, or directly employs a WMD against another person shall be punished by imprisonment in the state prison for a minimum of 4 years (possession) or life imprisonment (use).
California Penal Code 11418.1 – States any person who gives, mails, sends, or causes to be sent any false or facsimile of a weapon of mass destruction to another person, or places, causes to be placed, or possesses any false or facsimile of a weapon of mass destruction, with the intent to cause another person to fear for his or her own safety, or for the personal safety of others, is guilty of a misdemeanor.

California Penal Code 11418.5(a) - Any person who knowingly threatens to use a weapon of mass destruction, with the specific intent that the statement as defined in Section 225 of the Evidence Code or a statement made by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety, or for his or her immediate family's safety.

If a crime report is written or an arrest is made for violations pertaining to possession or use of radioactive material or other WMD, whether they are actual or facsimile, the OCSD Bomb Squad must be requested to respond. The Orange County District Attorney’s Office will NOT file criminal charges unless the Bomb Squad has collected the evidence for analysis and submitted a supplemental technical report.

SUMMARY
In any event involving the possible presence of radioactive material, personnel should apply the principles of TIME, DISTANCE and SHIELDING. The use of radiation detection equipment is the only reliable method for detecting ionizing radiation and protecting field personnel from the potentially harmful effects of exposure to radiation and contamination by radioactive material. If radiation detection equipment assigned to field personnel displays an alarm and the operator is unsure of what action to take, contact the Orange County Sheriff’s Department Bomb Squad at (714) 538-2694 for further assistance and notify the [redacted] as soon as practical.
BULLETIN NO. 14-02

MSA Millennium Full Face Air Purifying Respirator
(Gas Mask)

Replaces Training Bulletin 04-05

The MSA Millennium Full Face Air Purifying Respirator is issued to Sheriff’s Department personnel for use in limited circumstances—primarily riotous conditions. Before use, however, the Occupational Safety and Health Administration (OSHA) requires the following:

- All sworn personnel must complete a medical evaluation to determine the employee’s ability to use a respirator, before fit testing and use
- Fit testing is required prior to initial use, whenever a different respirator face-piece is used, and at least annually thereafter
- Viewing the Respiratory Protection Training video is required prior to initial use—contact your Division Respiratory Protection Coordinator for access

The respirator is approved for use under the following conditions:

- Oleoresin Capsicum (OC) Riot control agents have been introduced into the environment
- Ammonia Odors are present (from severe hoarding or unsanitary conditions in homes)
- There is a need for minimal protection against dust, dirt, and ash particles
- Protection against some chemicals – if the chemical is unknown, a respirator/gas mask cannot be used

The respirator is limited in application and should NOT be used in the following circumstances:

- Not for WMD or Hazardous Waste events
- Not for use in structure fires – a self-contained breathing apparatus (SCBA) is required
- Not for use as protection against carbon monoxide or urethane products such as paints, epoxies, or glue
Personnel must be aware of the following limitations and cautions as improper use can result in injury or death:

- **Not** for use in atmospheres containing less than 19.5% oxygen (such as structure fires or confined spaces)
- MSA Millennium Respirator/gas mask does **not** supply oxygen and should be used in ventilated areas
- Do **not** use in areas that are flammable or explosive
- Beware of heat illness if the respirator is worn more than 15-30 minutes in temperatures exceeding 85 degrees
- If you smell or taste contaminant or experience dizziness, nose/throat irritation while wearing the respirator during an incident, exit the area

Proper care and storage will ensure adequate protection and performance:

- Keep canister/filter sealed in bag until ready to use
- Do not use if expired (5 year shelf life)
- After use, apply dishwasher soap or bleach-water mix (4 cups water to 1 teaspoon bleach) to disinfect the mask and then hang dry

The canister/filter should be exchanged using the following schedule:

- Oleoresin Capsicum (OC) – 2 hour maximum of continuous canister use, or up to 8 hours in one day, if use is intermittent
- Ammonia – 4 hour maximum canister use or sooner if breathing becomes difficult
- All other chemicals – 15 minute maximum canister use

The MSA Millennium Respirator is an important piece of law enforcement equipment and should be easily accessible in the event of a rapidly developing critical incident.
BULLETIN NO. 14-04

PERSONAL RADIATION DETECTORS

Replaces Training Bulletin 06-05

PURPOSE
This Training Bulletin provides an overview of policy, guidelines and procedures related to the use of Personal Radiation Detectors (PRDs) issued to OCSD personnel tasked with conducting Preventative Radiological / Nuclear Detection (PRND) Operations as an adjunct to their normally assigned duties.

BACKGROUND
In a continuing effort to prepare for and prevent terrorism incidents involving the use of chemical, biological, radiological, nuclear and explosive weapons of mass destruction (CBRNE/WMD), select OCSD personnel will be issued Personal Radiation Detectors (PRDs) to provide early warning of unexpected encounters with potential radiation sources. The PRD is a gamma radiation detector specifically designed for use in the detection and location of gamma emitting radiological material.

MANDATED TRAINING
The Orange County Sheriff’s Department will provide or facilitate standardized training for all personnel issued or expected to utilize radiological / nuclear detection equipment. Department personnel shall not use, operate, or deploy detection equipment without having first received appropriate training. Refresher training will be delivered as needed and/or mandated by regulation or ongoing participation in regional PRND programs. For a brief overview of radiation basics and appropriate procedures for handling radioactive material incidents, refer to OCSD Training Bulletin #14-01 titled “Radioactive Material Incidents.”

PERSONAL RADIATION DETECTORS
As noted in the previously mentioned Training Bulletin, radiation cannot be detected by human senses. The only way to detect the presence of radiation is through specialized equipment, such as a Personal Radiation Detector (PRD). Most PRDs utilized by first responders have similar capabilities and settings. The most commonly issued basic equipment is designed to detect and locate sources of gamma and X-ray radiation, and alarm to notify the user when certain thresholds of radiation are encountered.

DEFINITIONS
- Dose: An accumulated amount of radiation to which a person has been exposed.
• **Dose Rate:** The rate (measured in hours) at which the radiation is impacting the person’s body.

• **Time, Distance and Shielding:** Time - reduce your exposure time to the source; Distance – create as much distance as possible to reduce exposure to the source; Shielding – utilize some type of barrier/cover between you and the source to reduce your exposure.

• **Rem (R):** A standard unit of measurement for a radiation dose – when a PRD registers in the Rem range, this is an extremely dangerous emergency situation. Safety measures such as evacuation and/or backing out of an area must be implemented.

• **Millirem (mR):** A standard unit of measurement for a small dose of radiation equal to 1/1,000 Rem. This is generally below a harmful level for personnel, but is well above background levels.

• **Microrem (µR):** A standard unit of measurement for an extremely small dose of radiation equal to 1/1,000,000 Rem. This is everyday background radiation which is not harmful to personnel.

• **Millirem per hour (mR/h):** The dose rate of radiation measured in hourly increments.

Personnel who are issued PRDs should become familiar with their operation and function. PRDs which incorporate dosimeters will accumulate radiation dosage from natural background sources, so the devices should be reset to zero at the beginning of each use. Alarm thresholds are set by the manufacturer and may be adjusted by technicians for specific purposes, but common alarm thresholds are as follows:

**Dose:** alarms when dosimeter measures a preset accumulated dose such as 100mR  
**Dose Rate:** alarms when preset exposure rate such as 20 µR/h or 2mR/h is reached

To put these alarm levels in perspective, the average person accumulates roughly 310 millirem (310mR) of natural radiation per year, a medical CT scan procedure is about 150 millirem (150mR) and a six-hour airplane flight will expose passengers to about 2 millirem (2mR). The alarm settings will help ensure that field personnel stay below the recommended limits established by the Environmental Protection Agency (EPA) for operating in a radioactive environment. The parameters are based on the amount of radiation a human body can endure and are directly related to the recommended level of activity for first responders at a radioactive material incident.

<table>
<thead>
<tr>
<th>Dose limit (whole body)</th>
<th>Emergency Action Dose Guidelines Activity Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 mrem</td>
<td>5 rem</td>
</tr>
<tr>
<td>10,000 mrem</td>
<td>10 rem</td>
</tr>
<tr>
<td>25,000 mrem</td>
<td>25 rem</td>
</tr>
<tr>
<td>More than 25,000 mrem</td>
<td>More than 25 rem</td>
</tr>
</tbody>
</table>
PRD PLACEMENT AND USE
OCSD personnel who are issued PRDs for use during the performance of their daily duties shall ensure the detector is ON and properly functioning at the beginning of each shift and replace PRD batteries when needed. The PRD will be attached to the wearer in a location in which the alarm can be easily heard (or vibration can be felt), and one which allows the user to read the numeric display. It is recommended the PRD be worn in a location toward the front of the user (belt, pocket, vest, etc.), so his/her body does not inadvertently shield the PRD from exposure to, and early detection of a potential radiation source.

ALARM ACTIVATION
When an alarm is received in the field, the display may register different readings depending on which type of PRD has been issued to the user. The following table indicates the different display readings and how they correlate with one another:

<table>
<thead>
<tr>
<th>Simple Numeric Display</th>
<th>Dose Rate Display (micro R/hr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>007</td>
</tr>
<tr>
<td>1</td>
<td>015</td>
</tr>
<tr>
<td>2</td>
<td>030</td>
</tr>
<tr>
<td>3</td>
<td>060</td>
</tr>
<tr>
<td>4</td>
<td>120</td>
</tr>
<tr>
<td>5</td>
<td>240</td>
</tr>
<tr>
<td>6</td>
<td>480</td>
</tr>
<tr>
<td>7</td>
<td>960</td>
</tr>
<tr>
<td>8</td>
<td>1900 (below 2 millirem/hr)</td>
</tr>
<tr>
<td>9</td>
<td>3800+</td>
</tr>
</tbody>
</table>

The highlighted values indicate the initial threshold for non-specialized response personnel. A reading of “8” or 2mR/hr is the recommended level for establishing the exclusionary “Hot Zone” line.

If an alarm is received on a PRD, the user shall do the following:

- Determine if the source of the radiation is static or mobile. If the level on the PRD continues at a sustained level, the source is likely to be static. If the level rapidly decreases, the source is likely to be mobile (such as in a passing vehicle).

- If the PRD reads a sustained “8” (= 1900 micro R/hr or about 2 millirem/hr):
  - Back up and establish containment – the perimeter of the containment should be where the “8” changes to a “7”
  - DO NOT TOUCH the source - utilize time, distance, and shielding to protect public and personnel until specialized resources arrive
  - Notify your immediate Supervisor and contact the OCSD Bomb Squad at (714) 538-2694 or via OCSD Department Commander (714) 628-7170 to request further direction and/or a response
If the PRD reads a sustained number **below “8”** (between 1 and 2 millirem/hr):
- Attempt to find the specific area where the source is emitting from
- Determine if a threat exists or if there is an innocent reason for the reading (such as a person who has received recent medical radiation treatment)
- If the user believes the source of the radiation is suspicious or illicit (terrorism related), the **OCSD Bomb Squad shall be notified immediately**
- Contain the scene and DO NOT TOUCH the source
- Utilize time, distance and shielding to protect the public and personnel until specialized resources arrive

If the PRD alarms but the numeric value rapidly decreases (unsustained alarm), the source is likely to be mobile:
- Attempt to identify the source of the radiation (passing vehicle, etc.)
- Determine if a threat exists or if there is an innocent reason for the PRD reading
- If the operator believes the radiation source is suspicious or illicit (terrorism related):
  - Consider officer safety, public safety and other risk factors in determining whether to stop, follow or conduct surveillance of the vehicle – each situation is unique and should be assessed based on the totality of the circumstances
  - Obtain as much identifying information as possible (license plate, vehicle description, unique markings or placards)
  - **Notify the OCSD Bomb Squad as soon as possible**

While the vast majority of PRD alarms will be related to innocent sources of radiation, in cases of elevated and sustained PRD alarms, **always consider the worst case scenario – a potential explosive device incorporating radioactive or nuclear material**. This is especially true in instances involving an alarm which cannot be quickly adjudicated through investigation and observation, while utilizing both traditional law enforcement techniques as well as radiation detection equipment. In such situations, take appropriate safety precautions for explosive related incidents, shelter/evacuate as necessary, and contact the **OCSD Bomb Squad immediately**.

**FALSE ALARMS**
Due to the sensitive detection capability of the PRD, the detector may occasionally produce a random “false alarm.” Radio frequency interference, changes in background radiation levels and mechanical shock (drops, vibrations, bumps, etc.) may trigger an irregular and transient alarm (lasting less than two seconds) which should not be confused with real alarms from innocent or illicit sources. They are easily distinguishable from true alarm signals which are continuous and increase in rate as the PRD is moved toward a radiation source. This is for awareness purposes only; after confirming the alarm is not sustained, no other action is necessary.

**PRD MALFUNCTION / DAMAGE**
If you believe a PRD is malfunctioning, turn off and restart the PRD. If the problem continues, remove the battery and restart the PRD. If needed, request a second PRD to verify the equipment error. If a PRD is damaged, notify your Supervisor. Document the damage on a
“Damage to County Property” report. If a PRD is lost, notify your Supervisor and document the loss on a “Lost Property” report. Your Supervisor will notify the OCSD Bomb Squad and/or Homeland Security Division Grants Unit if a PRD needs to be repaired or replaced.

LEGAL ISSUES
There is currently no case law specifically pertaining to detention or search and seizure resulting from a radiation detection alarm. Law enforcement personnel are encouraged to obtain consent and/or develop reasonable suspicion based on the totality of the circumstances, including their training, experience, observations and any perceived threat to public safety before initiating enforcement activity.

SECONDARY SCREENING
If field personnel receive a primary detection alarm which they are unable to adjudicate in the field, they shall contact the OCSD Bomb Squad immediately for guidance. Upon notification, OCSD Bomb Technicians will provide telephonic direction and/or initiate a field response for secondary screening.

A secondary screening response will include the use of a handheld Radiation Isotope Identifier Device (RIID) and other specialized equipment which will assist Bomb Technicians with identifying the source of radiation and determining whether additional response assets are required. Bomb Technicians and/or other specialized response teams will initiate reachback with national assets (JACCIS, DOE Triage, etc.) for technical support as needed.

Additional notifications made by the OCSD Bomb Squad may include the local Fire Department Hazardous Materials Response Team, Orange County Environmental Health Hazardous Materials Team, FBI-WMD Coordinator, Orange County Intelligence Assessment Center (OCIAC), Joint Analysis Center Collaborative Information System (JACCIS), and the Southern California Radiological Intake Center (SCRIC).

Adjudication of the alarm will be achieved by Bomb Technicians and/or a collaborative Joint Hazard Assessment Team (JHAT) response with additional technical support through national level reachback and operational asset deployment if deemed necessary.
BULLETIN NO. 14-05

FLYING ARMED

Replaces Training Bulletin 08-04

Department members may request approval to fly armed from their Division Commander if they will be “on duty” while traveling and involved in protective escort duty, hazardous surveillance, in control of a prisoner, or where the department member is required to arrive at the destination prepared for duty. Traveling to and from training does not qualify as a “need” for flying armed. Department members who travel armed must also satisfy training requirements as outlined in the Department Rules and Regulations Manual policy 305.

EXTRADITIONS

Carrying weapons on commercial flights is regulated by the Transportation Security Administration (TSA) under the Code of Federal Regulations Title 49 [49CFR1544.219], and carriage of prisoners under the control of armed law enforcement officers is regulated under [49CFR1544.221]. Unless otherwise authorized by the TSA, an armed department member must meet the following requirements:

1. Must have successfully completed the TSA’s “Law Enforcement Officers Flying Armed” training course. [49CFR1544.219]
2. The POST Flying Armed training video should be reviewed on the POST web site (Available November 2014).
3. Must be authorized by the employing agency to have a weapon in connection with assigned duties.
4. There must be a “need” for the department member to have the weapon on a specific flight segment (as opposed to securing the weapon in checked baggage).
5. LEOs flying armed must submit a National Law Enforcement Telecommunications System (NLETS) message at least one day prior to travel. The NLETS message replaces the Original Letter of Authority, commonly referred to as the “Chief’s Letter.” Failure to use the NLETS message will result in denial to the sterile area (beyond TSA screening) for failure to comply with the “Letter of Authority.” The NLETS message may be transmitted by the department member’s own division when travel is non-extradition related.
Failure to review the required training material may prohibit a department member from flying armed per TSA regulation.

For additional information, contact the Fugitive Warrants Bureau at (714)647-7072.

**CHECKING WEAPONS WHILE FLYING**

Department members traveling on personal or departmental business should be aware of the statutes prohibiting the possession of firearms, weapons, and other specific items on their person, or within their carry-on and checked baggage. This section will outline the process for ensuring your weapon and ammunition are properly declared and stored within checked baggage.

California Penal Code Section 171.5 makes it unlawful for **ANY** person to knowingly possess, within any sterile area of an airport (beyond TSA screening) or a passenger vessel terminal, any of the items listed below:

- **Any firearm.**
- Any knife with a blade length in excess of four inches, the blade of which is fixed, or is capable of being fixed, in an unguarded position by the use of one or two hands.
- Any box cutter or straight razor.
- Any metal military practice hand grenade.
- Any metal replica hand grenade.
- Any plastic replica hand grenade.
- Any imitation firearm as defined in Section 417.4.
- Any frame, receiver, barrel, or *magazine* of a firearm.
- Any unauthorized tear gas weapon.
- Any electronic control device or stun gun, as defined in Section 244.5.
- Any instrument that expels a metallic projectile, such as a BB or pellet, through the force of air pressure, CO2 pressure, or spring action, or any spot marker gun or paint gun.
- **Any ammunition** as defined in Section 16150.

**TRANSPORTATION SECURITY ADMINISTRATION (TSA) PROHIBITED ITEMS**

Department members may only transport UNLOADED firearms in a locked, hard-sided container as checked baggage. All firearms, ammunition and firearm parts, including firearm frames, receivers, clips and magazines are prohibited in carry-on baggage.
<table>
<thead>
<tr>
<th>Item</th>
<th>Carry-on</th>
<th>Checked</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small arms ammunition, including ammunition up to .75 caliber and</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>shotgun shells of any gauge- Check with your airline or travel agent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to see if ammunition is permitted in checked baggage on the airline</td>
<td></td>
<td></td>
</tr>
<tr>
<td>you are flying. Small arms ammunition for personal use must be</td>
<td></td>
<td></td>
</tr>
<tr>
<td>securely packaged in fiber, wood or metal boxes or other packaging</td>
<td></td>
<td></td>
</tr>
<tr>
<td>specifically designed to carry small amounts of ammunition. Ask</td>
<td></td>
<td></td>
</tr>
<tr>
<td>about limitations or fees, if any, that apply.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BB guns</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Compressed Air Guns, including rifles and pistols (to include</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>paintball markers) - Carried in checked luggage without compressed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>air cylinder attached.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firearms - firearms carried as checked baggage MUST be unloaded,</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>packed in a locked hard-sided container, and declared to the airline</td>
<td></td>
<td></td>
</tr>
<tr>
<td>at check-in.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flare Guns - May be carried as checked baggage MUST be unloaded,</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>packed in a locked hard-sided container, and declared to the airline</td>
<td></td>
<td></td>
</tr>
<tr>
<td>at check-in.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flares</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Gun Lighters - permitted only if it does not contain lighter fluid.</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Gun Powder - including black powder and percussion caps.</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Parts of Guns and Firearms (e.g., frames, receivers, ammunition</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>clips, magazines)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pellet guns</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Realistic Replicas of Firearms</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Starter Pistols - can only be carried as checked baggage and MUST</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>be unloaded, packed in a locked hard-sided container, and declared</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to the airline at check-in.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NOTE: Check with your airline or travel agent to see if firearms are permitted in checked baggage on the airline you are flying. Ask about limitations or fees, if any, that apply.

It is the responsibility of every department member to thoroughly check his/her carry-on luggage, including all side pockets, for possible prohibited items such as loose rounds of ammunition, prior to traveling.

In addition to the criminal penalties of CPC 171.5 there are civil penalties (fines) imposed by the Federal government for bringing prohibited items through screening.
BULLETIN NO. 14-06

Computer Forensics Detail

The Orange County Sheriff’s Department Computer Forensics Detail (OCSD CFD) is a full service support unit whose role is to support investigations in which technology plays a part. This includes, but is not limited to:

1. Performing forensic examinations on digital media (hard drives, loose media [i.e. USB devices], memory cards, and optical media [CD’s, DVD’s, and Blu-Ray discs]).
2. Extracting data from cellular devices (phones and tablets) and video surveillance systems.
3. Providing search warrant service assistance potentially involving digital media, including conducting on-site previews and seizure of complicated systems.
4. Assisting with high tech investigations [online investigations, network intrusions].
5. Training investigative and operational personnel in matters related to handling / processing digital media.
6. Testifying in legal proceedings as subject matter experts in the area of computer forensics.
7. Providing technical assistance to Department personnel related to recovering lost data from Department-maintained or issued digital devices.

The CFD will accept requests for service from any Detail within the Department and will handle such requests based upon order of submission, priority of the case, and the resources available to the CFD.

A service request must be completed and submitted to the CFD either in person, through Intra-Departmental mail, by fax, or via e-mail in order for the CFD to provide assistance. The service request form may be obtained from CFD personnel or downloaded from the Intranet (or click on the links at the bottom of page 2).
In addition to the service request form, the requestor needs to provide a copy of the legal authority for examining the submitted digital media. Examples of legal authority include copies of search warrants, signed consent forms, print-outs of search & seizure conditions etc. Verbal consent requires the completion of a consent form attesting to that fact.

All evidence to be examined by the CFD MUST first be booked into the OCSD evidence locker. Exceptions can be made for exigent circumstances.

**OCSD CFD contact information:**

<table>
<thead>
<tr>
<th>Main line</th>
<th>(714) 647-7486</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fax</td>
<td></td>
</tr>
<tr>
<td>Supervisor</td>
<td>Sgt. Fred Thompson</td>
</tr>
<tr>
<td>Examiner</td>
<td>Inv. Craig Goldsmith</td>
</tr>
<tr>
<td>Examiner</td>
<td>Inv. Mike Thompson</td>
</tr>
<tr>
<td>Examiner</td>
<td>IT Brandon Boren</td>
</tr>
</tbody>
</table>

**AFTER HOURS CALLOUTS:** Contact the Department Commander 714-628-7170

Links to the service request and consent to search forms:

- Consent to Search Computer, Phone, Data Storage Device
- Computer Forensic Exam Request Form
Training Requirements for Non-Corrections Sworn Personnel

Sheriff’s Department sworn personnel not assigned to custody must complete 24-hours of training every two years to remain in compliance with POST. The current training cycle began on January 1, 2015 and ends on December 31, 2016.

The Sheriff’s Department and the California State Legislature have also mandated certain training. All requirements are outlined below.

**POST Mandates**

**Rank: Sergeant and below**

Required Perishable Skills:

- Arrest Control Techniques—4 hours
- Firearms update—4 hours
- Driving simulator—4 hours
- Tactical/Interpersonal Communication—2 hours

**Continued Professional Training (CPT), 10 hours:** Completed by taking any POST certified courses.

**Rank: Lieutenant and above**

**Continued Professional Training (CPT), 24 hours:** Completed by taking any POST certified courses.
Department Mandates

CPR/AED—8 hours of classroom instruction, for sergeants and below, completed every two years. POST certified for CPT.

Brady and Informants—4 hours of classroom instruction, for all sworn personnel, completed by the end of 2016.

Impact of Trauma on Law Enforcement: Emotional Wellness—4 hours of classroom instruction, for all personnel, completed by the end of 2016. POST certified for CPT.

Less Lethal Update—4 hours of instruction for those who carry Less Lethal systems, completed annually. POST certified for CPT.

Legislative Mandates

Domestic Violence—video found on POST Learning Portal, for sergeants and below, completed every two years. POST certified for CPT.

Bias Based Policing: Remaining Fair and Impartial (Racial Profiling update)—2 hours of classroom instruction, for all sworn personnel, completed every five years. POST certified for CPT.

Pursuit Policy—video for all sworn personnel, completed every year.

Scheduled courses are listed on the Department Intranet under “Knowledge Center” or you may call the Katella Training Facility at 714-538-9668.
BULLETIN NO. 15-02

Attorney-Client Privilege

The Sheriff’s Department has recently experienced incidents of department personnel providing attorney-client privileged information to unauthorized recipients outside of the department. When a member of this department utilizes County Counsel for legal advice or direction in the performance of their duties, they must remember that this advice is subject to the attorney-client privilege. The attorney-client privilege applies to all communication regarding legal advice, whether in written and/or oral form between an attorney and their client. The Sheriff-Coroner is the client but by extension may include any department personnel when inquiring about departmental practices and policies or procedures.

When department members obtain legal advice from County Counsel it should be used to assist them with a particular situation and/or in the performance of their duties. Therefore, all legal advice obtained from County Counsel, whether in written or oral form, cannot be exchanged outside the department in any manner. Such a disclosure may compromise the Sheriff-Coroner’s position in litigation. If the Sheriff-Coroner later wanted to claim the privilege in regard to the information released, a legal court proceeding would likely have to occur in court to protect the information.

Sheriff Department members are reminded to be especially careful not to forward emails from County Counsel to any person(s) outside of the department.

This concept also applies to department members’ who’s job requires them to work with “outside counsel,” who are non-County Counsel attorneys hired by the County to defend the Sheriff in various lawsuits. Communications between the department member, on behalf of the department, and any attorney representing the County and/or the Sheriff-Coroner are also subject to the attorney-client privilege.

The Sheriff-Coroner is the only member of the department who can waive Attorney-Client privilege. If you have any questions regarding this issue, County Counsel is available to assist you.
BULLETIN NO. 15-03

Patrol Utility Tool

The Orange County Sheriff’s Department received several hundred multi-purpose utility tools called “resqme.” The tool serves a dual purpose; a window breaker/seat belt cutter and will be distributed to Field Operations vehicles for use in emergency situations where a person may be trapped inside a vehicle. The tool is approximately three-inches long and one-inch wide and is designed to be carried on a key chain or clipped to a vehicle’s sun visor.

To use the tool, first remove the blade guard clip. You may then cut the jammed seat belt with the steel blade. You may also break glass by pressing the black head of the tool against the corner of a side window to release the spring-loaded spike that will shatter the window. It will not break windshields or laminated glass.
Off Duty Considerations

While off duty, each of us can be confronted with a crime in progress or suspicious circumstances. Our strong sense of service, coupled with training that teaches us to act, may at times compel us to take action. Off duty incidents, now more than ever, are scrutinized by the public and the media. Cell phones and social media are common place in our everyday lives. We must carefully consider jeopardizing our safety, our family’s safety, and even our careers, when deciding to get involved in off duty incidents. Please consider the following information prior to taking action in off duty situations.

Protect & Serve vs. Observe & Report

Most survival-conscious deputies have trained themselves to not intervene while off duty **UNLESS** their life or the life of another is in imminent danger. Therefore, your involvement in off duty incidents should be very carefully considered. There is a fine line between “Protect & Serve” vs. “Observe & Report” when deciding to get involved. Remember, you do not have a legal obligation to get involved while off duty.
Off Duty Considerations — continued

In the court of public opinion, we are judged by videos posted online and television newscasts, not by the facts or evidence. Be mindful of State and local laws, court decisions and department policies when deciding to engage in any off duty incident. Also, be cognizant of social media accounts you may have as they may be subject to subpoena and used against you in a criminal or civil trial. Remember, you represent the Department and the law enforcement family, on and off duty. Every incident affects the public’s opinion of law enforcement either in a positive or negative manner. Furthermore, it is your responsibility to make sure you are up to date on all of your training requirements, equipment inspections and qualifications.

In all situations where you decide to take positive police action in an off duty incident, you should identify yourself as a peace officer before taking any police action. Be constantly mindful of other off duty officers, undercover officers and now more than ever, CCW permit holders that may be on scene and who may also become involved. Please be cognizant of what the situation might look like to responding officers, and the mindset they will be in before putting yourself in harm’s way. Remember, safety is the first priority on and off duty.

Tactical Considerations

- Severity of crime
- Number of suspects / Types of weapons
- Cover or concealment options
- The surrounding area
- Do you have enough ammo to engage the threat?
- Communication with dispatch
- Your training, experience and skill level
- Opportunity for “Tactical Retreat”
If you deem it necessary to become involved in an off duty incident, it is important to consider the following:

- Is your family with you (make an emergency plan with spouse and children, such as a “code word”)?
- Are you prepared?
- Do you have the tools to handle the situation (weapon & badge, extra magazines, cuffs, communication capabilities)?
- Are there multiple suspects, look out, getaway driver?
- Do you have your badge out and visible for responding officers?
- Are there crowds or civilians nearby?
- **Could your intervention escalate the incident?**
- Did you verbally identify yourself as a peace officer?
- Do you have cover to protect yourself?
- CCW holders
- Expect to be treated as a suspect. Obey all commands, promptly and completely, until your true identity has been confirmed by responding law enforcement personnel

In consideration of these issues, the Training Division would like to remind all personnel that without proper equipment, necessary back-up, and a uniform which clearly identifies you as a law enforcement officer, you may end up placing yourself, those who may be with you, and responding officers in danger. Often times the best course of action while off duty is to:

- Go to a safe location.
- Call 911.
- Gather accurate information and be a good witness until uniformed officers arrive.
Department Expectations

Following an off duty incident:

- Notify the Department Commander and your immediate supervisor as soon as possible
- Complete a report regarding your involvement in the incident

Good Samaritan Law

The Good Samaritan law states:

No person who in good faith, and not for compensation, renders emergency care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission. The scene of an emergency shall not include emergency departments and other places where medical care is usually offered.

Qualified immunity, when applicable, shields government officials from liability for the violation of an individual's federal constitutional rights (US Code, Title 42, Section 1983). To receive Qualified Immunity, you must act within your department policy and all current Court decisions, and State & Federal laws.
Training Requirements for Sheriff’s Department Personnel

This Training Bulletin should serve as a quick reference document for the training requirements of Sheriff’s Department personnel. Your assigned work location, employee classification, rank, and individual assignment will determine the specific training you are required to attend and the timeline that you must follow for completion.

This Training Bulletin defines POST mandated training, STC required training, Sheriff’s Department, and legislatively mandated training. The department has also identified training courses that are recommended for you to complete. You should complete your required POST or STC training first, then work toward completing department recommended training.

POST and STC Training Requirements

POST training requirements for non-corrections sworn personnel.

Sheriff’s Department sworn personnel at the rank of sergeant and below, not assigned to custody, must complete 24 hours of training every two years to remain in compliance with POST. Lieutenants and above must complete 24 hours of POST approved Continued Professional Training (CPT) every training cycle. The current training cycle began January 1, 2017 and ends December 31, 2018.

Standards and Training for Corrections (STC) required training.

Sheriff’s Department sworn and professional staff must complete 24 hours annually of STC approved training if their work assignment meets the following criteria:

You have as a primary duty the responsibility for the custody and/or correcting behavior of adult or juvenile offenders, and work at least 51 percent of your working hours in this capacity, or have the responsibility for supervision, management, or administration of these staff.
## Training Requirements for Sheriff’s Department Personnel

### POST Perishable Skills

<table>
<thead>
<tr>
<th>Training</th>
<th>POST Training Mandate for Non-Corrections Sworn Personnel for the rank of Sergeant and below (Mandatory)</th>
<th>STC Training Mandate for sworn staff assigned to custody (Mandatory)</th>
<th>Professional staff assigned to custody (Mandatory)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest Control Techniques - 4 hours</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firearms update - 4 hours</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driving simulator - 4 hours</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tactical/ Interpersonal Communication - 2 hours</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 hours of Continued Professional Training (CPT): (completed by taking any POST certified courses)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### STC Mandated 24 Hours TrainingAnnually

<table>
<thead>
<tr>
<th>Training</th>
<th>POST Training Mandate for Non-Corrections Sworn Personnel for the rank of Sergeant and below (Mandatory)</th>
<th>STC Training Mandate for sworn staff assigned to custody (Mandatory)</th>
<th>Professional staff assigned to custody (Mandatory)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Mandates</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Training</th>
<th>POST Training Mandate for Non-Corrections Sworn Personnel for the rank of Sergeant and below (Mandatory)</th>
<th>STC Training Mandate for sworn staff assigned to custody (Mandatory)</th>
<th>Professional staff assigned to custody (Mandatory)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence video on POST Learning Portal (every 2 years)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biased Based Policing (completed once every 5 years)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pursuit policy - Video for all sworn completed every year</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Department Mandated Training

<table>
<thead>
<tr>
<th>Training</th>
<th>POST Training Mandate for Non-Corrections Sworn Personnel for the rank of Sergeant and below (Mandatory)</th>
<th>STC Training Mandate for sworn staff assigned to custody (Mandatory)</th>
<th>Professional staff assigned to custody (Mandatory)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPR/ AED (Sergeant &amp; below completed every 2 years)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Brady &amp; Informants (completed one time only)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impact of Trauma on Law Enforcement: Emotional Wellness (completed one time only)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Less Lethal annually for those who carry LL systems, (all sworn custody staff Sergeant and below must complete annually)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Courtroom Testimony &amp; Use of Force Practical Considerations (one time only)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Non-Custody Recommended Training

<table>
<thead>
<tr>
<th>Training</th>
<th>POST Training Mandate for Non-Corrections Sworn Personnel for the rank of Sergeant and below (Mandatory)</th>
<th>STC Training Mandate for sworn staff assigned to custody (Mandatory)</th>
<th>Professional staff assigned to custody (Mandatory)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patrol Entries</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active Shooter/MACTAC</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile Field Force</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Light Handgun</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FOS- Force Options Simulator</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Incident Command System (ICS) & National Incident Management System (NIMS) one time only Mandatory Training

<table>
<thead>
<tr>
<th>Training</th>
<th>POST Training Mandate for Non-Corrections Sworn Personnel for the rank of Sergeant and below (Mandatory)</th>
<th>STC Training Mandate for sworn staff assigned to custody (Mandatory)</th>
<th>Professional staff assigned to custody (Mandatory)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICS 100 Intro to Incident Command (online, one time only)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>ICS 200 ICS for Single Resources (online, Sergeant &amp; above one time only)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>ICS 300 Intermediate ICS (in person Sergeant &amp; above one time only)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>ICS 400 Advanced ICS (in person Sergeant &amp; above one time only)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>IS 700 NIMS An Introduction (online, one time only)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>IS 800 National Response Framework (online, Sergeant &amp; above one time only)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Orange County Sheriff’s Department must begin collecting data as mandated by AB 953 effective January 1, 2019. This applies to all 830.1 peace officers working outside of a custodial setting. The Field Training Bureau has completed a series of AB 953 briefing presentations for patrol operations and investigations. If you were unable to attend one of the training sessions you can find all relevant information as well as a brief training video on MY18. You will find AB 953 under the “APPS & SERVICES” and “COPRS” tabs on the home page as shown below.

AB 953 APPS & SERVICES

Once you have reviewed the information please begin using the application as soon as possible. It is critical to test the system extensively to identify any potential issues prior to January 1, 2019. The AB 953 RI-PA Stop Application is accessed through a prominent link on the MY18 home page as seen on the following page.
If you do identify any issues or you need assistance with the application please contact the Field Training Bureau at [redacted] or FieldTrainingBureau@ocsd.org. All data collected during this beta phase will be deleted by December 31st.
Effective March 1, 2019, the Orange County Sheriff’s Department will begin collecting data from the Computer-Aided Dispatch (CAD) on homeless related calls for service. The purpose of this data collection is to capture the various types of calls for service and the amount of man-hours Field Operations personnel dedicate to dealing with persons who are homeless.

The CAD’s call disposition drop-down menu (see screen shots below) has been updated with a new disposition option, “HMLS/ Homeless.” Anytime Field Operations personnel handle a call or self-initiated activity that is directly related to a homeless person or issue, the call needs to be cleared using the “HMLS/ Homeless” disposition.
Recent drug trends necessitate a change in how controlled substances are collected and tested. This is due largely to the drug, fentanyl. Fentanyl is an extremely dangerous synthetic opiate and is frequently mixed with heroin and other controlled substances. The presence of fentanyl may be difficult to immediately detect. In powder form it can resemble cocaine or heroin. It may be mixed with other substances, altering its appearance. Fentanyl can be found in pill, liquid, tar, patch, and other forms. Fentanyl may be easily absorbed through the skin or eyes or inhaled through the nose or mouth. **Exposure to a small amount of fentanyl can cause serious health-related complications or death.**

Law enforcement officers, first responders, deputy coroners, crime scene investigators, and evidence collection personnel should not handle suspected fentanyl or any suspected controlled substance without proper personal protective equipment (PPE). The minimum PPE includes two (2) pair of nitrile (not latex) gloves, face mask (N95) and eye protection.

The following protocols shall be followed when handling, collecting and booking **ALL CONTROLLED SUBSTANCES:**

**Handling Instructions**

1. **EFFECTIVE IMMEDIATELY, FIELD PRESUMPTIVE TESTING FOR ALL SUSPECTED NARCOTICS WILL BE DISCONTINUED.**
2. Prior to handling any substance that may contain fentanyl, don two (2) pair of nitrile gloves, eye protection and a N95 mask (available through your division).
3. If the substance is already in a sealed container, **DO NOT OPEN.**
4. **Communicate** with other first responders when fentanyl or other unknown substances are present.

**Collection, Packaging and Booking Instructions**

1. Package all narcotics and other unknown substances in two (2) clear Ziploc plastic bags or clear plastic heat sealed bags of appropriate size. The evidence can then be placed into an envelope and sealed. (EXCEPTION: Plant material will mold in plastic and therefore can be placed in paper bags and/or envelopes.)
2. When doffing PPE, remove the outer set of gloves before touching **ANYTHING** else. Once the outer gloves are off, you can then remove the rest of your PPE.
3. All PPE utilized during the collection of any suspected narcotics or unknown substances shall be disposed of after use. Do NOT retain or reuse any part of your PPE. If you believe your PPE or other equipment has been contaminated with fentanyl, notify your supervisor immediately and follow the protocols described in Orange County Sheriff’s Department Policy 1016.3.1.

4. All narcotics or suspicious material shall be packaged prior to being transported to minimize the risk of exposure.

5. All narcotics shall be transported in vehicle trunks or in the rear cargo area of SUV’s.

6. Any substance believed to contain fentanyl shall be immediately booked into evidence at the Brad Gates Building.

7. If fentanyl or fentanyl-related substances is suspected, it must be noted on the WRCS evidence request and documented on the evidence envelope.

8. Personnel should not attempt to collect unidentified, loose substances suspected of containing fentanyl. Field Supervisors shall respond to these types of calls and notify a Narcotics Detail Supervisor.

Exposure Risk and Treatment

**EXPOSURE**: Fentanyl can be ingested orally or inhaled through the nose. It can also be absorbed through the skin or eyes.

**SYMPTOMS**: The onset of overdose symptoms due to fentanyl exposure usually occurs within minutes. Symptoms include difficulty breathing, drowsiness, sedation, disorientation, pinpoint pupils, skin rash and clammy skin.

**IMMEDIATE ACTION**: If exposure occurs, remove the exposed individual from the contaminated environment and wash the exposed area of the individual with soap and water as soon as possible. **Do not use alcohol-based hand sanitizer.**

**MEDICAL INTERVENTION**: Seek medical attention and monitor victim. Be prepared to administer naloxone. If the exposed individual exhibits overdose symptoms, immediately administer naloxone which is proven to be effective in counteracting fentanyl exposure. Be prepared to administer additional doses of naloxone every 2-3 minutes until EMS arrives or until the victim is breathing on their own for at least 15 minutes.

**IF YOU HAVE BEEN EXPOSED TO FENTANYL, NOTIFY YOUR SUPERVISOR IMMEDIATELY.**
Filing Procedures

Due to the discontinued use of field presumptive testing, initial case filing evaluations will be based upon the strength of the deputy’s documented expert opinion. The Orange County District Attorney’s Office has provided guidance in the following area:

**Misdemeanor Violations** - Citations and Bookings

- Specifically describe the controlled substance seized including the location, packaging, odor, etc.
- Document all evidence you considered in forming your opinion including, but not limited to, the presence of specific paraphernalia, writings, observations of the suspect, evidence of recent use, etc.
- Document suspect statements regarding the seized substances, their use patterns, their familiarity with the substance and recent ingestion, both pre and post Miranda advisement.
- Document witness statements regarding the substance and recent ingestion by the suspect.
- Document your background, training and experience, specifically related to the identification and use of controlled substances, including the specific substance seized.
- If there is probable cause to believe the substance seized may be methamphetamine or cocaine or any other substance listed in H&S Code sections 11350 or 11377, both violations should be included on the citation. The filing deputy district attorney will have the option to wait for the forensic analysis before filing the case.
- Submit a WRCS request for all cases. Submit an URGENT WRCS request in any case in which the suspected controlled substance was not specifically identified.

**Felony Violations**

- Contact the respective narcotics detail.
- Narcotics investigators will provide additional expertise and respond as appropriate on a case-by-case basis.
- Specifically describe the controlled substance seized including the location, packaging, odor, etc.
- Document all evidence you considered in forming your opinion including, but not limited to, the presence of specific paraphernalia, writings, observations of the suspect, evidence of recent use, etc.
- Document suspect statements regarding the seized substances, their use patterns, their familiarity with the substance and recent ingestion, both pre and post Miranda advisement.
- Document witness statements regarding the substance and recent ingestion by the suspect.
- Describe your background, training and experience, specifically related to the identification and use of controlled substances, including the specific substance seized.
- Document your expertise, observations, suspect statements, and observations in the crime report and probable cause declaration.
- Deputies should be prepared to articulate their observations, training and expertise, and any other relevant information at the preliminary hearing.
- Submit an URGENT WRCS request to the Crime Lab for any and all substances you believe to be present.
Proper handling, collecting and booking of evidence is a fundamental necessity of law enforcement. Any breakdown in this process degrades our ability to properly present the facts of an investigation and could cause the evidence to be inadmissible. Failure to follow proper evidence booking procedures can result in disciplinary action.

The Field Operations Manual, Section 19 states: “Once you have collected the item, retain physical control over it until it is booked in the evidence locker. **Property and evidence WILL be secured in an authorized Property/Evidence locker by the end of shift (Placing items in an employee locker or in your personal vehicle for temporary storage is strictly prohibited).** Under extenuating circumstances, a supervisor may authorize temporary storage in an authorized secure area (example: locked office safe, closet or file cabinet) if that area is only accessible by the Deputy or the supervisor. This will maintain chain of custody.”

**Booking Instructions**

Attached to this bulletin is an evidence booking instruction manual for Deputies. It is recommended that every individual print the manual and keep it readily available to ensure correct and consistent adherence to procedures.

Attention should be paid to every step listed in the booking instruction manual. Particular consideration should be given to the following steps:

1. When logging on, enter your same “User Name” and “Password” you use to log on to any Sheriff’s Department computer.
2. Officer Booked vs Officer Collected.
   - Officer Booked is the person physically booking the item into evidence
   - Officer Collected is the person who collected the item in the field
3. Time and Date Collected is when the item was collected in the field, not when it’s booked.
4. Assignment is where you were working when the item was collected.
5. Property Description is a brief but complete description of the item being booked (example: Glass Methamphetamine Pipe instead of Paraphernalia).
6. Specify the chain of custody in your report.
   - If the item was not booked into evidence, list the name of the person (Investigator) it was given to
7. When you are done, log off.

Deputies and Investigators need to adhere to these booking procedures which reflect department policy. Sergeants will not be approving reports until verification is made that evidence was properly booked.
On March 31, 2017, the U.S. Department of Justice, Los Angeles Field Division issued a Law Enforcement Advisory to local law enforcement agencies regarding the purchase, sale, and transfer of firearms. The U.S. DOJ Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has discovered law enforcement officers without Federal Firearms Licenses (FFL), are purchasing “off-roster” firearms and are reselling those firearms to non-law enforcement personnel for a profit and in violation of law. Off-roster firearms are those firearms restricted by California law for sale to citizens and are designed to be sold only to law enforcement. Federal law under 18 U.S.C. § 921(a)(21)(C) states, “a law enforcement official who regularly acquires ‘off-roster’ firearms and sells or disposes of them for a profit is engaging in the business as a dealer of firearms and must be licensed.”

The purchase, sale, and transfer of firearms is strictly enforced by the ATF and the California Department of Justice (DOJ). This law does not define “regularly” so you could find yourself under the scrutiny of the ATF and California DOJ if you are participating in this type of activity.

Even though law enforcement officers have the legal ability to purchase off-roster firearms; the sale, transfer, or gift of these firearms are subject to strict federal and state regulations. Generally, it is illegal for any person who is not a Federal Firearms Licensed Dealer (private party) to sell or transfer a firearm to another non-licensed person (private party) unless the sale or transfer is completed through a licensed firearms dealer.

Most Private Party Transfers (PPT) can be legally completed at any licensed California firearms dealer. This transfer requires the buyer and seller to complete the required Dealer Record of Sale (DROS) documents in person at the licensed firearms dealer. The dealer will retain possession of the firearm during the mandatory 10 day waiting period.

Prohibited Firearms Transfers and “Straw Purchases”

A straw purchase occurs when a firearm is purchased for someone who is prohibited by law from possessing one, or when purchasing a firearm for someone who does not want his or her name associated with the transaction.

Things to Remember About Prohibited Firearms Transfers and Straw Purchases

- An illegal firearm purchase (straw purchase) is a federal crime
• An illegal firearm purchase can bring a felony conviction sentence of 10 years in jail and a fine of up to $250,000

• Buying a firearm and giving it to someone who is prohibited from owning one is a state and federal crime

• Never buy a firearm for someone who is prohibited by law or unable to do so on their own

• Don’t buy or sell a firearm without completing the required DROS paperwork through a licensed firearms dealer

Past practice has been for the Sheriff’s Department to issue 10-day waiting period waiver letters on a limited basis. The department will no longer be issuing waiver letters for firearm purchases except under specific circumstances in which a replacement firearm is needed and other options are not feasible.

For additional information on California firearms laws and the requirements to sell or transfer firearms visit https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/pdf/cfl2016.pdf
The Training Division has created a new training tool on the MY18 home page titled, “Legal Update Videos.” These short videos are a collaborative effort between Constitutional Policing Advisor Mary Izadi, Field Training Bureau staff and OCSD Master Field Training Officers. The purpose of these videos is to provide information on new laws and update changes to old laws. In addition, the video series will cover topics related to the 4th Amendment and other legal doctrines that impact our daily duties.

A new video will be posted on the first Friday of each month. The videos are short enough to show at briefings and are designed to facilitate discussion. Department members are encouraged to submit requests for future topics by emailing the Field Training Bureau at FieldTrainingBureau@ocsd.org or by contacting one of the Field Training Bureau Sergeants in your respective divisions. Please see the information below for directions on how to access the videos:

MY18 >Bulletins >Legal Update Videos

MY18
Proper handling, collecting and booking of evidence is a fundamental necessity of law enforcement. Any breakdown in this process degrades our ability to properly present the facts of an investigation and could cause the evidence to be inadmissible. Failure to follow proper evidence booking procedures can result in disciplinary action.

The Field Operations Manual, Section 19 states: “Once you have collected the item, retain physical control over it until it is booked in the evidence locker. Property and evidence WILL be secured in an authorized Property/Evidence locker by the end of shift (Placing items in an employee locker or in your personal vehicle for temporary storage is strictly prohibited). Under extenuating circumstances, a supervisor may authorize temporary storage in an authorized secure area (example: locked office safe, closet or file cabinet) if that area is only accessible by the Deputy or the supervisor. This will maintain chain of custody.”

Booking Instructions

Attached to this bulletin is an evidence booking instruction manual for Deputies. It is recommended that every individual print the manual and keep it readily available to ensure correct and consistent adherence to procedures.

Attention should be paid to every step listed in the booking instruction manual. Particular consideration should be given to the following steps:

1. When logging on, enter your same “User Name” and “Password” you use to log on to any Sheriff’s Department computer.
2. Officer Booked vs Officer Collected.
   - Officer Booked is the person physically booking the item into evidence
   - Officer Collected is the person who collected the item in the field
3. Time and Date Collected is when the item was collected in the field, not when it’s booked.
4. Assignment is where you were working when the item was collected.
5. Property Description is a brief but complete description of the item being booked (example: Glass Methamphetamine Pipe instead of Paraphernalia).
6. Specify the chain of custody in your report.
   - If the item was not booked into evidence, list the name of the person (Investigator) it was given to
7. When you are done, log off.

Deputies and Investigators need to adhere to these booking procedures which reflect department policy. Sergeants will not be approving reports until verification is made that evidence was properly booked.
Proper handling, collecting and booking of evidence is a fundamental necessity of law enforcement. Any breakdown in this process degrades our ability to properly present the facts of an investigation and could compromise the admissibility of evidence.

**EFFECTIVE IMMEDIATELY:** All photographs or videos taken by department members or any digital media collected, will be booked into evidence and entered into P.E.A.B.I.T.S. (Property/Evidence Automated Booking Information System) also known as REMEDY. The evidence will be placed in a manila envelope and stored into a locked locker in the same manner as any other piece of evidence.

All mailboxes or the “Photo drop boxes” historically utilized for photo envelopes will **no longer be used.**

If you have any questions regarding the booking of evidence, please call Property & Evidence between 0600 and 1600 at 714-834-6483. Field Operations Manual Section 44 will be changed to reflect the new booking procedures.