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CONFIDENTIAL INVESTIGATIVE INFORMATION

Parts of this manual contain confidential investigative tactics and procedures used to investigate crimes committed in the jurisdiction of the Sheriff's Department. These confidential tactics and procedures are intended for the use of sworn department personnel and some non-sworn positions on a need-to-know basis.

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Disclosure of the contents is not authorized without the express approval of the Assistant Sheriff of Operations.

About this Manual

OCSD

This manual is intended as a reference to aid Orange County Sheriff's Criminal Investigation Bureau personnel in the performance of their duties. The information contained herein is a guide only and does not supersede the Sheriff's Department Rules and Regulations, Orange County Ordinances, California Penal Codes, Vehicle Codes, or any other state or federal statutes.

This manual is divided into sections, each containing information relating to one specific subject. These subjects are in alphabetical order and can be easily located in the contents. Any deletions or additions to any section must be authorized by the Captain of the Criminal Investigation Bureau.

This is not so much a "How to" book as it is a check to see if proper investigative techniques have been followed. In other words, was everything done to assist the citizen and help solve the crime?

As new procedures are developed or new laws enacted, the manual will be changed accordingly. Each detail sergeant will be responsible to see that every investigator in his unit receives a copy of this manual. Each investigator will acknowledge receipt of this manual by initialing a receipt. Each investigator is responsible to keep their manual up to date and may be inspected at any time.

It is not intended to inhibit discretion or initiative when appropriate. Assigned employees are directed to strive to use good judgment in situations not specifically covered.

MISSION STATEMENT

Our mission is to provide responsive, professional, and caring law enforcement to all people in Orange County. We will respond to calls for service promptly, protect lives and property to the very best of our abilities, initiate and maintain crime prevention programs, and apprehend criminal offenders. All sheriff employees will behave in a friendly, helpful and effective manner as appropriately determined by the circumstances and nature of the duties they are called upon to exercise.

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GOALS AND OBJECTIVES

- A. Protect lives and property
 1. During an investigation be alert to any potential danger to the community as a whole or citizens individually, and take appropriate action in all cases when such dangers are observed or reported.
- B. Respond to calls for assistance
 1. Respond to emergency, life-threatening or serious crimes-in-progress calls where assistance by patrol is requested.
- C. Investigate crimes
 1. Thoroughly investigate all crimes reported as determined by the available leads and potential solvability.
 2. Maintain active communication with the victims of crimes as to the progress of their case.
- D. Help people
 1. Conduct yourself in a manner that engenders a sense of helpfulness and caring to the people with whom we speak.
 2. Help people resolve problems whether or not they are criminal in nature through direct intervention or referral to the appropriate agency.
 3. Provide assistance to the victims of crimes and their families.
 4. Community relations rests on the shoulders of each member of this department and therefore each member is charged with the responsibility to act in a friendly and helpful manner as dictated by the circumstances.
 5. The Orange County Sheriff's Department recognizes that the greatest potential to improve crime control can best be achieved by:
 - a. Diagnosing and managing problems that produce serious crime in the community.
 - b. Fostering closer relationships with the community to facilitate crime solving.
 - c. Helping the community to build and strengthen its capacity to resist crime.
 6. Solicit citizen comments about their perception of our field performance through the Community Feedback Program by distributing questionnaires to at least five percent of the victims or informants who call for service.

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DUTIES AND RESPONSIBILITIES

I. DUTIES AND ORGANIZATION

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- A. The Criminal Investigation Bureau is charged with the responsibility of investigating and following up specific criminal activity that has occurred within the jurisdiction of the Sheriff's Department.
 - 1. Success in this division is essential for prosecution of offenders.
 - 2. Continuing analysis by members of the investigation staff yields valuable data on the methods and patterns of crime.
- B. Organization
 - 1. To ensure maximum efficiency, the Criminal Investigation Bureau is organized into specialized details:
 - a. Crime Analysis
 - b. Cyber Crimes
 - c. Economic Crimes
 - d. Family Protection
 - e. Homicide
 - f. Special Victims
 - 2. The specialized organization and operating technique of the Criminal Investigation Bureau permits the concentration of investigative effort in the most productive manner.
 - 3. Chain of Command
 - a. Under normal conditions, investigators will follow the appropriate chain of command by contacting the detail supervisor prior to contacting other departmental supervisors.
 - b. In emergencies or when the detail supervisor is unavailable, investigators may directly contact other supervisory personnel.
However, at the earliest possible opportunity the investigator will inform their immediate supervisor.

II. INVESTIGATOR

DEFINITION AND PERFORMANCE EXPECTATIONS

- A. Defined: Investigators conduct criminal investigation, follow-up on crimes reported to this department, prepare reports as foundations leading to the identification, apprehension and prosecution of offenders or the exhaustion of potential case leads.
 - 1. Sheriff's investigators must be able to independently analyze evidence and use a broad scope of investigative techniques. Investigators must use ingenuity and be willing to take appropriate independent action when necessary.
 - 2. Acting under general supervision, investigators conduct difficult investigative work involving the gathering of evidence for the apprehension and prosecution of persons suspected of committing crimes, and other work as required.
- B. Performance Expectations
 - 1. The performance expectations for investigators are taken from the County of Orange Personnel Position Classification, and Department Policy and Procedures.
 - 2. Performance Goal

DUTIES AND RESPONSIBILITIES

OCSD

- Each investigator will possess the knowledge and skills required to safely and effectively accomplish the investigative function.
- a. All investigations will be conducted in a timely manner and without unreasonable delay.
3. Punctuality
 - a. Each investigator will be expected to arrive promptly at the start of their assigned duty day. Any variation requires prior approval of the detail supervisor
 4. Annual Leave
 - a. Investigators shall utilize annual leave in accordance with the current Memorandum of Understanding.
 - b. The daily reporting of annual leave shall be made by the employee to the detail supervisor.
 5. Overtime
 - a. Each investigator will contact his/her supervisor for approval before working any overtime.
 - b. Investigators will enter their own approved overtime on the appropriate timesheet.
 - c. Investigators will, as required, work beyond their normal work day or respond on call-outs as deemed necessary by the detail supervisor.
 6. Special Fund Usage
 - a. Investigators will use special funds in accordance with department procedures and policy.
 - b. Each investigator will be responsible for the proper use and expenditure of their assigned detail's funds.
 - c. Each expenditure of funds shall require a completed receipt containing date, (when available) case number, amount and purpose of the expenditure.
 - d. The investigator shall write on the pink and blue copy of the receipt the reason for the expenditure and when applicable the name of the person receiving the funds.
 - e. Each completed receipt shall have the detail supervisor's approval and initials before submitting to the Division Commander.
 - f. Cases that involve informants and usage of special funds will require the investigator to obtain a second investigator to witness the expenditure and co-sign the receipt.
 - g. Each investigator is expected to know his/her detail's procedures for the issuance and usage of special funds.
 - h. Each investigator shall submit the expenditure receipt within 48 hours of completion.
 7. Report Writing
 - a. Each investigator shall demonstrate the ability to prepare clear, concise and comprehensive reports.
 - b. Each investigator will submit reports to the detail supervisor in a timely manner.

DUTIES AND RESPONSIBILITIES

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- c. Each investigator assigned to a detail that uses case screening priority classifications shall conform to the report requirements as per the case priority assignment.
- 8. Dress Code
 - a. Each investigator shall dress in accordance with the departmental dress code.
- 9. Safety
 - a. Each investigator shall maintain both personal and department issued safety equipment as required per departmental rules and regulations.
 - b. When conducting arrests and serving search warrants, each investigator shall display proper identification and utilize department issued tactical jackets.
 - (1) Exception: The display of identification equipment may be curtailed with prior supervisor approval due to officer safety or tactical requirements.
 - c. Each investigator shall make a safety check and inspection of department vehicles before use.
 - (1) Each investigator shall adhere to departmental policy and procedures governing the use of vehicles.
 - (2) Each investigator with knowledge of any damaged departmental vehicle (whether or not under their direct control) or in need of repair or service shall report the condition to the Transportation Bureau and his/her direct supervisor.
- 10. Physical Fitness
 - a. Each investigator shall carry out his/her own conditioning program to maintain good physical fitness.
 - b. Investigators shall report to their direct supervisor any injury or personal condition that may limit their ability to perform their duties as per the departmental policy and procedures.
- 11. Professionalism
 - a. Each investigator will behave professionally at all times, displaying loyalty to the Sheriff's Department and their direct supervisor. Investigators will conduct themselves in accordance with the Rules of Conduct as stated in the Sheriff's Department policy manual.
- 12. Use of Alcohol
 - a. Investigators shall not consume alcoholic beverages while on duty.
 - (1) Exception:
 - (a) Investigators working in an undercover capacity may consume alcoholic beverages when case need dictates.
 - (b) This exception does not exempt the investigator from liability resulting from excessive consumption of alcoholic beverages.

MANUAL DISTRIBUTION AND REVISION

Distribution

A copy of this manual and all revisions will be distributed to the following:

- Captain - Investigations
- Lieutenant - Investigations
- All members assigned to the Criminal Investigation Bureau

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Revisions

Revisions of the Criminal Investigation Procedure Manual will be issued in a timely manner as changes in regulations, policies, or procedures occur.

The Criminal Investigation Lieutenant shall distribute revisions to each manual holder.

It will be the responsibility of each manual holder to maintain a current and correct manual.

All employees are encouraged to submit written or oral suggestions for manual changes that will increase the efficiency, effectiveness, or safety of the department operations to their immediate supervisor.

Procedure to Change

Prior Approval:

No changes will be made in this procedure manual without prior approval of the Captain of the Criminal Investigation Bureau.

Procedure for Change:

A memorandum will be sent to the Assistant Sheriff of Operations through the Criminal Investigation Bureau chain of command.

I. INTRODUCTION

The Crime Analysis Detail (CAD) provides tactical, operational, and strategic analytical support to OCSD operations and investigations. Tactical support consists of providing rapid information to assist active investigations in the identification of suspects, workable leads, and the dissemination of information to partner law enforcement agencies. Operational support provides ongoing geospatial analysis of crime trends, analyzes offender networks and criminal relationships to provide investigative support and recommend allocation of department resources through analytical products. Strategic analysis augments the efficiency of proactive policing and lends solutions to long-term complex problems as well as providing decision making advantages. The Detail is comprised of Professional Staff analysts, interns, and one Sergeant.

II. MISSION STATEMENT

The Crime Analysis Detail mission is to provide for the fusion of criminal law enforcement data, open source information, and intelligence for analytical support to increase efficiency of OCSD Operations and Investigations. CAD collects, maintains, analyzes, and disseminates actionable information and criminal intelligence to increase safety and security of the communities served by OCSD, while protecting the rights of the public. CAD maintains responsibility for identification of chronic criminal locations and prolific criminal offenders within OCSD operational areas and synchronization of analytical conclusions to inform Operations, Investigations, and Executive Command personnel to mitigate current and emerging crime trends.

III. CAD RESPONSIBILITIES

- Provide training and guidance to ensure Department members are complying with Departmental guidelines and policies concerning the collection, analysis, storage, and dissemination of criminal intelligence.
- Develop strategic and tactical analysis/ intelligence special products for Department decision-makers and incident commanders as required.
- Identify field interview data collection requirements to assess current or emerging criminal events or groups.
- Provide criminal suspect work-ups, link analysis, and cellular tower data analysis to support criminal investigations.
- Share actionable information with patrol, investigators, supervisors, managers, and executives via real time synchronized notification through appropriate Departmental technology applications.
- Collaborate with Special Investigations Bureau and Custody Intelligence Unit to address organized criminal activity, intelligence sharing, and improving the safety and security of the jail system.

CRIME ANALYSIS DETAIL

- Collaborate with federal, state, and local law enforcement agencies and the Intelligence Community as appropriate to include the Major County Sheriff's Association and Major Cities Chief's Intelligence Commander's Group.

OCSD

I. INTRODUCTION

The Cyber Crimes Detail is responsible for investigating cyber-attacks by criminals which include network intrusion, malware, ransomware, and business email compromise incidents. The detail will respond to incidents where computer systems are attacked or a data breach is suspected, focusing on preserving evidence, identifying suspects and bringing them to justice.

All cases related to California Penal Code 502(c) will be handled by the Cyber Crimes Detail. These cases include the following:

A. Network Intrusion

A network intrusion is any unauthorized activity on a computer network. This typically comes in the form of a hacker trying to make their way into a system. Unauthorized access and activity include, but is not limited to, any person who: “Knowingly accesses and without permission alters, damages, deletes, destroys, or otherwise uses any data, computer, computer system, or computer network in order to either (a) devise or execute any scheme or artifice to defraud, deceive, or extort, or (b) wrongfully control or obtain money, property, or data.” (CPC 502(c)(1))

B. Malware

Malware is simply software that is intended to damage or disable computers, computer systems, mobile device or computer network, or to take partial control over its operation. Malware comes in the form of a virus which is any software designed to do something that the user would not wish it to do, hasn't asked it to do, and often has no knowledge of until it's too late. Types of malware include backdoors, viruses, worms and Trojan horses. Malware typically affects the system on which it is run, e.g. by deleting or corrupting files on the local disks. Since internet connections became common, malware has increasingly targeted remote systems. A more recent kind of malware “recruits” the infected computer to become part of a botnet consisting of thousands of infected computers that can then be remotely controlled and used to launch DDoS (Distributed Denial of Service) attacks.

C. Ransomware

Ransomware is computer malware that installs covertly on a victim's device (computer, smartphone), executes a virus attack that locks or encrypts the device and demands a ransom payment to decrypt or unlock it. Simple ransomware may lock the system in a way which is not difficult for a knowledgeable person to reverse, and display a message requesting payment to unlock it. More advanced malware encrypts the victim's files, making them inaccessible and demands a ransom payment to decrypt them. Most ransomware attacks are typically carried out using a Trojan that has a payload disguised as a legitimate file. The Trojan can be hidden in phishing emails as described above. The Trojan can also be disguised when users visit a legitimate website and click on an advertising link.

D. Business Email Compromise

The Business E-mail Compromise (BEC) is a sophisticated scam targeting businesses working with foreign suppliers and/or businesses that regularly perform wire transfer payments. The scammers impersonate the executive of a business and then direct their financial department to wire money to a bank account on the pretense of a legitimate business deal.

E. The detail will provide support to other investigative units as needed.

F. The detail also provides cyber security training and technical guidance to OCSD department members, county departments, local state and federal law enforcement agencies and the community.

II. CASE ASSIGNMENT

A. Cases will be assigned to the investigators by the detail sergeant.

B. The detail sergeant will also assign the priority level based upon known or probable suspect information as well as leads and solvability factors.

C. For OCSD reports not generated through the Field Based Reporting (FBR) system and outside agency reports, the detail's support staff will enter the case details into the Report Management System (RMS) prior to handing the report to the assigned investigator. For all reports generated through FBR, the detail sergeant will assign cases to the investigators directly through the system.

D. After the support staff provides the investigator their assigned case, the investigator will log the case to track the progress of the case and provide monthly statistics to the detail sergeant.

III. INVESTIGATIVE TECHNIQUES

A. It is the responsibility of each investigator to initiate the proper investigation and to diligently follow investigative leads to a conclusion.

B. The investigator will review each case and make contact with the victim on all priority levels in a reasonable amount of time to ensure that all of the information indicated in the report is accurate. The investigator will also ask questions to determine how the intrusion/loss occurred based on the investigator's expertise and will determine how to advance the case.

C. If any additional information was obtained, the investigator will determine what violation had occurred and the jurisdiction where the crime occurred. If the crime occurred in another jurisdiction then it will be forwarded to the proper agency.

IV. POLICY AND PROCEDURES – HANDLING DIGITAL MEDIA

A. Digital media refers to equipment capable of storing data, either permanently or temporarily, in an electronic form. Examples of digital media include, but are not limited to, computer hard drives, USB devices, flash memory cards, digital cameras, GPS devices, DVRs, optical media (CDs, DVDs, Blu-Ray), cellular devices (phones and tablets),

and IoT (Internet of Things) devices (any smart-home device capable of accessing the Internet or communicating with other devices).

- B. Digital media should be considered volatile, meaning the data contained in the device is subject to change and potentially can be lost if the device is not handled correctly.
- C. The below guidelines represent best practices when handling digital media. While the provided list outlines steps that should be taken under normal or ideal circumstances, environmental considerations, such as exigent circumstances, risk of injury, and/or potential damage to the device, may necessitate deviating from best practices.
 - 1. If a device is encountered in the field, [REDACTED]
 - 2. [REDACTED]
 - 3. Remember to also seize the devices' power cords when collecting phones, laptop computers, and other mobile devices.
 - 4. Large computer systems, such as network servers, should not be shut down or accessed without the direct support and supervision of a Certified Forensics Examiner or a Cyber Crime Investigator.
- D. [REDACTED]
- E. All actions or device manipulations used in handling digital media, either accidental or intentional, will be documented in the appropriate departmental report.

V. CALL OUT PROCEDURES

- A. The Cyber Crimes Sergeant will be notified according to patrol procedures.
- B. The Cyber Crimes Sergeant will determine if an investigator will respond.
- C. The Department Commander can also direct that an investigator respond.

I. INTRODUCTION

The Orange County Sheriff's Department Computer Forensics Detail (OCSD CFD) is a full service support unit consisting of three full-time examiners. The purpose of the Detail is to provide support for investigations in which technology plays a part. This includes, but is not limited to:

OCSD

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).
3. Extracting data from IoT (Internet of Things) devices [i.e. smart-home products capable of accessing the Internet and/or communicating with other digital devices].
4. Extracting data from vehicles [i.e. infotainment or console systems for native GPS tracking data, vehicle telematics, and synchronized or connected devices].
5. Providing search warrant service assistance potentially involving digital media, including conducting on-site previews and seizure of complicated systems.
6. Assisting with high tech investigations [online investigations, network intrusions]
7. Training investigative and operational personnel in matters related to handling / processing digital media
8. Testifying in legal proceedings as subject matter experts in the area of computer forensics
9. 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.

The CFD, on a case-by-case basis and at the discretion of the Detail's supervisor, will also accept service requests from outside agencies subject to the availability of Detail resources.

The CFD is located in

[REDACTED]

[REDACTED]

II. POLICY AND PROCEDURES

A. Handling Digital Media

1. Digital Media refers to equipment capable of storing data, either permanently or temporarily, in an electronic form. Examples of digital media include, but are not limited to, computer hard drives, USB devices, flash memory cards, digital cameras,

COMPUTER FORENSIC DETAIL

- GPS devices, DVRs, optical media [CD's, DVD's, Blu-Ray], cellular devices [phones and tablets], and IoT (Internet of Things) devices [i.e. smart-home products capable of accessing the Internet and/or communicating with other digital devices].
2. Digital media should be considered volatile, meaning the data contained in the device is subject to change and potentially can be lost if the device is not handled correctly.
3. The below guidelines represent best practices when handling digital media. While the provided list outlines steps that should be taken under normal or ideal circumstances, environmental considerations, such as exigent circumstances, risk of injury, and / or potential damage to the device, may necessitate deviating from best practices.
- a. If a device is encountered in the field, [REDACTED]
 - b. If a device is turned on, and the personnel handling the device are suitably trained, [REDACTED]
 - c. Remember to also seize the devices' power cords when collecting phones, laptop computers and other mobile devices.
 - d. Large computer systems, such as network servers, should not be shut down or accessed without the direct support and supervision of CFD examiners.
4. Aside from the above actions, a device should not be manipulated. [REDACTED]
5. All actions or device manipulations used in handling digital media, either accidental or intentional, will be documented and relayed to the CFD examiners at the time of the service request.
- B. Service Request
1. In order to receive services from the CFD, the requesting personnel must submit a service request consisting of a form outlining the nature of the request as well as the

OCSD

COMPUTER FORENSIC DETAIL

applicable legal authority authorizing the search / extraction / analysis of the submitted device(s).

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2. All devices / media covered in the service request shall first be booked into the OCS D Evidence locker. Media delivered directly to the CFD, absent exigent circumstances, will be returned unprocessed to the submitting investigator / requestor.
3. All service requests must be submitted with applicable legal authority (search warrant, consent form, exigent circumstances, abandoned property, OCS D-owned equipment etc.); otherwise the service request will be delayed pending submission of the appropriate legal authority.
4. Service request forms are available from the CFD office and online from the OCS D intranet. They may be completed either by hand or online and submitted electronically via email to [REDACTED]
5. Requests for service consist of the following categories:
 - a. Field Searches
 - b. Forensic Examinations or Previews
 - c. Technical Assistance
 - d. Training

C. Case Prioritization

All service requests will be processed in the order in which they are received subject to the following prioritization and resources available to the Detail:

Priority 1: Immediate or imminent threat to life. Missing at-risk individual

Priority 2: Investigation in progress in which the submitted device potentially contains time-sensitive information related to the investigation, including in-custody cases.

Priority 3: Investigations related to violent crimes / child exploitation

Priority 4: Non-violent or cold investigations

Priority 5: Technical assistance / Data recovery

D. Case Assignment

1. Cases will be assigned to CFD examiners based on their areas of expertise, training level, and current case load.

COMPUTER FORENSIC DETAIL

2. Service requests will be entered into the CFD database for tracking and statistical purposes. The assigned case agent shall be notified upon receipt of the service request. OCSD
3. Intake will consist of reviewing the service request, verifying legal authority, and identifying of digital media to be analyzed. The most important element of the service request is identifying any time-sensitive components, such as date of a search, an in-custody case's court appearance, or exigency (missing child, at large violent offender).
4. Participating in searches will require coordination with the case agent in the following areas:
 - a. Location
 - b. Date / Time
 - c. Legal Authority
 - d. Officer Safety Issues
 - e. Intelligence gathering related to digital media to be previewed / seized
 - f. Logistics involving personnel and equipment needed at the search scene
5. CFD personnel's assistance on search warrants will consist of identifying digital media, conducting previews onsite, and evaluating "live" media that is possibly encrypted. In general, the case agent will be responsible for the collection of digital media.
6. Examinations of digital media consist of:
 - a. Conducting a system inventory detailing components and examining the BIOS
 - b. Where applicable, creating a forensic image of the examined device
 - c. Processing the case using forensic software
 - d. Identifying the system's operating and file system
 - e. Locating data of evidentiary value as identified by the submitting case agent *
 - f. Bookmarking data of evidentiary value and creating exhibits for the case agent
 - g. Documenting the examination process and results in a report to be submitted to the case agent
 - h. Archiving the forensic image(s) and report

* This step is a collaborative effort between the case agent and the examiner. The case agent relies upon the examiner's expertise in locating the evidence, but it is the case agent who must determine what extracted data consists of items of evidentiary value.

E. Orange County Regional Computer Forensics Laboratory (OCRCFL)

COMPUTER FORENSIC DETAIL

1. The OCRFCL is a multi-agency task force sponsored by the FBI whose mission is to perform computer forensics in support of its participating members' criminal investigations. The Sheriff's Department is a participating agency in the OCRFCL and has an investigator assigned to the task force. OCS D
2. Investigators requesting assistance in analyzing digital media may submit a service request to either the OCRFCL or the OCS D CFD but not both. The OCS D CFD will not re-examine digital media previously analyzed by another computer forensics laboratory / unit.
3. Service requests submitted to the OCS D CFD may be referred to the OCRFCL for processing dependent upon time constraints and resources available to the OCS D CFD. Examples of possible service request referrals to the OCRFCL include but are not limited to lower priority (non-life threatening / imminent peril) case submissions and / or requests involving extensive amounts of digital media (i.e. large numbers of computers and loose media). Service request assignment will ultimately be at the discretion of the CFD supervisor.

F. CFD Personnel Selection

1. CFD staffing requires personnel who are flexible, industrious, innovative, and willing to learn in an environment that is constantly changing in response to technological advancements. While the fields of computer forensics, and its sub-genre, cellular device examinations, have a number of well-established tools to assist examiners in performing their tasks, there can be significant gaps in time between the introduction of new technology and the established tools' ability to catch up. It is therefore critical that CFD examiners, in order to remain proficient in their duties, receive timely training, both formally and informally, through a variety of sources.
2. To achieve the dual goals of remaining proficient and being recognized as subject matter experts, CFD personnel require extensive technical training and should possess a number of computer forensics-related certifications, including, but not limited to:
 - a. A+ certification (Computer hardware / software proficiency)
 - b. CA DOJ Training curriculum (Internet investigations, computer forensics, networking, cell phones)
 - c. IACIS training / CFCE certification (Computer forensics including an internationally recognized certification)
 - d. EnCE certification (Certification in computer forensics and demonstrated proficiency using EnCase forensic software)
 - e. ACE certification (Certification in computer forensics and demonstrated proficiency using FTK forensic software)

COMPUTER FORENSIC DETAIL

- f. SANS training / GCFE and GCFA certifications (In-depth computer forensics / network intrusion investigations)
 - g. iOS device training (Sumuri and BlackBag technologies - computer forensics related to Macintosh computers, iPhones, iPads, and iPods)
 - h. Cellular devices (Cellebrite, XRY, SecureView tool-specific training)
3. Due to the nature of the computer forensics field, CFD personnel will be required from time to time to conduct research into how unfamiliar hardware and software operate in order to be able to answer technical questions during investigations and legal proceedings.

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G. Equipment

1. The CFD is responsible for using and maintaining highly-specialized equipment, both hardware- and software-based to assist the Detail in performing its duties. The list of equipment includes, but is not limited to:
 - a. Forensic work stations (customized computers to image, process, and analyze data)
 - b. Write-blockers (Hardware- or software- based equipment to prevent altering data on devices while allowing access to read the data)
 - c. Forensic software (Software used to extract, process, and / or analyze data)
 - d. Archiving equipment (Equipment used to back-up or restore case files and forensic images)
2. Each examiner is responsible for maintaining Detail-issued equipment. Both software and hardware performance need to be verified to ensure evidence and examination integrity remains intact. Specifically, write-blockers need to be tested and validated prior to being used to acquire data from submitted devices. Acquisition hardware / software need to be tested to ensure they accurately acquire data from imaged devices.

H. Forensic Exam Process

1. Imaging and previewing of digital media should occur through a write-blocker (software or hardware) to prevent changes from occurring to the examined media. Certain procedures, however, such as volatile memory acquisition and cellular device data extraction, preclude the use of write-blocking due to the nature of the acquisition process or the device itself.
2. Examinations, absent exigent circumstances, shall occur on a forensic copy of the submitted media. The initial acquisition of data should be made to forensically-prepared (i.e. wiped) media where possible.

COMPUTER FORENSIC DETAIL

3. Review of data directly from submitted media shall occur only as a preview and will not constitute an entire examination. The purpose of previewing media is to provide timely information to the case agent in the event of exigent circumstances or to facilitate a rapidly developing investigation.
4. After an exam has been completed, the created forensic images shall be archived in the CFD two years past the date the case has either been adjudicated or the appeal process, where applicable, has been completed. In capital and life cases, the CFD shall maintain the forensic images indefinitely.

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I. Reporting

1. A computer forensics examination requires meticulous report writing and process documentation. Documentation should be detailed to the extent that another examiner, employing the same procedures and using the same tools, would get the same results as the initial examiner.
2. The report body shall minimally describe the following:
 - a. Service request
 - b. Submitted media, including model and serial numbers where applicable
 - c. Summary of findings
 - d. Acquisition / extraction process where applicable
 - e. Examination process as appropriate
 - f. Details of findings
 - g. Other information as relevant to the examination

REGIONAL COMPUTER FORENSIC LABORATORY

OCS D

I. INTRODUCTION

The Regional Computer Forensics Laboratory (RCFL) is an FBI joint task force staffed with investigators from the Orange County Sheriff Department as well as investigators from other Orange County law enforcement departments. These investigators employ technological and systematic examinations of digital media which has been lawfully seized and/or submitted attendant to a suspected, or established, criminal act. RCFL personnel may also be called upon to examine digital media which has been acquired during internal affairs, administrative actions or death investigations.

The location and contact information is as follows:



II. DIGITAL MEDIA DEFINED

Digital media is contained within computer hard drives or any device utilizing a hard drive (such as a digital audio and/or video recording console or gaming console), diskettes, thumb drive, memory card, camera, and/or cell phone. In essence, digital media is defined as any device capable of storing binary data.

III. FIRST RESPONDERS/BEST PRACTICES FOR HANDLING DIGITAL MEDIA

A. Protecting Digital Media

1. When the first responder establishes that digital media may be relevant to an investigation, an effort should be made, where practical, to protect and preserve such evidence. As with any potential item of evidence, it may be helpful to consider that any electronic device may first need to be processed for fingerprints, biological evidence and/or trace evidence. In such cases, the evidence may best be processed and collected by a Criminalist. Consideration may also be given as to whether or not certain environment elements (generally moisture and/or fire) may represent a threat to the evidence. In such a case, it may be reasonable to move or take other measures in order to protect the evidence from destruction or degradation.

If it is determined that the digital media does not need to be processed by a Criminalist,

[REDACTED] This generally applies to computers and cell phones.

First responders should refrain from “exploring” any powered digital device(s). It may be of value for the first responder

[REDACTED] At most, it is a best practice for the first responder to do nothing more than move a computer’s mouse, touch its touchpad or depress an arrow key on a keyboard, in order to bring a “sleeping” display screen awake. If it is determined that a computer is running a

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In all cases, it is the best practice to take notes regarding each action taken by the first responder in the handling of digital media.

B. Legal Authority

1. Legal authority to seize/acquire digital media should be established. First responders and/or investigators should be mindful of the following as it pertains to digital media forensic investigations:
 - a. Consent: Sheriff's personnel acquiring digital media by consent should thoroughly record such. It is a best practice to obtain such consent in writing on a signed OCSD Electronic Device Consent to Search form. Documentation related to a person's consent should be forwarded to the RCFL with other/applicable documentation. Unless the submitted digital media belongs solely to a victim, and no one else (such as the suspect) can reasonably claim "standing," it is generally a best practice to obtain a search warrant which authorizes searching the submitted digital media.
 - b. Parole/Probation Searches: Digital media acquired as part of a person's obligation to submit to Parole/Probation Searches should be forwarded to the RCFL with other/applicable documentation.
 - c. Search Warrant: Search warrant(s) should include verbiage that justifies the search of the seized digital media for evidence pertinent to the crime being investigated.

C. Circumstances Requiring RCFL Personnel Scene Response

1. A scene response by RCFL personnel may be requested by an operations and/or an investigative sergeant when a complex network of computers or digital media devices is encountered and/or anticipated (as in a search warrant service). Requests for such a response will be made by the investigating unit's sergeant directly to the RCFL, or, if unavailable, to the Computer Crimes Detail Sergeant. The following information should be provided for relay to RCFL personnel:
 - a. The case number, location of the occurrence, grid, sergeant/investigator or responsible deputy's call-back name and telephone number.
 - b. The nature of the call, description of the situation encountered and any special circumstances.
 - c. If a search warrant is to be served, please provide the estimated time of the search warrant's signing and service; location for search warrant's briefing/staging.

D. Seizing/Acquiring Digital Media

1. Whether seized by RCFL or other law enforcement personnel, the following constitutes a best practice for the seizure of digital media.
 - a. When RCFL personnel are on-scene, it may be possible to [REDACTED]

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- b. Notes should be taken regarding whether or not the seized digital media device(s) is/are connected to something else. For example: A thumb drive was found located in a computer's universal serial bus port and/or the computer appeared to be connected to a wall outlet utilizing an Ethernet connection.
 - c. If possible, take photographs of the item(s) to be seized. It is helpful to photograph the item's proximity to other items and then take close-up photographs of connections and connected devices.
 - d. [REDACTED]
 - e. [REDACTED]
2. The following items should be collected along with the seized digital media:
- a. Computers should be accompanied by their power cords.
 - b. Cell phones should be accompanied by their power cords/chargers and any data connecting cables.

IV. EVIDENCE MANAGEMENT/BEST PRACTICES

Digital evidence should be submitted/booked into Sheriff's Evidence in accordance to OCSD policy and procedures.

V. REGIONAL COMPUTER FORENSICS LABORATORY EXAMINATION

A. "Self-Service" Kiosks:

RCFL has self-service kiosks for the review of cell phones and loose media (such as thumb drives) without the need for a traditional forensic exam. Most of these exams take significantly less time than do traditional exams, and can usually be done in one short visit to the lab.

B. Submission Criteria

1. Once it is determined a forensic examination is needed of the digital media, a Regional Computer Forensics Laboratory Service Request Form must be completed before digital evidence can be submitted. This service request is critical to the RCFL because it contains information about the level of expert assistance needed, the type of equipment or software required, key search words or terms to help organize recovered data, and other important facts about the investigation.

REGIONAL COMPUTER FORENSIC LABORATORY

Service Request Forms are available at the RCFL location or can be downloaded from their website [REDACTED]. As applicable, the request form should also be forwarded along with the following documentation: OCSD

- a. Search warrant(s)
 - b. Initial Crime Report(s) and Follow-Up Report(s) which will assist the forensic investigator in the examination of the seized digital media. Follow-up report(s) should include a detailed description of the steps employed to collect the media and its subsequent placement into Sheriff's evidence.
 - c. For parole/probationary searches: Please forward a copy of the parole/probation order which specifies that the submitted media may be seized and searched.
- C. Intake of Submitted Evidence
- Once the Regional Computer Forensics Laboratory receives the service request form and attendant paperwork from the investigation's case agent, the RCFL will take possession of the evidence and the evidence enters the laboratory's chain-of-custody. The evidence will be stored within the RCFL's evidence storage room until the completion of the examination. Once the RCFL's examination is completed, the digital evidence will be returned to the custody of the case agent. The case agent shall return the evidence to Sheriff's Evidence as soon as practical.
- D. Case Management
- Cases are essentially assigned/circulated among all the Computer Forensic Unit's RCFL investigators based upon their current workload and expertise. Unless the case is deemed to be a priority (such is usually established by the computer forensic examiner or by the Sheriff's Administration), cases are generally worked in the order they are received. Dependent on the volume/amount of the media received and/or the complexity of the investigation; digital media investigations may require weeks or months to complete.

VI. CASE PROCESSING

After receiving an examination request and verifying the search authority submitted by the investigation's case agent, the examiner shall process the media after taking delivery. Following the best practices, the RCFL investigator will make a duplicate copy of the media in a forensically sound manner whenever feasible and perform the examination on the forensic copy. Some situations, such as exigent circumstances, or the digital media itself may prevent copying of the media from occurring based on hardware and software constraints, as in the case of some cellular phones' proprietary data cables and operating systems. These constraints may necessitate an examiner performing an examination on original data rather than a forensic copy.

After the media is processed, the OCSD Case Agent will have to conduct a Case Agent Investigative Review (CAIR). The review enables the OCSD Case Agent to review their digital evidence quickly in a safe, forensic environment and to identify items, within the scope of the legal authority, that are pertinent to the case. This review is conducted at the RCFL in their equipped computer rooms and with RCFL assistance. Once the CAIR is completed,

REGIONAL COMPUTER FORENSIC LABORATORY

RCFL lab staff will provide the OCSD Case Agent with a disk (or other digital media) containing the relevant items that were identified during the CAIR process.

In some instances, the examiner shall conduct a directed examination in which the examiner will examine the data, within the scope of the search authority and the parameters of the case, to provide an analysis or finding regarding an item the OCSD Case Agent identified as pertinent to the case. This directed examination may be necessary when further details regarding a pertinent item are required and the expertise and training of the examiner are needed to obtain those details (e.g. a directed examination may be conducted to determine if a specific thumb drive was plugged into a computer). When the examiner has concluded the directed examination, he shall document the findings in a report. The examiner will submit the report to the case agent at the conclusion of the directed examination.

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CASE EVALUATION AND ASSIGNMENT

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I. INTRODUCTION

- A. The Economic Crimes Detail is responsible for investigating all financial crimes such as identity theft, credit card fraud, grand theft, and embezzlement. Other violations common to this unit are fiduciary elder abuse, contractor fraud, investment scams, and internet fraud.
- B. Economic Crime cases tend to be lengthy investigations due to the complexity of the investigations and the jurisdictional issues that often arise. Investigators assigned to this unit must work closely with the various financial institutions as well as other state and federal authorities in order to complete a successful investigation.
- C. All fraud matters will normally be received and investigated by the Economic Crimes detail. The exceptions are:
 1. Employee theft and embezzlement where no “audit trail” or “doctoring of books” exists.
 2. When an auto theft occurs based upon a non-sufficient fund, account closed or forged check with minimal audit trail, the Auto Theft Detail will investigate the crime. More complex cases will be investigated by the Economic Crimes Detail.
- D. Cases that are normally assigned to the Economic Crimes Detail:
 1. All identity theft cases
 2. All fictitious check cases
 3. Cases involving check washing
 4. Investment and securities fraud cases
 5. Ponzi schemes
 6. Nigerian fraud schemes
 7. Embezzlements over \$5,000
 8. Lottery scams
 9. Computer crimes involving financial scams
 10. ATM skimming
 11. Financial Elder Abuse
 12. Forged document cases
 13. Non-sufficient funds (NSF) cases
 14. Manufacturing of counterfeit credit cards, driver’s licenses, and identification cards
- E. Cases that are **not** assigned to the Economic Crimes Detail, and should be handled by the respective Investigations Detail:
 1. Stolen credit cards or stolen check cases - Most of these cases are related to simple thefts or vehicle burglaries. These cases are handled by General Investigations.
 2. Simple embezzlements under \$5,000 - These cases are usually simple employee theft cases such as till-tapping. These cases are handled by General Investigations. If the case is extremely complex, the Economic Crimes Detail may assume control of the case.
 3. Trademark/Counterfeit Goods cases (ex: fake Oakley products). These cases are handled by General Investigations.
 4. Stolen mail cases - handled by U.S. Postal Service

CASE EVALUATION AND ASSIGNMENT

5. Forged document cases that do not involve money (ex: forged custody or retraining orders). These cases are handled by General Investigations.
6. Real Estate Fraud cases are handled by the Orange County District Attorney's Office
7. False impersonation cases (ex: individual acting as an attorney or law enforcement). These cases are handled by General Investigations.

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II. CASE ASSIGNMENT

- A. The Detail Sergeant will receive approved patrol reports in the Field Base Reporting system. The Detail Sergeant will determine the jurisdiction and assess whether the investigation is a civil or criminal matter.
- B. Cases that fall within the jurisdiction of the Sheriff's Department will be assigned to the Investigators and Investigator Assistants in such a manner as to ensure parity of the case load.
- C. The Detail Sergeant will also assign the report a priority level based upon known or probable suspect information as well as leads and solvability factors.
- D. Investigators will handle all P1 and P2 cases assigned within the detail. On all P1 cases, Investigators will call the victim(s) within 2 business days upon receiving the assigned case. On P2 cases, Investigators will call the victim(s) within 5 business days upon receiving the assigned case.
- E. Investigative Assistants will be assigned all P3 cases. Investigative Assistants will review all cases and determine if the case needs to be sent to another jurisdiction. If the case needs to be sent to another jurisdiction, the Investigative Assistant will prepare a letter informing the agency that the crime occurred in their jurisdiction and prepare a letter to the victim informing the victim another agency will be investigating their case. The letters will be retained in the shared Economic Crimes Detail drive and will be categorized by case number.
- G. Investigative Assistants will handle all P3 cases that fall within the Sheriff's Department's jurisdiction. If video is available, the Investigative Assistant will arrange to pick up the video surveillance and create an Attempt to Identify BOLO.
- H. Investigative Assistants will assist the Investigators with their large cases. Such duties will consist of creating photo line-up packages, contacting victims, writing reports, and other duties that will assist the Investigator.

COMMON ECONOMIC CRIME SECTIONS

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I. CONTRACTOR FRAUD (PC 484b)

- A. It is a crime to receive money for the purpose of obtaining or paying for services, labor materials, or equipment and not to apply the money for such purposes, but instead diverting money to one's own use.
- B. Other building contractor schemes involve home additions, remodeling, or other construction projects where the contractor takes money but fails to perform the individual jobs.
 1. It must be proven that the defendant made no attempt to perform the service or complete the project.
 2. The case investigator should consider contacting the State Licensing Board for information on contractor licenses, illegal contracting practices, and sting operations.

II. COUNTERFEIT CHECKS (includes money orders, cashier checks)

The mere act of presenting a stolen or counterfeit check is not sufficient to show that the suspect committed the crime. It has to be shown that the suspect presented the check with the knowledge that the check or money order was fraudulent to establish the elements of the crime.

- A. When someone attempts to negotiate a check, money order, or bank draft, it means they have presented it to be paid. In other words, it doesn't matter whether the suspect successfully cashed or deposited the check. Check fraud is committed at the time that the suspect shows it to a merchant or financial institution.
- B. Types of Counterfeit Checks
 1. Stolen or counterfeit checks deposited/negotiated at banks or financial institutions, in which the suspect handing over the check is listed as the payee.
 2. Checks in which the suspect's name or fictitious business is printed on the check as the account holder and the suspect has passed or attempted to pass the check. A majority of these checks will have an account number on the bottom of the check that belongs to a legitimate bank account holder (victim).

III. CREDIT CARD FRAUD (CPC 484 e-g)

- A. Credit card fraud is the unlawful use or possession of another individual's credit card account information with the intent to commit fraud. "Credit Card" is a generic term used to describe any kind of access card that allows an authorized user to either draw on pre-established credit or to debit (withdraw) funds from the account holder's bank account.
- B. Credit card fraud includes the fraudulent use of a credit card, debit card, check cashing card, ATM card, store-issued card, gift card, or any other type of card, or card number, whose account information allows an individual to access credit or bank accounts.
- C. For the purpose of establishing the elements of the crime, there is no difference between a suspect in possession of a stolen or counterfeit credit card versus having only the credit card account number itself.
- D. Skimming Operations

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1. Skimming involves the unlawful acquisition of account numbers and Personal Identification Number (PIN) of another without their consent.
2. Through various types of devices, criminals are capable of “skimming” the account numbers from legitimate cards and also recording the Personal Identification Number (PIN) being used at an ATM or pay point locations.
3. Once the account numbers are obtained, they are transferred onto blank cards with magnetic card re-encoder.
4. With the gift card containing the personal account numbers of the victim along with the PIN, the suspects begin withdrawing money from various ATM locations.

IV. FINANCIAL ELDER ABUSE (PC 368)

- A. Financial elder abuse involves a suspect committing any theft, embezzlement, forgery, fraud or identity theft against any adult, whose physical and/or mental limitations require him or her to be under another’s care, or anyone 65 years or older. The suspect may be a caregiver (PC 368(e)) or a non-caregiver (PC 368(d)), a relative or non-relative, but the important element of the crime is to establish that the suspect knew or should have reasonably known the age of the victim or the victim’s dependent status.
- B. In the case of dependent elder abuse cases (i.e. the elderly who are not able to tend to their own physical needs or under the care of another person), it is particularly important to notify Adult Protective Services as soon as possible. Although the investigations involving these types of crimes are essentially the same as other fraud-related incidents, the vulnerability of the victims can require immediate action on the part of the responding deputy on scene or case investigator to ensure their well-being.
- C. Investigative Procedures
 1. Upon reviewing the report, the investigator should determine if a report is on file with the Adult Protective Services (APS). If so, the investigator should contact the assigned APS worker and obtain further details of the alleged elder abuse.
 - a. Mandated reporting per W&I 15640(c)
 - b. Report immediately or as soon as possible and submit written report within 2 working days
 2. If the circumstances of the case require an evaluation to determine the mental competence of the victim, the investigator should work closely with the APS social worker and contact Elder Abuse Forensic Center.

In cases where the Elder Abuse Forensic Center activates a response team, the members will consist of the Economic Crimes Investigator, District Attorney Investigator, APS Social Worker and a medical professional (usually from the Geriatrics unit).
 3. The investigator should determine the financial arrangements that were made between the involved parties (victim, caregiver, family member, etc). Who handles specific financial matters such as bill payment, check writing, cash withdrawals, deposits, credit card possession and use?
 4. With the assistance of medical professionals, determine if the victim is capable of making their own financial decisions. The investigator should determine if the victim

COMMON ECONOMIC CRIME SECTIONS

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- has a durable Power of Attorney (POA) or if there are medical/legal documents available to indicate impairment.
5. Establish Mental Capacity (per CALJIC 1.23)
 - a. Freely and voluntarily, not under the influence of threats, force or duress
 - b. Knowledge of the true nature of the act or transaction involved
 - c. Possess the mental capacity to make an intelligent choice whether or not to do something proposed by another person
 6. Obtain all necessary medical information
 - a. What is the victim's medical diagnosis?
 - b. Doctor information
 - c. Obtain list of medications
 7. If the suspect is employed by a caregiver agency, the investigator should consider contacting the agency to obtain additional information or records.
 - a. Who hired the caregiver?
 - b. How is the caregiver paid?
 - c. What are the caregiver's duties?
 8. If it is determined that an ongoing financial elder abuse crime is occurring, the investigator should make every effort to stabilize the situation to prevent any further loss to the victim.

IV. FORGERY (PC 470)

- A. In order to prove the crime of forgery, each of the following elements must be proven:
 1. An individual signed the name of another person or a fictitious name to a document.
 2. The individual had no authority to sign the name.
 3. The individual knew he/she had no authority; and
 4. The individual signed the document with the **specific intent** to defraud another person or persons.
- B. Investigative Procedures
 1. In all cases of forgery, the original document should be submitted along with the report. A copy of the forgery will suffice only when an original is unavailable.
 2. Hand writing exemplars should be pursued on all potential suspects. In addition, the victim should fill out an exemplar for elimination purposes.
 3. Forgery investigations are difficult to prove, however, eye witness statements and/or video surveillance can increase the likelihood of a successful prosecution.

V. IDENTITY THEFT (PC 530.5)

- A. The crime of Identity Theft covers a broad spectrum of crimes involving the fraudulent use of an individual's personal information without his or her permission. "Personal information" includes the victim's name, date of birth, social security number, address, credit card number, bank account number, and/or any other information that tends to personally identify an individual.
- B. In most cases, identity theft involves at least two distinct victims. The first victim is the person whose personal information has been unlawfully used to commit a crime. The

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second is the merchant or bank where the ID theft information was used to allow the suspect to steal merchandise or money

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- C. If the crime of identity theft occurred outside the jurisdiction of the sheriff's department, the deputy will write a courtesy report in accordance to California Penal Code Section 530.6. Once the report is received and reviewed by the Economic Crimes Unit, the report will be forwarded to the law enforcement agency where the crime occurred.
- D. Field personnel are directed to document these investigations on an Identity Theft Follow-up Report. However, due to the complexity of the cases, many are submitted on a follow-up report titled "Fraud Information."

VI. INVESTMENT/SECURITIES FRAUD

- A. Securities Fraud is a crime in which securities investing or trading laws have been violated. The definition of a security encompasses many things including stocks, bonds, commodities and other investments. Securities fraud can be described as deceptive practices in the stock and commodity markets. Generally, securities fraud occurs when investors are enticed to buy securities based on false statements.
- B. The California Department of Corporations is a valuable resource and can provide the following information:
 - 1. Is the suspect/involved party licensed with the DOC?
 - 2. Does the contract or document qualify as a security?
 - 3. Expert opinion on investigative procedures and enforcement sections.

VII. NON-SUFFICIENT FUNDS (CPC 476a)

- A. The Sheriff's Department Worthless Document Report details any crime in which a check, money order, bank draft, or traveler's check, or any forged item is used for the commission of an offense.
- B. When used in the reporting of check offenses, such as non-sufficient funds, account closed, and stop payment, the Worthless Document Report will be accompanied by an "Affidavit of Acceptor" form.
- C. In non-custody situations with a loss of over \$2500, the victim may mail the report, affidavit, and attached original document to the Sheriff's Department. A DR will be obtained and the case will be assigned by the detail sergeant.
 - 1. In NSF cases, a positive identification based on a photo line-up or surveillance video will greatly increase the likelihood of a successful prosecution.
 - 2. However, if the witness or victim cannot identify the suspect, the investigator should determine the procedures that were used to accept the check (driver's license, phone number, multiple forms of identification).
- D. If the suspect is on the scene, the investigator should direct the field deputy to obtain a statement from the suspect to determine if he/she knew the account was NSF or closed. Minimally, the field deputy should attempt to get a statement from the suspect acknowledging writing the check and giving it to the merchant. Have the suspect state the status of his or her account – does he admit he knew it was closed at the time of the

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transaction? Direct the deputy to confirm the suspect's contact information. An arrest is not usually recommended under these circumstances due to the necessity of obtaining the suspect's bank information, which can take several months. Rather than have the informant complete a worthless document form, document the incident on an Initial Crime Report or Follow-up Report regarding the incident and collect the check as evidence and book it into the evidence locker.

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- E. To aid in the prosecution of multiple check cases against one suspect, the investigator assigned will contact the affected agencies and determine which agency will consolidate the case for prosecution.
- F. The crime of PC 476a non-sufficient funds is a specific intent crime and in many cases can be difficult to prove. The investigator must show that the person intended to defraud over simply poor management of their personal finances. The following circumstances are generally not investigated due to the difficulty in establishing the "specific intent" elements:
 - 1. "Two party" checks
 - 2. Post-dated or pre-dated checks, or checks where an agreement to hold was in effect
 - 3. Rent checks, except for first month's rent
 - 4. "Stop payment" checks unless specific intent to defraud can be established
 - 5. Checks that have not been presented and rejected at the bank
 - 6. Checks where the bank records show there were sufficient funds in the account on the date the check was written; or, a deposit of a sufficient amount was made to the account within a reasonable time period in which the check was written
 - 7. "Joint" accounts where intent cannot be established

VIII. NIGERIAN FRAUDS, LOTTERY WINS AND CHARITY SCAMS

Nigerian, lottery, and other similar scams never seem to go out of style, but may evolve into different forms. With the growing use of the internet throughout the world, these crimes continue to proliferate. The solicitation via e-mail is extensive, but estimates are that a two-three percent return, they are profitable.

- A. In their current form, a victim may accept a counterfeit check for one of two reasons:
 - 1. ***The victim is selling something via eBay, craigslist.com, etc.***, and the suspect contacts the victim offering to purchase the item. The suspect sends a check, but it exceeds the cost of the item by several thousand dollars. The victim deposits the check into their account and sends the balance via wire transfer or Western Union.
 - 2. The victim has taken a job as a collection agent where all they need to do is receive checks to deposit, then forward the amount, minus a commission, via wire transfer or Western Union.
- B. Wire transfers such as Western Union and Money Gram are ideal for scam operations. The wire transfer, once initiated, cannot be cancelled or reversed, and the person receiving the money cannot be tracked. In fact, the suspect often does not have to provide identification; they only have to know the identifiers of the transaction such as the control number and secret question. Thus, the overwhelming majority of scams involve making payment via wire transfer.

COMMON ECONOMIC CRIME SECTIONS

C. Phony Charity Scams

1. If a firm is incorporated, it must register with the California Attorney General and is subject to audit.
2. Refer to Attorney General's website for charity information

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D. Investigative Techniques

1. Upon receiving the report, every effort should be made to determine if the scam originated in the United States. If so, the case will be forwarded to the appropriate jurisdiction. Frequently, the victim's money is sent overseas and the likelihood of prosecution is remote.
2. Western Union will not release any information without a search warrant, or state whether photo identification was used by the recipient prior to the warrant.
3. In the event the informant still has the check, do not advise the victim to deposit the check. Many counterfeit checks are excellent quality. It can take from several days or weeks for a bank to determine the check is counterfeit. Only the issuing institution can determine whether the document is genuine.

X. THEFT

There are four general categories of theft under California law. Each category has elements that are unique to the specific crime, but all are charged as a crime under California Penal Code sections 484-488 and 487.

A. Theft by Larceny

1. The following elements are required in order to prove the crime of theft:
 - a. A defendant took possession of property owned by someone else;
 - b. The defendant took the property without the owner's consent and with specific intent to deprive the other person permanently of the property;
 - c. The person carried such property away by obtaining physical possession and control for some period of time and by some movement of the property.
 - d. To constitute a carrying away, the property need not be actually removed from the place or premises where it was kept nor need it be retained by the perpetrator.

B. Theft by Embezzlement

1. CPC 503 defines embezzlement – it is not a charging section but a theory of theft. When someone is prosecuted for embezzlement, the charging section is CPC 488 – Petty Theft or CPC 487(b)(3) – Grand Theft.
2. Elements of embezzlement
 - a. A fiduciary relationship between the employee and the employer must be shown (i.e. the suspect works as cashier for the store – she is therefore handling the company's money in a position of trust).
 - b. An employee has been specifically identified as the suspect and;
 - c. With the specific intent to deprive the employer of property or services, the employee appropriated or converted it to his/her own purpose.
3. If the embezzlement is a one-time incident involving a straight forward theft of cash or goods, then the responding deputy can handle as any other theft case – establish

- that a crime has occurred, document on an ICR, collect the pertinent evidence, obtain a statement from the suspect if he or she is present, and arrest or not arrest depending upon the totality of the circumstances.
4. The more complex the embezzlement is, the less likely the responding deputy is going to arrest a suspect if present at the scene. If an employer discovers that a particular employee has been stealing thousands of dollars from the cash register over several months, it will require a large volume of business records and detailed auditing information to prove the case, even if the employee admits to the theft. Very rarely does an employer have that sort of documentation available to the handling deputy at the time of the call, nor would the employer be able to compile the information in an understandable format within 48 hours if the deputy were to arrest the suspect at the scene. As a result, if the theft involves multiple occurrences, complex fraudulent transactions, multiple employees, and/or a large dollar amount of loss, the deputy should generally not arrest the suspect(s).
- C. Theft by False Pretense
1. Elements required to prove theft by false pretense
 - a. The defendant knowingly and intentionally deceived a property owner by false or fraudulent representation or pretense;
 - b. The defendant did so intending to persuade the owner to let the defendant (or another person) take possession and ownership of the property;
 - c. The owner let the defendant take possession and ownership of the property because the owner relied on the representation or pretense; AND
 - d. The defendant who obtained possession of the property did so with the specific intent to permanently deprive the victim of their property.
 - e. The investigator must also show the following:
 - (1) The false pretense was accompanied by either a writing or false token, or
 - (2) There was a note or memorandum of the pretense signed or handwritten by the defendant, or
 - (3) Testimony from two witnesses or testimony from a single witness along with other evidence supports the conclusion that the defendant made the pretense.
 2. Additional considerations
 - a. *Property* includes money, labor, and real or personal property.
 - b. *False pretense* is any act, word, symbol, or token the purpose of which is to deceive.
 - c. Someone makes a false pretense if, intending to deceive, he or she does one or more of the following:
 - (1) Gives information he or she knows is false, OR
 - (2) Makes a misrepresentation recklessly without information that justifies a reasonable belief in its truth, OR
 - (3) Does not give information when he or she has an obligation to do so, OR
 - (4) Makes a promise not intending to do what he or she promises.
 - d. Proof of false pretense

COMMON ECONOMIC CRIME SECTIONS

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- (1) Some note or memorandum is in writing subscribed by the defendant or is in his/her handwriting; or
 - (2) An oral false pretense is accompanied by a false token or writing; or
 - (3) The false pretense is proved by the testimony of two witnesses or that one witness and corroborating circumstances.
- e. A false token is a document or object that is not authentic, but appears to be, and is used to deceive.
 - f. Distinguished from theft by trick
Although fraud is used to obtain the property in both theft by trick and theft by false pretense, in theft by false pretense, the thief obtains both possession and title to the property. For theft by trick, the thief gains only possession of the property. False pretenses does not require that the title pass perfectly and the victim may even retain a security interest in the property transferred to the defendant.
 - g. Implicit misrepresentations
The misrepresentation does not have to be made in an express statement; it may be implied from behavior or other circumstances.
- D. Theft by Trick and Device
1. Elements of theft by trick or device
 - a. The defendant obtained property that he or she knew was owned by someone else;
 - b. The defendant obtained possession of property by making a false promise with no intention of performing or by means of other fraud, artifice, trick or device;
 - c. In surrendering possession of property, the victim did not intend to transfer the ownership, AND
 - d. The defendant who obtained possession did so with the specific intent to permanently deprive the other person of the property.
 2. Distinguished from theft by false pretense
Although fraud is used to obtain the property in both theft by trick and theft by false pretense, in theft by false pretense, the thief obtains both possession and title to the property. For theft by trick, the thief gains only possession of the property.

I. INTRODUCTION

With few exceptions, fraud-related cases are specific intent crimes. What makes this a challenge for investigators is that not only must the suspect be shown to have committed the act, but to have done so knowingly with specific intent to commit the crime.

II. INVESTIGATIVE TECHNIQUES

- A. It is the responsibility of each investigator to initiate the proper investigation and to diligently follow investigative leads to a sound conclusion.
- B. Upon assignment of a case, the investigator will review the report.
- C. Investigators will attempt to contact victims within 2 working days on Priority 1 cases and 5 working days on Priority 2 cases. Investigators will contact victims and advise them they are the Investigator handling their case.
- D. If, after additional information is obtained and it is determined that the violation occurred in another agency's jurisdiction, the case will be referred to that agency.
 1. Utilizing any number of criteria, the case can be reassigned to a city, county, state or federal agency.
 2. Case referrals will not serve to prejudice or preclude joint investigative activities between the Sheriff's Department and other agencies.
 3. On a referral matter, the appropriate disposition will be entered into CMS by the investigator or office personnel.
- E. The victim or informant will be notified in writing on all incidents involving the following circumstance:
 1. The incident occurred outside of Sheriff's jurisdiction and the report was forwarded to the appropriate law enforcement agency.
- F. If it is determined that a possible crime has occurred, the investigator should direct the informant to provide the following information:
 1. Provide a chronological summary of information on what has occurred to date.
 2. Provide legible machine copies of all pertinent documents and/or contracts referred to in the chronology and provide legible front and back copies of all checks or other negotiable items used in the transaction(s).
 3. Informant will maintain custody and control of all original documents until such time as the documents are needed by the investigator, District Attorney's Office or the court.
- G. Obtain all necessary bank records
 1. In many investigations, it will become necessary to obtain the bank records for both the victim and suspect. A search warrant or a formal department letter can be used to obtain the necessary evidence.
 2. Compliance with the request for bank records for periods of thirty (30) days before, and thirty (30) days after the reported offense is mandatory under California Government Code, Chapter 20, Section 7480(b).
- H. Determine if the victim/witness can identify the suspect. Due to the wide spread abuse of identity theft and other forms of fraudulent identification, a case may not be able to proceed without a positive identification.

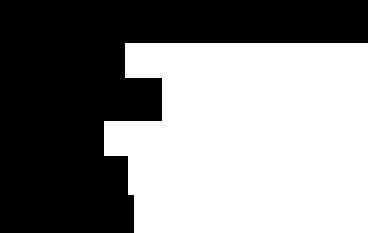
INVESTIGATIVE PROCEDURES

- I. If available, the investigator should consider obtaining surveillance videos, or other digital media available to assist in identifying the suspect.
- J. In the event a criminal violation does not exist, the investigator shall notify the reporting party of such findings prior to closing the case.
- K. Due to the complex nature of the investigations, many reports are submitted on Follow-up Report forms. If a crime has occurred, the investigator assigned to the case will initiate the proper crime report.
Reports that were entered into Field Base Reporting as an information report will need an ICR with the proper violation as determined by the case investigator.

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III. INVESTIGATIVE RESOURCES

- A. California Department of Corporations
 - 1. License and regulate securities brokers and dealers, investment advisors, and financial planners
 - 2. Determine if person is licensed or if falls under the license exemption
 - 3. Determine if any other complaints
 - 4. Examine documents
 - 5. Provide Expert Opinions
- B. California Department of Insurance
 - 1. Investigate complaints involving the insurance industry
- C. California Notary Public
 - 1. Responsible for regulating public notaries
 - 2. Determine if person is a current public notary
 - 3. Provide addresses for public notary
- D. Contractors State License Board
 - 1. License and regulate construction industry
 - 2. Determine if person is licensed or should be licensed
 - 3. Determine if any other complaints
 - 4. Provide contractor to assist with construction investigations
- E. Credit Card Companies
 - 1. Account statements
 - 2. Account applications
 - 3. Phone number capture into 1-800 system
 - 4. Surveillance video
- F. Elder Abuse Forensic Center
 - 1. Geriatrics, APS, District Attorney's Office, Law Enforcement, Public Administrator, Ombudsman, Older Adult Services, Community Service Programs, and Human Options
 - 2. Ability to disclose information to members of the multidisciplinary team
- G. Escrow Companies
 - 1. Record of entire real estate/mortgage transaction
 - 2. Required to retain for 3 years
- H. Federal Reserve Financial Services
 - 1. www.fedwiredirectory.frb.org/search_ach.cfm

2. Check information
- I. Financial Crimes Enforcement Network (FinCEN)
 1. Must be active law enforcement investigation
 2. Information obtained is only used for intelligence and is confidential
 3. SAR-Suspicious Activity Report
 4. CTR-Currency Transaction Report
 5. CTRC-Currency Transaction Report from Casinos
- J. Financial Institutions
 1. Account signature cards
 2. Account statements
 3. Surveillance video
- K. 
- L. Public Records Search
 1. Accurint
 2. CLEAR
- M. Retirement Community Security
 1. Emergency contact information
 2. Resident information
- N. U. S. Secret Service einformation Network
 1. www.einformation.usss.gov
 2. eLibrary Website
 - a. Credit Card BIN
 - b. Credit Card issuer information
- O. Schools
 1. Parent Information
 2. Employment
 3. Emergency Contact
- P. Social Security Administration
 1. Determine if suspect is assigned questioned social security number
- Q. Title Companies
 1. Record of real estate/mortgage transaction
 2. Determine if Title company is victim – no search warrant is necessary
- R. United States Postal Inspector Services
 1. Mail covers
 2. Forwarded mail addresses
 3. Ability to contact mail carrier
 4. Confirm addresses
 5. Handle investigations regarding mail fraud

In 2002, the Orange County Sheriff's Criminal Investigations Bureau instituted a Family Protection Detail. The detail is currently located within the Criminal Investigations Bureau. All physical child abuse cases are investigated by the Family Protection Detail and all sexual child abuse cases are investigated by the Special Victims Detail.

I. INTRODUCTION

- A. To many, child abuse cases are narrowly defined as having only physical implications. In reality, child abuse is any act of omission or commission that endangers or impairs a child's physical or emotional health and development. This includes:
 1. Physical abuse
 2. Emotional abuse
 3. Emotional deprivation
 4. General neglect, severe neglect and/or inadequate supervision
 5. Sexual abuse and exploitation
- B. Definitions
 1. *Child*: means a person under the age of 18 years old
 2. *Child Abuse*: means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by Penal Code 273a or 273d. Child abuse also means the **neglect** of a child or abuse in out-of-home care. Child abuse does not include a mutual affray between children. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer (PC 11165.6).
 3. *Child Protective Agency*: means a police or sheriff's department, a county probation department or a county welfare department. This section does not include school district police or security department.
- C. Child Abuse Reporting
 1. Pursuant to PC 11165.9, this department is defined as a "child protective agency." All employees of this department are responsible for the proper reporting of child abuse. Any employee who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and prepare a crime report pursuant to PC 11166.
- D. Mandatory Notification
 1. Pursuant to PC 11166.1, when this department receives a report of abuse occurring at the below listed facilities, notification shall be made within 24 hours to the licensing office with jurisdiction over the facility.
 - a. A facility licensed to care for children by the State Department of Social Services
 - b. A report of the death of a child who was, at the time of death, living at, enrolled in or regularly attending a facility licensed to care for children by the State Department of Social Services, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility

II. CASE ASSIGNMENT PROCEDURE

- A. Child Abuse Cases
 - 1. Cases will be assigned to individual investigators by the sergeants assigned to the Special Victims Detail or the Family Protection Detail. The Field Base Reporting system (Tritech) will maintain a detailed log of all cases that are investigated by the Family Protection Detail and Special Victims Detail. The sergeants will refer to the Field Base Reporting system for statistical numbers and details of all cases investigated within the Family Protection Detail and Special Victims Detail.
 - a. Based upon the seriousness of the crime and in consideration of the child/victim, these crimes will be investigated immediately
 - b. Ensure mandatory reporting procedures (PC 11166) have been complied with
- B. Child Abuse Reports (CAR) from Social Services
 - 1. Cases will be assigned to individual investigators or investigative assistants by the sergeants assigned to the Special Victims Detail or the Family Protection Detail. The Family Protection office specialist will log the case in the case management system.
 - a. The assignment of the case will be based on the seriousness of the injuries/allegations and previous reported incidents.
 - b. In some cases the CAR report will be a supplemental to an incident that is already being investigated. Under these circumstances both reports will be investigated by the same investigator/investigative assistant.
 - c. Some of these incidents, which are minor in nature, can be entirely investigated by Social Services. In these incidents the investigator/investigative assistant will follow-up with Social Services until the investigation is complete.
 - d. If Social Services determine that the case should rise to the level of a criminal investigation, the investigative assistant will turn the case over to an investigator. The investigator will then start a criminal investigation.

III. INVESTIGATIVE PROCEDURE

Follow-up Investigation

- A. The first and major concern of all child abuse cases is the welfare of the child.
 - 1. The primary objective of the initial investigation is to protect the child from further or continued contact with the abusive suspect(s).
 - a. Pursuant to W&I 300, a child may be taken into protective custody if he/she is the victim of suspected child abuse.
 - b. If a child is taken into protective custody, it should be coordinated with Social Services if possible.
 - (1) As soon as possible, interview the suspect(s) and arrest him/her if appropriate.
 - (2) Potential witnesses and family members should be contacted as soon as possible.
 - (3) Counseling should be arranged for the victim and family members whenever appropriate.
- B. Collection of Physical Evidence

1. In matters of visible physical abuse, complete anatomical photographs should *always* be taken. (Follow-up photographs may be required to demonstrate coloration changes, bruising, bite marks, burns, etc.) Care should be taken to avoid photographing victims in embarrassing poses by draping them.
 2. In bite mark cases, examination by forensic odontologist should be considered.
 3. When appropriate, medical examination of the victim/child should be arranged.
 4. Child Abuse Services Team (CAST) may be utilized to conduct interviews and medical examinations of the victim(s).
 5. Care should be taken to not overlook objects used to inflict the trauma or evidence of the existence of child pornography (magazines, photos, etc.)
 6. A search warrant should always be considered.
- C. Confidentiality - Per California Penal Code Section 293(a) and Government Code Section 6254(f) all minor victims and victims of applicable crimes have the right to have their name remain confidential and not become a matter of public record.
- D. Available Alternatives to Prosecution
1. On first offenses involving less than major abuse, or in cases of questionable abuse (lack of victim cooperation; inability to relate abuse; or absence of physical evidence), appropriate diversion of the case should be considered.
 - a. Referral to Child Protective Services Unit/Social Services
 - b. Referral to private counseling for the family unit (C.S.P., etc.)
 - c. Child Advocacy (U.S.M.C. cases)

DOMESTIC VIOLENCE PROCEDURE

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In 2002, the Orange County Sheriff's Criminal Investigations Division instituted a Family Protection Detail. The Detail is currently located within the Criminal Investigations Bureau. All cases of domestic violence are investigated by the Family Protection Detail.

Over a period of the last several years, numerous laws have been changed and others have been enacted to govern how domestic violence cases are handled. As a result of these changes in law along with other publicity, the number of cases that are reported have grown proportionately.

The overall goal of the Orange County Sheriff's Department Family Protection Detail is to break the cycle of domestic violence by obtaining help and counseling for the suspects. It has been proven that counseling has a far greater success rate for breaking the cycle than incarceration.

I. DEFINITIONS

- A. *Abuse*: means either intentionally or recklessly causing or attempting to cause bodily injury. It also can be used to mean placing another person in reasonable apprehension of imminent serious bodily injury to himself/herself or another.
- B. *Cohabitant*: means two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:
 - 1. Sexual relations between the parties while sharing the same living quarters
 - 2. Sharing of income or expenses
 - 3. Joint use or ownership of property
 - 4. Whether the parties hold themselves out as husband and wife
 - 5. The continuity of the relationship
 - 6. The length of the relationship
- C. *Domestic violence*: is abuse committed against an adult or fully emancipated minor who is the spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or has a dating or engagement relationship. These relationships include those between homosexual partners.
- D. *Family Protection Detail*: is an investigative detail designed to investigate all domestic violence crimes designated in the Family Protection Detail Operation Manual.
- E. *Officer/Deputy*: means any law enforcement officer employed by a local police department or sheriff's department, consistent with PC 830.1.
- F. *Victim*: means any person who is a victim of domestic violence.

II. PROCEDURES

- A. Enforcement of Laws in Domestic Violence Incidents
 - 1. It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:
 - a. Marital status of suspect and victim
 - b. Whether or not the suspect lives on the premises with the victim
 - c. Existence or lack of temporary restraining order

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- d. Potential financial consequences of arrest
 - e. Complainant's history or prior complaints
 - f. Verbal assurances that violence will cease
 - g. Complainant's emotional state
 - h. Non-visible injuries
 - i. Location of the incident (public/private)
 - j. Victim does not want to prosecute or make private person's arrest
 - k. Speculation that complainant may not follow through with the prosecution
 - l. The case may not result in a conviction
- B. Felony Arrests
- An arrest will be made when there is probable cause to believe that a felony has occurred (i.e. PC 136.1, PC 236, PC 245, PC 273.5 etc.).
1. Felony cases for the purposes of case assignment to the Family Protection Detail shall be:
 - a. Broken bones, including noses
 - b. Any injuries requiring medical treatment such as, concussion or loss of consciousness, cuts requiring stitches or staples, burns including chemical burns, dislocations, serious sprains with attendant pain, swelling or loss of use, internal injuries
 - c. Severe bruising on any portion of the body or any bruising over a substantial portion of the body
 - d. Injuries suggesting malicious or tortuous activity such as: cigarette burns, cutting off all of the victim's hair, scratching words into the victim's skin, or lighting the victim's clothing on fire
 - e. Any assaults involving the actual use of a knife, gun or deadly weapon (i.e. sticks, belts, bricks, bats, scissors, etc.)
 - f. Any assault upon a pregnant female beyond the first trimester that will *threaten the pregnancy*.
- C. Misdemeanor Arrests
- An arrest will be made when there is probable cause to believe that a misdemeanor, including violations of court orders (PC 836(c)) has occurred.
1. Sheriff's deputies may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:
 - a. A current or former spouse
 - b. A current or former cohabitant
 - c. A fiancé or fiancée
 - d. A person with whom the suspect currently is having or has previously had an engagement or dating relationship
 - e. A person with whom the suspect has parented a child
 - f. A child of the suspect or a child of one of the above listed categories
 - g. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship

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2. Both of the following conditions must be present in order to make an arrest in this situation pursuant to PC 836(d).
 - a. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
 - b. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault and battery, whether or not it has in fact been committed.

D. Field Release

Per California Penal Code section 1270.1(a), any person arrested for domestic violence or domestic violence related crimes may not be released in the field or on their own recognizance until a hearing is held in open court before a magistrate or judge. An arrest should be made when there is reasonable likelihood the offense may continue or resume, or the safety of the person(s) or property would be endangered (PC 853.6).

1. Any of the following may support the likelihood of a continuing offense:
 - a. Whether the suspect has a prior history of arrests or citations involving domestic violence
 - b. Whether the suspect is violating a criminal court issued Stay Away Order
 - c. Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order
 - d. Whether the suspect has a prior history of other assaultive behavior (e.g. arrests or convictions for assault and battery or aggravated assault)
 - e. Statements taken from the victim that the suspect has a history of physical abuse towards the victim
 - f. Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released

E. Private Person's Arrest

Deputies will advise the victim of his/her right to make a private person's arrest when a crime has been committed outside of the deputy's presence which does not meet the requirements for a deputy initiated arrest either because it is not a felony or a qualifying misdemeanor offense under PC 836(c) or (d). Advisements regarding private person's arrests should be held out of the presence of the suspect. Deputies shall not dissuade victims from making a lawful private person's arrest.

III. INVESTIGATION OF DOMESTIC VIOLENCE CASES

- A. Officers arriving at a domestic violence scene shall conduct a thorough investigation.
 1. Describe
 - a. How the call was dispatched (911, 927, 415 man and woman)
 - b. Victim's and suspect's location, physical and emotional condition
 - c. Type of relationship (married, dating, engaged, etc.)
 - d. Injuries to victim and suspect
 2. Offer or request emergency medical services if necessary. Document paramedics' names and name of treating physician if transported to hospital.

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3. Interview
 - a. Suspect
 - b. Victim
 - c. Witnesses and informant
 - d. Children
 - (1) Names and birth date
 - (2) Verify that they know the difference between the truth and a lie
 - (3) Describe their emotional condition
4. Try and determine the primary aggressor
5. Get complete information on all parties involved including:
 - a. Name (use CDL or ID for correct spelling)
 - b. Address (business and residence)
 - c. Phone numbers (cell, home and work)
6. Evidence
 - a. Photograph victim's and suspect's injuries or lack of
 - b. Contact Sheriff's ID for follow-up photographs
 - c. Photograph scene
 - d. Collect and book all evidence including weapons, damaged phones, etc.
- B. Submit reports on all crimes related to domestic violence.
 1. The Sheriff's Department Violence Investigation checklist should be utilized at all scenes.
 2. When reporting a domestic violence related crime, the officer will write the words FAMILY PROTECTION DETAIL in the "copies to" box at the top of the crime report.
 3. In addition to the crime report, officers shall complete a Supplemental Domestic Violence form and submit one with every domestic violence related report.
 4. Ask the victim if they desire confidentiality and document response.
 - a. Confidentiality - Per California Penal Code Section 293(a) and Government Code Section 6254(f) all minor victims and victims of applicable crimes have the right to have their name remain confidential and not become a matter of public record.
 5. When reporting a domestic violence incident where there is no violation of law, the officer will submit a report on a Supplemental Domestic Violence form, and continuation pages as necessary.
- C. Firearms - PC 18250 Deputies shall take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence incidents and process them for safekeeping as authorized in PC 18250. In no event shall such firearm or weapon be returned within less than 48 hours.
 1. The deputy taking custody of any weapon or other deadly weapon shall issue a receipt fully describing the weapon (including any serial number). The deputy will advise the subject to complete the DOJ application for return of the firearm.

DOMESTIC VIOLENCE PROCEDURE

2. No person who is subject of an EPO issued pursuant to PC 646.91 (stalking) may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect. OCSD
3. In some domestic violence related matters, officers may encounter a firearms case where the owner has a permit to carry the firearm concealed.
 - a. The weapon and permit are both subject to the same impound procedures and appropriate seizures should take place.
 - b. A special note should be made in these cases for notification of the issuing office which administers the CCW program.
 - c. If a deputy should encounter a domestic violence situation involving off-duty law enforcement personnel, a field supervisor and the Operations Watch Commander will be immediately notified.

D. Written Notice to Victims

1. Deputies responding to calls of domestic violence shall comply with PC 13701 by giving the victim the following:
 - a. Orange County Sheriff Domestic Violence Letter
 - b. Orange County Sheriff Domestic Violence, Sexual Assault & Violent Crime Information pamphlet
 - c. Case number of report

E. Emergency Protective Orders

Ask the victim if they desire an EPO and document their response.

1. An Emergency Protective Order (EPO) is an ex-parte (without prior notice) restraining order issued by telephone by the on-call judge upon request of the patrol deputy at the scene of a domestic violence case, when the deputy has reason to believe the victim is in immediate and present danger of domestic violence by any person or a child is in danger from a family or household member.
 - a. Call the Judicial Hearing Officer [REDACTED] and obtain the EPO.
 - b. Serve the restrained party.
 - c. Fax a copy of the EPO to the Domestic Violence Registry [REDACTED]
 - d. Fax a copy of the EPO to Sheriff's teletype [REDACTED].

IV. PROTECTIVE ORDER VIOLATIONS

- A. Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in PC 13701(b), an arrest shall be made. These court orders involve the following:
 1. Prohibit threats, harassment of violence
 2. Excludes a party from a dwelling
 3. Prohibit other behaviors specified by the court
- B. These protective orders pertain to parties labeled as petitioner and respondent who are married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together. The court orders under PC 13701(b) may be captioned as follows:
 1. Domestic Violence Protective Order

2. Criminal Court Protective Order
 3. Emergency Protective Order (EPO)
 4. Order to Show Cause and Temporary Restraining Order (TRO)
 5. Order after hearing
 6. Restraining Order – Juvenile
 7. Judgment of Dissolution and Order
- C. Any deputy determining that there is probable cause to believe that a protective order issued by a tribunal of another state is valid shall enforce such order as if issued in this state.
- D. **Verification of Restraining Orders** – Whenever a complainant advises of the existence of a restraining order, the deputy should immediately attempt to verify the following:
1. Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in his/her possession
 2. Whether there is a valid restraining order on file with the Department of Justice Domestic Violence Restraining Order System
 3. Whether the proof of service or prior notice exists or that the suspect was in court when the order was made
 4. The terms of the restraining order
 5. In the event that the suspect is no longer at the scene, deputies shall document the incident for follow-up investigation
- E. **Enforcement Procedures** – Violation of a restraining order is a misdemeanor under PC 273.6 or 166 (c)(1). An arrest should be made when probable cause exists to believe the subject of a restraining order has violated the order whether or not in the presence of an officer and evidence of proof of service of the order exists. Proof of service may be established by any one of the following:
1. The existence of the order and proof of service to the suspect has been verified by the deputy
 2. The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect
 3. The deputy has verified the existence of the order and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements
 4. The existence of the order has been verified and there is proof that a deputy has previously informed the suspect of the terms
- F. **Proof of Service Not Verified** – When the deputy verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the deputy shall perform the following:
1. At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody.
 2. Immediately inform the suspect of the terms of the order and place the suspect on notice that a violation of the order will result in arrest.

3. Obtain the suspect's address.
 4. Enforce the order but do not make an arrest for any violation of the order occurring prior to verified proof of service or before a deputy's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made.
 5. If the suspect complies with the order the deputy shall complete a report detailing the specific terms of the order and advisement, the name of the advising deputy, and the date and time of advisement.
- G. **When Orders are not Verifiable** – If the victim is not in possession of the restraining order and/or for any reason the deputy cannot verify the validity of the order the following action shall be taken:
1. Write a report and give the police report number to the victim.
 2. Inform the victim of how to contact the appropriate investigator or investigative unit for further action.
 3. Inform the victim of the right to make a private person's arrest for the appropriate violation.
 4. In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. In such circumstances a written report shall be completed and the victim shall be informed of the case number and the follow-up criminal procedure.

V. EMERGENCY PROTECTIVE ORDERS

- A. Family Code 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue EPOs based on criteria outlined in Family Code 6250(c). A judicial hearing officer may issue an EPO whenever a law enforcement officer asserts reasonable grounds that:
1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
 2. A child is in immediate and present danger of abuse by a family or household member, based on allegations of a recent incident of abuse or threat of abuse by the family or household member.
 3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
 4. An elder or dependent adult is in immediate and present danger of abuse as defined in W&I Code 15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.
- B. Under PC 646.91, a peace officer may also obtain an EPO when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger or being stalked.

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1. Any such EPO shall be reduced to writing, signed by the officer and include all of the information required by PC 646.91(c).
 2. Any deputy seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
 3. Any deputy requesting such an order shall carry copies while on duty and shall use every reasonable means to enforce the order.
- C. EPOs may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
1. Physically or verbally contacting the victim or disturbing his/her peace
 2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence
 3. Continuing a specified behavior as described in the order
- D. Deputies investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An EPO should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.
- E. It is the policy of the Orange County Sheriff's Department to request an EPO if any of the following exist:
1. The victim requests an EPO.
 2. The investigating deputy has grounds to believe that there is an immediate danger of continuing violence against the victim.
 3. The investigating deputy or victim believes that the suspect may be able to make bail and the potential for further violence exists.
- F. An emergency protective order takes effect when it is issued and expires either at the close of business on the fifth court day after it was issued, or on the seventh calendar day, whichever comes first.

VI. FOLLOW-UP INVESTIGATION BY FAMILY PROTECTION DETAIL

- A. The Family Protection Detail will investigate all felony and misdemeanor domestic violence assaults or any other crime associated with a domestic violence assault. The Family Protection Detail will also conduct any follow-up investigation to an in-custody domestic violence incident.
1. The Field Base Reporting system will maintain a detailed log of all cases that are investigated by the Family Protection Detail.
 2. All in-field photographs (after the deputy writes his/her name & DR number on the photograph) and medical reports should be included.
 3. Reports will be done on the Field Base Reporting system and other physical evidence should be booked into property.
- B. The Family Protection Detail is staffed Monday through Friday 0500-1700 hours.
1. Field personnel and general investigators should contact (714) 647-7419 for assistance during these hours.

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- C. Family Protection investigators will be available on a 24-hour call-out basis to assist field units in exceptional cases. All call-outs must be through the Operations Watch Commander to the detail sergeant. An example of an exceptional case might be when the victim has suffered extreme or traumatic injuries which may be life threatening.
- D. Cases will be assigned to individual investigators by the Family Protection Sergeant. The Family Protection office specialist will log the case in the case management system.
- E. Once the Family Protection Detail sergeant has assigned the case to an investigator, the investigator will prepare the case to be submitted to the District Attorney's Office for filing. These steps may include:
 - 1. Additional interviews with victims, suspects and witnesses
 - 2. Obtain 911 recording
 - 3. Obtain medical records
 - 4. Obtain photographs of injuries
 - 5. Obtain prior reports of domestic violence
 - 6. Prepare court packet for filing with the district attorney
- F. All domestic violence cases will be submitted to the district attorney for filing.
- G. Case Clearances
 - 1. The Case Cleared report will be submitted as soon as a disposition is known on all matters not otherwise deemed "inactive."

VII. VICTIM ASSISTANCE

- A. During the course of investigating and reporting domestic violence cases, a deputy may assist a victim in many ways. Some suggested methods of assistance are:
 - 1. Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not
 - 2. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the deputy determines a need exists
 - 3. Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property
 - a. The officer should confirm that there is no current EPO or restraining orders against either party. If there is a current EPO or restraining order, then the party needs to obtain a signed order from the judge to pick up specific items.
 - 4. Assist a complainant with removing a person from a premise, when it can be shown that the complainant is in lawful possession of the premise (for example, by showing a rental agreement, canceled rent check, lease, grant deed, rent, receipts or other documents, or verification from the landlord/manager), and the person desired to be removed is not in lawful possession of the premise, the responding officer will:
 - a. Request the person to leave the premises and standby until the person removes their belongings
 - b. Should the person refuse to leave upon request, the suspect should be arrested for any applicable section (i.e. PC 602.5), and thereupon cited and released, upon satisfying release criteria

- c. If the case warrants it, an Emergency Protective Order should be offered and obtained
5. Explain legal options available to the victim including temporary restraining orders and stay away orders, and in cases of arrest, the follow-up procedures and ensuring criminal proceedings.
6. Advise the victim of the available community resources and the state victim assistance program.

VIII. VICTIM INFORMATION AND NOTIFICATION EVERYDAY PROGRAM

When appropriate, deputies should advise the victim of the availability of the Victim Information and Notification (VINE) Program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from County Jail. The contact phone number for VINE is printed on the Orange County Sheriff's Department Domestic Violence Information pamphlet.

IX. DOMESTIC VIOLENCE SUPPORT

Victims of domestic violence or abuse have the right to have a domestic violence counselor and a support person of the victim's choosing present at any interview by law enforcement authorities.

- A. For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspects shall not constitute a law enforcement interview.
- B. The support person may be excluded from an interview if the law enforcement authority or the district attorney determines the presence of that person would be detrimental to the purpose of the interview.
- C. The investigating deputy should articulate in the report that the victim was advised of their right to a counselor and/or support person.

X. FIREARMS

Deputies shall take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence incidents and process them for safekeeping as authorized in PC 18250.

The deputy taking custody of any weapon or other deadly weapon shall issue a receipt fully describing the weapon (including any serial number). The deputy will advise the subject to complete the DOJ application for return of the firearm per PC 33850.

No person who is subject of an EPO issued pursuant to PC 646.91 (stalking) may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect.

A. Return of Firearms

1. If a firearm or other deadly weapon is not retained as evidence related to the criminal charges brought as a result of the domestic violence incident and the deputy has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department

DOMESTIC VIOLENCE PROCEDURE

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- shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon to submit an application to the DOJ for the return of the firearm.
2. If, however, any deputy has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the Department of Justice or other sources, the Department shall notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure.
 3. If the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other deadly weapon should be returned. Such petition shall be filed within 60 days of the initial seizure or upon timely application to the court for an extension within no more than 90 days (PC 18400).
 4. Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of PC 33865.
 5. Following a determination by the DOJ that the person is eligible to possess a firearm, the Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (PC 33875).

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Orange County Sheriff's Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

I. DEFINITIONS

- A. *Abuse of an Elder or a Dependent Adult*: means physical abuse, neglect, fiduciary abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering (PC 368(b)(1)).
- B. *Adult Protective Services Agency*: means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.
- C. *Caretaker*: means any person who has the care, custody, or control of, or who stands in a position of trust with, an elder or a dependent adult.
- D. *Dependent Adult*: means any person residing in this state, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. Dependent Adult includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined in H&S 1250, 1250.2 and 1250.3.
- E. *Elder*: means any person residing in this state, 65 years of age or older.
- F. *Fiduciary Abuse*: means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.
- G. *Neglect*: means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:
 - 1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
 - 2. Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

II. MANDATORY REPORTING REQUIREMENTS

Pursuant to W&I 15630, the Orange County Sheriff's Department is considered a mandated reporter. Any sworn deputy in his or her professional capacity, or within the scope of his or her employment, who has observed or has knowledge of an incident that reasonably appears to be physical abuse, as defined in W&I 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she

has experienced behavior, including an act or omission, constituting physical abuse, as defined in W&I 15610.63, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report sent within two working days.

III. SUPPORT SERVICES RESPONSIBILITY

Support Services is responsible for the following:

- A. Provide a copy of the elder/dependent adult abuse report to Adult Protective Services
- B. Retain the original elder/dependent abuse report with the initial case file

IV. DEPUTY'S RESPONSE

Deputies shall investigate calls of elder abuse and dependent abuse that they encounter. Deputies responding to incidents of actual or suspected elder abuse shall consider the following when handling these calls.

- A. Initial Response
 1. Deputies may be called upon to affect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for emergency entry is not evident, deputies should seek supervisory approval. Deputies must be prepared to provide emergency care pending the arrival of medical personnel.
- B. Stabilize the Situation – Deputies must quickly assess the situation in an effort to ensure the immediate safety of all persons. Deputies shall also consider the following:
 1. Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person.
 2. Preserve the crime scene where evidence is present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately.
 3. Assess and define the nature of the problem. Deputies should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention.
 4. Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.
- C. Support Personnel – The following person(s) should be considered if it appears an in-depth investigation is appropriate:
 1. Patrol supervisor

2. Investigative personnel
 3. Evidence collection personnel
 4. Protective Services Agency personnel (Orange County Adult Protective Services)
 5. Ombudsman shall be called if the abuse is in a long-term care facility
- D. Emergency Protective Orders
- In any situation which a deputy reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code 6250(d)).
- E. Elder Abuse Reporting
- Every allegation of elder abuse shall be documented. When documenting elder/dependent abuse cases the following should be included in the report:
1. Current location of the victim
 2. Victim's condition/nature and extent of injuries, neglect or loss
 3. Names of agencies and personnel requested and on scene
- All incidents of elder/dependent adult abuse shall be reported to the Orange County Adult Protective Services at (800) 451-5155. Deputies shall also complete a State of California Report of Suspected Dependent Adult/Elder Abuse form SOC 341 and submit it with their report. A copy of the SOC 341 shall be faxed to the Orange County Adult Protective Services at (714) 825-3001.

BANK ROBBERY APPREHENSION TEAM

I. INTRODUCTION

The Bank Robbery Apprehension Team (B.R.A.T.) is a federal program based in the city of Santa Ana, F.B.I. office. The mission of the unit is to identify and arrest bank robbery suspects for crimes committed throughout Orange County. The Orange County Sheriff's Department is the only local law enforcement agency that provides B.R.A.T. with personnel.

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II. RESPONSIBILITY

The Homicide Detail of the Criminal Investigations Bureau provides one investigator to B.R.A.T. The primary responsibility of the investigator assigned to this position is to function as the liaison between the federal and local agencies in regards to bank robberies in Orange County jurisdiction.

The investigator and other B.R.A.T. members respond to crime scenes, interview witnesses, coordinate with local law enforcement and C.S.I. personnel and attempt to locate and arrest suspects.

B.R.A.T. members work with federal and local judicial systems to obtain criminal complaints and arrest warrants on all bank robbery cases.

III. NOTIFICATION

The local law enforcement agency has jurisdiction of the location where the bank robbery takes place and will handle the initial response. That agency will then call the B.R.A.T. coordinator based out of the Los Angeles office who then will call B.R.A.T. members to respond to the scene to conduct the investigation.

I. INTRODUCTION

The Orange County District Attorney's Office and the Orange County Sheriff's Department have established an Operational and Procedural Protocol for Custodial Death Investigations effective February 10, 2010.

II. PROCEDURE

A. Fatal or life threatening injury or illness

1. The Orange County District Attorney's (OCDA) Office will assume primary investigative responsibility for the incident, however, the Sheriff's Homicide Detail may be requested to participate in all or select phases of the investigation.
2. The District Attorney may request the Sheriff's Department to conduct the investigation into any underlying crimes involving non-Sheriff Department personnel. It is recognized that this is often necessary for the prosecution of involved suspect(s). The final responsibility for the investigation will rest with the District Attorney's Office.
3. In cases where a person dies following release from custody, the District Attorney shall be notified of the circumstances but may decline to respond.
4. In cases where an individual suffers serious injury which is life-threatening, while in the custody or control of a Sheriff's employee or incarcerated in the Orange County Jail system, the District Attorney shall be notified of the circumstances but may decline to respond. A life threatening injury or illness is defined as any injury or illness likely to produce death.

II. NOTIFICATIONS

A. Fatal and Life Threatening Injury or Illness

1. All deaths or life threatening injuries or illnesses (likely to produce death) occurring in a custodial facility and any out-of-custody deaths within a reasonable timeframe where the death may be related to the individual's incarceration, require immediate notification to the Homicide Sergeant. All additional notifications will be made in accordance to the Department Commander's Protocol and Procedures Manual.
2. Immediate notification will be made to the OCDA's Office by the Homicide Sergeant.

III. RESPONSIBILITIES

A. Fatal or Life Threatening Injury or Illness

1. On life threatening injuries, the District Attorney's Office will be immediately notified of the circumstances. If the District Attorney's Office responds, they will assume primary investigative responsibility over the incident. If the District Attorney's Office declines to respond, the Custody Intelligence Unit (CIU) Sergeant and Homicide Sergeant will confer and make a determination as to which detail will investigate the incident.
2. On all in-custody death investigations, including Homicides, the District Attorney's Office will assume primary investigative responsibility for the incident. The District

CUSTODIAL INVESTIGATIONS

- Attorney's Office may request Sheriff's Homicide investigators to participate in all or select phases of the investigation.
3. The Sheriff's Department shall provide the DA's Office copies of all reports, videos recordings, photographs, and other relevant material to the case.
 4. The Sheriff-Coroner shall permit any necessary autopsy to be performed by a pathologist under contract by the District Attorney. This pathologist will be provided all pertinent information concerning the investigation. An Orange County Coroner's pathologist may attend the autopsy as an observer.

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DISCHARGE OF A FIREARM INVESTIGATIONS

OCS D

I. INTRODUCTION

OCS D Policy 310 establishes procedures and protocols for the investigation of Shooting Incidents to ensure such incidents are investigated thoroughly, in a fair and impartial manner. Refer to this policy for more detailed information.

II. PROCEDURE

- A. Discharge of a Firearm with injury within Sheriff's Jurisdiction
 - 1. Per OCS D Policy 310, a "hit shooting" is defined as having occurred when a Department member intentionally or unintentionally shoots and a person is struck. The Office of the District Attorney will serve as the Uninvolved Agency for all OIS Hit Shootings by Department member(s) within the County of Orange and will determine if there is criminal culpability on the part of the Department member(s). The Homicide Detail will also respond to all unintentional discharge of firearm incidents with injury and within Sheriff's jurisdiction.
- B. Discharge of a Firearm with injury outside of Sheriff's Jurisdiction
 - 1. The law enforcement agency having jurisdiction where the unintentional discharge occurred has primary authority over the investigation but may relinquish that authority to the Orange County Sheriff's Department.
- C. Discharge of a Firearm without injury within Sheriff's Jurisdiction
 - 1. The Patrol Sergeant where the incident occurred will be responsible for the investigation.

III. NOTIFICATION

- A. The Department Commander will notify the Homicide Sergeant when a member of the Orange County Sheriff's Department unintentionally discharges his firearm and someone is injured. The Homicide Sergeant will evaluate the circumstances and coordinate activities that will ensue.

IV. RESPONSIBILITIES

- A. Homicide Detail investigators will conduct a parallel investigation with the OCDA's Office and may be responsible for investigating any underlying criminal acts by non-Department members (suspects). A Forensic Specialist will be called to the scene to document the scene with photography, collect any physical evidence and secure the weapon so a function test can be done back at the crime lab at a later date.

I. INTRODUCTION

Homicide investigations are highly complex and demand discipline, knowledge and technical-scientific expertise. Other criminal investigations rarely compare to the cumulative legal, sociological, and psychological effect of the investigation into the killing of a human being.

II. NOTIFICATIONS AND PRELIMINARY CRIME SCENE PROCEDURES

A. Notifications

1. Requests for the response of the Homicide Detail to a homicide or a questionable death scene will be made through the Homicide Detail Sergeant, or, in his absence, the Criminal Investigation Lieutenant.
2. When notification is made, the Homicide Detail Sergeant or Criminal Investigation Lieutenant will generally receive information about:
 - a. The location of the occurrence
 - b. The sergeant's name and call-back number
 - c. The deputy's name and unit number assigned to the call
 - d. The nature of the call and any special circumstances
 - e. The location of the victim and the nature of his/her death or apparent injuries
 - f. Suspect information and location
3. Based upon a determination made by the Homicide Detail Sergeant or Criminal Investigation Lieutenant, homicide investigators will respond, as required, to the scene and/or other specified locations. The Homicide Sergeant will also notify the Crime Lab, Coroner's office and any other resources as needed.

B. Preliminary Crime Scene Procedures

The Homicide Detail Sergeant will ensure immediate preliminary crime scene procedures are being initiated. Included among these procedures are:

1. Immediate adherence to the requirements of the MINCEY DECISION, preparatory to obtaining a search warrant, if applicable.
2. Establishment of a sufficient inner and outer perimeter to protect the scene.
3. Initiation of a log to include the names of all emergency personnel assigned to the call (i.e., police, fire, ambulance, etc.)
4. The compilation of a list to include all possible witnesses; home address and phone, as well as, business address and phone, to be considered minimum contact information for reporting purposes.
5. The compilation of a list of vehicles in the area, including their location, make, model, color, and license number.
6. The crime scene search and investigative follow-up will be directed by the incident investigator.
7. Evidence collection will be handled by the Orange County Crime Lab under the direction of the incident investigator.
8. The establishment of a command post away from the immediate crime scene.

C. Note-taking

1. Investigative note-taking begins at the time the investigator is assigned to the case and continues throughout the course of the investigation.
 2. The investigator will take accurate, concise and comprehensive notes during the homicide investigation.
- D. Crime Scene Control
1. Successful prosecution requires the preservation of the crime scene and a thorough preliminary investigation.
Failure to properly protect or thoroughly investigate the scene will cause irreparable damage to the case.
 2. Upon arrival at the crime scene, the primary investigator shall direct the control of the crime scene.
 - a. The best investigative method at the scene of a “dead body” call is to regard each case as a criminal case until the facts prove differently.
 - b. The crime scene perimeter should be as large as possible and practical.
 - c. Uniformed deputies shall be strategically deployed to preserve and protect the crime scene.
- E. Search Warrant at Crime Scene
1. When a crime scene consists of any structure or place normally requiring a search warrant for a non-consent search (i.e. residence, apartment, motel room, etc.), it must be assumed a search warrant is necessary for a search of that scene, and the requirements of MINCEY are followed.
 2. “MINCEY DECISION AND HOMICIDE SCENE INVESTIGATIONS” discusses the requirements, exceptions, and inherent problems associated with a crime scene search under MINCEY.
The investigator will ensure all of the legal requirements of the MINCEY decision, and of the service of a search warrant at the scene, are met. (See also Section of Search under Search Warrants.)

III. INVESTIGATIVE TEAM PROCEDURES

A “team approach” has been developed for homicide investigations to assist in the proper evaluation and processing of the crime scene and the investigation.

- A. Crime Scene Team consists of:
1. Assigned patrol deputy
 2. Primary investigator-team leader
 3. Members of the Homicide Detail
 4. Homicide Detail Sergeant
 5. Forensic Specialist
 6. Forensic Scientist
 7. Deputy Coroner
 8. Forensic Pathologist (if needed at the scene)
 9. Deputy District Attorney (if needed at the scene)
- B. The various functions are designated as:
1. Emergency response personnel

2. Investigative team
3. Autopsy team
- C. Duties and Responsibilities
 1. Emergency response team

Patrol provides the emergency response by virtue of proximity and response to the scene by the first patrol deputy and subsequently the patrol sergeant.

 - a. Assigned patrol deputy
 - (1) Determines the nature of the case
 - (2) Makes request for technical personnel
 - (a) Notifies the Department Commander who then notifies the Homicide Detail Sergeant and/or Criminal Investigation Lieutenant
 - (b) Discusses application of MINCEY
 - (3) Takes initial steps to protect the scene
 - (4) Observes and advise medical aid personnel of potential evidence
 - (5) Originates the Crime Scene Entry Log Form; a list of all personnel as they enter and exit the crime scene to include date, times, reason for entry, and a list of all evidence items removed
 - (6) The compilation of a list of vehicles in the area, including their location, make, model, color, and license number
 - (7) The compilation of a list to include all possible witnesses (Include address and phone, as well as business address and phone numbers.)
 - (8) Participates in scene briefing
 - b. Medical personnel – paramedics, fire, ambulance
 - (1) Renders necessary aid to victim
 - (2) Reports activities to field supervisor
 2. Investigative team
 - a. Emergency response personnel are relieved of control of the scene by the assigned primary investigator. However, they will continue to assist as directed
 - b. Primary investigator becomes team leader
 - (1) Directs control of scene and investigation
 - (2) Evaluates application of MINCEY requirements
 - (3) Assures the scene is protected
 - (4) Establishes command post away from immediate scene
 - (5) Conducts a scene briefing of team members
 - (6) Participates in scene walk-through
 - (7) The primary investigator assumes ultimate responsibility for the investigation. He shall make appropriate use of other Investigative Team Members in order to achieve the desired result
 - (8) Assigns investigators to conduct neighborhood canvas when appropriate
 - (9) Conducts a team debriefing to critique events prior to surrendering a crime scene
 - (10) Requests for crime scene security, if the crime scene is to be held for any length of time

- c. Homicide Detail Sergeant
 - (1) Participates in team meetings
 - (2) Tabulates scene history
 - (a) All known investigative facts
 - (b) List of team members
 - (c) Location of secondary scenes and personnel assigned
 - (d) Schedule of follow-up investigations, i.e. autopsies
 - (3) Establishes communication with administration/management personnel in order to provide pertinent details as they develop
 - (4) Maintains control of all command post activities
 - (5) Coordinates all personnel while the team leader is involved in crime scene search
 - (6) Participates in the post scene debriefing
 - (7) Briefs press officer on the circumstances of the investigation
 - (8) Makes arrangements for crime scene security if the crime scene is to be held for any length of time
 - (9) Makes arrangements for additional personnel or specialized equipment
- d. Deputy Coroner
 - (1) Participates in scene briefing
 - (2) Take over care, control and custody of the body
 - (3) Makes visual inspection of the body
 - (4) Takes assortment of photographs of the victim for later use by the pathologist
 - (5) At appropriate time as designated by members of the team, makes arrangements for the transportation of the body to the Forensic Science Center
- e. Forensic Specialist
 - (1) Obtains adequate overall photographs
 - (2) Participates in the scene briefing
 - (3) Participates in locating physical evidence
 - (4) Prepares a detailed drawing of the location of evidence and crime scene sketch
 - (5) Obtains orientation and close-up photographs of items of evidence
 - (6) Evaluates the scene for hidden evidence, i.e. fingerprints, etc.
 - (7) Participates in the collection and packaging of the evidence
 - (8) Participates in the post-scene critique
 - (9) Compiles a master list of all evidence (exception: evidence inventory from crime scene may be prepared by another designee in the event of search warrant service)
- f. Forensic Scientist
 - (1) Participates in scene briefing
 - (2) Makes observations and notes for the purpose of the reconstruction of the criminal event

- (3) Participates in the location of evidence
- (4) After adequate photography, collects and packages that evidence which shall be examined solely by the Criminalist Laboratory
- (5) Participates in the post scene critique
- g. Deputy District Attorney
 - (1) Participates in scene briefing if requested to respond
 - (2) Renders legal advice
 - (3) Participates in the post-scene critique
- h. Pathologist
 - (1) May be called to the scene
 - (2) Participates as needed
- 3. Autopsy team
 - a. Homicide Investigator
 - (1) Participates in the pre-post mortem conference
 - (2) Witnesses the victim's autopsy
 - (3) Discusses with the pathologist the trauma and wounds to the victim's body, what weapon caused the wounds, and the victim's cause of death
 - (4) Participates in the post-post mortem critique
 - b. Deputy Coroner
 - (1) Participates in the pre-autopsy conference
 - (2) Coordinates autopsy attendance procedure
 - (3) Participates in the post mortem critique
 - (4) Obtains victim's fingerprints
 - c. Forensic Specialist
 - (1) Participates in the pre-post mortem conference
 - (2) Obtains adequate overall photographs of the victim
 - (3) Obtains adequate identification photographs
 - (4) Collects or participates with the criminalist and pathologist in the collection of:
 - (a) Firearm residue
 - (b) Fingernail scrapings
 - (c) Hair transfers and standards
 - (d) Clothing from victim
 - (e) Vaginal, oral, anal swabs, as they apply
 - (f) Bite marks
 - (g) Gun powder and debris
 - (h) Tissue surrounding wounds
 - (5) Obtains orientation and close-up photographs of all defects and/or other points of interest noted on the victim by:
 - (a) Other team members
 - (b) Pathologist
 - (c) Forensic specialist
 - (6) At the direction of the pathologist, photographs anatomical parts

- (7) Obtains fingerprints of the victim
 - (8) Participates in the post mortem critique
 - d. Forensic Scientist
 - (1) Participates in the pre-autopsy conference
 - (2) Examines surfaces of victim's clothing and skin
 - (3) Collects or participates with the forensic specialist and/or pathologist in the collection of:
 - (a) Firearm residue
 - (b) Fingernail scrapings
 - (c) Hair transfers and standards
 - (d) Clothing from the victim
 - (e) Vaginal, oral and anal swabs
 - (f) Bite marks
 - (g) Gun powder and debris
 - (h) Tissue surrounding wounds
 - (4) Assists the pathologist in establishing wound patterns, direction, angle, etc.
 - (5) Participates in the post-post mortem conference
 - e. Pathologist
 - (1) Participates in the pre-autopsy conference
 - (2) Participates with the criminalist and/or forensic specialist in the examination of the clothing and skin of the victim
 - (3) Collects or assists in the collection of all material of interest from the outside of the body
 - (4) Determines and documents all phenomena present from the exterior surface or condition of the body
 - (5) Conducts a forensic autopsy to determine nature of death and/or to recover all necessary evidence of the nature and cause of death, which should include:
 - (a) Wound anatomy
 - (b) Debris in wound track
 - (c) Heart blood (for typing)
 - (d) Examination of special interest areas
 - (e) Collection of necessary tissue
 - (6) Participates in the post autopsy conference
- D. Forensic autopsy activities are perceived as a continuation of the original crime scene

IV. FOLLOW-UP INVESTIGATION PROCEDURES

- A. As with all case assignments, it is the homicide investigator's responsibility to initiate a diligent and comprehensive investigation utilizing sound investigative techniques and practices.
 - 1. Notification of victim's next of kin is the responsibility of the Deputy Coroner but is typically done by Homicide Investigators in all homicides and questionable deaths.
- B. Suspect Interview

HOMICIDE INVESTIGATION

OCS D

1. Suspect interviews will be audio and video taped on all homicide cases when permitted (video is not always available).
- C. Reporting Procedures
 1. As it is either responsible or appropriate, a detailed accounting of activities and findings will be submitted in Follow-Up report form.
 - a. the appropriate time for submission of reports will be based upon legal mandates as well as the sensitive nature of each particular investigation
 - b. The primary investigator will maintain a case book on all homicide or questionable death investigations
 2. Case Cleared Reports will be submitted on all “clearable” cases and shall conform to the requirements of the Sheriff’s Department Policy and Procedures Manual.
- D. Unsolved Homicide Cases
 1. If a suspect has not been identified and arrested during a homicide investigation and all viable leads have been established and work without success by the primary investigator, the case will become a “Cold Case”. The case books will be placed into the cold case room where it will be maintained and stored until additional information and/or evidence is established. The case will then be re-opened and worked accordingly by members of the Homicide Detail.

MINCEY DECISION AND HOMICIDE SCENE INVESTIGATION

OCS D

MINCEY DECISION

I. BACKGROUND

- A. When officers entered Mincey's residence to arrest him, shots were fired. Mincey was wounded and an officer was killed. For the following four days, officers searched Mincey's house and removed in excess of two hundred objects. The state of Arizona justified this long and detailed search on the "murder scene exception," arguing that officers were permitted to take any reasonable steps to seize any evidence that would be relevant to the case. (The concept of the murder scene exception, which was recognized also in California, was that every murder case is, in effect, a matter of life and death: therefore, ordinary rules of search and seizure should not apply.)
- B. Mincey was later charged with murder, assault and narcotics violations and was convicted. The Arizona State Supreme Court upheld his conviction.
- C. Mincey appealed to the United States Supreme Court, contending that the search of his apartment was illegal.

II. MINCEY V. ARIZONA, 437 U. S. 385

- A. In this appeal, the Supreme Court considered whether the fourth amendment to the U. S. Constitution allows for a "murder scene exception" to the search warrant requirement.
- B. The Court held that the warrantless search of Mincey's apartment "was not constitutionally permissible simply because a homicide had recently occurred" there. In effect, then, there is no "murder scene exception" to the search warrant requirements.
 1. Initial walk-through: The decision allows the first officer at the scene to walk through the scene and search it for other victims and suspects. He can look through all areas in the premise where a person could be and can, though probably should not, seize any items in plain view. He should observe, remember and record in his notebook as much of the crime scene as possible. (To conform to the current interpretation of Mincey, the officer doing "walk-through" MUST remain in the crime scene.)
 2. Seizing dissipating evidence. Even before any warrant or consent to search is obtained, officers can seize any evidence that may be lost, destroyed or removed before proper authority to search can be obtained for example, liquid blood may be seized, odors may be checked for, post mortem lividity on the body can be determined, etc.
 3. Consent to search. A person who has dominion and control over the residence can authorize the search of the residence. That person can include the suspect. Of course, any consent search runs the risk of the person later saying he did not consent or that the consent was coerced. Thus, witnesses to the consent would be ideal. A Consent to Search form can be used.

III. EFFECTS OF DECISION

- A. The case decision did not make new rules about murder scenes but instead made murder scene searches like the search of any other crime scene. Mincey applies to the searches of residences, apartments, motel rooms, etc.

MINCEY DECISION AND HOMICIDE SCENE INVESTIGATION

- B. It is not applicable to the searches of murder scenes occurring in vehicles, public places, open fields, etc., or other areas which are not like residences.
- C. Case law since the Mincey decision seems to be indicating that if the murder occurs in the victim's residence and the victim lives alone in the residence, a search warrant is not needed to search the residence. In effect, we have the dead victim's consent to search the residence. However, if a potential suspect lives there, occasionally lives there, or is a houseguest, or stores property there at the victim's residence, a search warrant is needed.

OCSA

IV. PROCEDURE

Because of the nature and complexity of a homicide questionable death investigation, and to meet the requirements set forth in the Mincey decision, it is imperative that each officer be thoroughly knowledgeable of, and comply with, the procedure herein set forth.

V. HOMICIDE SCENE INVESTIGATION

- A. Initial Response
 - 1. Formulate a plan
 - a. Coordinate approach with other units.
 - b. Communicate your plan to assisting officers.
 - 2. Prepare yourself mentally.
 - a. Control your emotions.
 - b. Be ready for what you are about to see.
 - c. Anticipate the chaos and confusion at the scene; with a plan you can minimize it.
 - 3. Search the entire premises for victims and suspects.
 - a. Search under exigent circumstances.
 - b. Limited to areas where suspect or victim can be concealed.
 - c. Pay attention where you and others go and document it.
 - d. Be alert, observant, and record in your notebook what you see.
 - 4. Evaluate the scene.
 - a. Is it a possible homicide?
 - b. Summon and direct assistance (Ex. I. D. crime lab, backup units, homicide, coroner, etc.).
- B. The Mincey Search Problem
 - 1. Seldom is it immediately known if a "Mincey" search problem exists.
 - a. Does the suspect live there?
 - b. Does the victim live there alone?
 - c. Let the homicide investigator decide.
 - d. Assume you will need search warrant.
 - 2. Search entire premises for suspects and victims under exigent circumstances.
 - a. Only areas where a person could hide.
 - b. While searching, be observant.
 - (1) Condition of crime scene (lights on, doors open, etc.).
 - (2) Watch for physical evidence in plain sight.

MINCEY DECISION AND HOMICIDE SCENE INVESTIGATION

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- (3) Record observation in notebook.
- c. Be alert for fragile evidence.
 - (1) Fingerprints (on door, light switch, doorframes).
 - (2) Footprints (sidewalk, flowerbeds, floors, etc.).
 - (3) Blood smears, projectiles, shell casings, etc.).
- d. Victim's position and description.
 - (1) Clothing or absence of clothing.
 - (2) Wound characteristics (stab, gunshot, throat cut, beaten, etc.).
 - (3) Physical appearance of victim's body (laying on floor, in bed, in chair, etc.).
- 3. First officer *must* remain *in* scene.
 - a. Should be one of the first who enter under exigent circumstances.
 - b. He/she will be affiant on search warrant due to observations made by him upon legal entry.
 - c. Let others secure crime scene perimeters and locate witnesses, and contact neighbors, etc.
 - d. Communicate using pacsat if necessary.
 - e. Be prepared to report and document everything you see.
 - f. *Stay inside the scene* (not on the porch or driveway).
 - g. Control your actions and patience.
 - (1) Don't wander about scene after initial search.
 - (2) Don't use bathroom or telephone in scene.
 - (3) Avoid contaminating scene or altering it (restrict your movements).
 - h. Inside the scene you are the eyes and ears of the investigator getting the search warrant.
 - i. Guide, observe, and advise paramedics about potential evidence and direct their route of travel to body.
 - If victim appears obviously dead, limit number of paramedics into scene.
 - Normally 1 or 2 paramedics can establish death.
- C. Crime Scene Control
 - 1. Set up substantial perimeter using barrier.
 - a. Need room to work and confer out of hearing of witnesses and press.
 - b. Barrier can be tape, rope, cones, and cars, whatever is available.
 - c. Make the perimeter all-encompassing of areas where any potential evidence may be found.
 - d. Might necessitate blocking entire street.
 - 2. Crime Scene Log – potential witness list.
 - a. Record *everyone* found *in scene* on arrival, including officers.
 - Time found, name, purpose, and time removed from scene.
 - b. Record *everyone* who *enters scene*.
 - Time, name, purpose, time left scene.
 - 3. *Evacuate everyone from scene* except "First Officer."
 - a. Keep witness accessible to investigators at scene.
 - (1) Neighbor's house.

MINCEY DECISION AND HOMICIDE SCENE INVESTIGATION

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- (2) Seated in patrol car.
 - (3) Transport to headquarters or substation.
 - (4) Don't leave them unattended.
 - (5) Separate when feasible – do not let them talk to each other.
 - (6) *After initial search for victims and suspects, there is no need for assisting officers or supervisors to remain inside scene.*
 - (a) Too great a risk of contaminating scene.
 - (b) "First Officer" can communicate observations to supervisor outside scene.
4. Who can enter scene?
- a. *Allow no one to enter prior to arrival of the homicide investigator or homicide sergeant who will be responsible for the investigation.*
 - (1) Only exception is the coroner investigator.
 - (a) Can make preliminary examination of body without disturbing scene.
 - (b) Advise him of path to use.
 - (c) "First Officer" should be present.
 - (2) No other officers, investigators, supervisors, etc.
 - (3) Crime lab and ID personnel must also wait.
 - b. *Superior Officers* – Unless they are willing to assume command and responsibility of scene investigation.
 - (1) Request they wait for "homicide" personnel.
 - (2) Advise of your responsibility to keep those not having immediate need out until scene is processed for evidence.
 - (3) If they insist, advise that you will document it and ask them if they are assuming command and control of the scene.
 - (4) Seldom will occur but be prepared to remind them.
 - (5) Don't hesitate to confront those who attempt to remain in the crime scene or attempt to enter. Sometimes is more difficult with fellow officers than superior officers.
- D. Suspect Arrested
1. Search for weapons.
 2. Observe for physical evidence on suspect's body and clothing. [REDACTED]
 3. Keep suspects separated.
 4. Don't advise of constitutional rights. Homicide investigators will interrogate.
 5. Listen and record in your notebook what suspect says.
 6. Keep suspect at scene for homicide investigators if possible, otherwise, you will be instructed to transport the suspect to headquarters homicide detail.
- E. Search Warrant Checklist
1. Location of victim (body).
 - a. In a residence – who owns residence?
 - b. In a vehicle.
 - c. In an open area.

MINCEY DECISION AND HOMICIDE SCENE INVESTIGATION

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2. Determine if a search warrant is needed, error on the side of caution.
 3. If needed – describe location to be searched and items to be seized.
- F. Cause of Death
1. Observable Trauma
 - a. Object inflicting-gun, knife, blunt instruments, sharp instruments, etc., and scabbards, sheaths and containers for weapons.
 - b. Blood
 - c. Object from within body tending to show weapon used including but not limited to bullets, fragments or bullets, etc.
 - G. No Observable Trauma
 1. Liquid, powder or other drugs or narcotics that may tend to cause death.
 2. Electrical material
 - H. Method of Operation of Death
 1. Photographs
 2. Trajectories of bullets
 3. Measurements
 4. Entry tool marks
 - I. Identity of Victim

Papers and identification from body

 1. Papers and identification from areas of death scene tending to show ID and/or relationship of victim to potential suspect or suspects as well as owner, occupier or person who has dominion and control of premises.
 2. Phone bills, utility bills, letters and envelopes addressed to location of premises being searched.
 - J. Identity of Suspect
 1. Written material showing ownership or occupancy of area of death.
 2. Fingerprints in area of death.
 3. Writings of victim tending to establish ID of suspect.
 4. Material that may later be used to establish identity and location of suspect.
 - a. Glass fragments and standards
 - b. Fingerprints
 - c. Shoe prints and footprints
 - d. Shell casing, bullets, fragments of bullets
 - e. Paint samples and standards
 - f. Hair samples
 - g. Excretion of suspect – saliva, perspiration, semen
 - h. Tissue, blood, etc., on walls, ceiling floor, windows, doors, etc., and a standard of it without substance on it
 - i. Articles of clothing
 - j. Vehicle ID forms
 - k. Metal fragments
 - l. Soil samples

MISSING PERSON INVESTIGATIONS

OCSD

I. INTRODUCTION

The Orange County Sheriff's Department handles many missing person and runaway cases each year. The investigation of a missing adult (18 or older) and child/parental abductions cases are assigned to the Homicide Detail of the Criminal Investigations Bureau. The investigation of missing juvenile, runaway cases and attempt child abductions are assigned to the city investigator and/or Juvenile Services Bureau investigator where the incident occurred.

II. PROCEDURE

- A. It is the Department policy, as mandated by state law (CPC 14211), that a Missing Person's Report will be taken without delay whenever a person is reported missing by another. This will be without regard to jurisdiction.
- B. As an assignment, Missing Person's Report calls shall take priority over calls relating to crimes involving property.
- C. The deputy taking the report will make an assessment of the reasonable steps to locate the person based on the type of missing person case and any indications that the person may be at risk or special circumstances exist.
 1. At "Risk"
 - a. A victim of a crime or foul play
 - b. A person missing and in need of medical attention
 - c. A person with no pattern of running away or disappearing
 - d. A missing person who may be the victim of a parental or stranger abduction
 - e. A mentally impaired missing person
 - f. A missing person that may be armed and pose a community safety hazard
 2. "Special Circumstances"
 - a. If the missing person was known to have received threats
 - b. If the person was known to be carrying unusually large sums of cash
 - c. If the person has a history of suicidal inclinations or drug abuse
 - d. The mysterious disappearance of a person who has a history of dependability and reliable habits
 - e. All aged and mentally incompetent missing persons
- D. The assigned deputy should utilize all available resources to locate a missing person at risk or missing due to suspicious circumstances. If the missing person is not located the deputy conducting the initial investigation should take the following action as applicable:
 1. Notify a supervisor immediately if there is evidence that the missing person is at risk or special circumstances exist.
 2. Initiate a General Broadcast if the person is under the age of 16, mentally incompetent or evidence that the missing person is at risk.
 3. Enter missing person into the National Criminal Information Center (NCIC) via teletype and receive a File Control Number (FCN). The FCN should be reflected in the Missing Persons Report.

MISSING PERSON INVESTIGATIONS

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4. Interview the reporting party and witnesses.
5. Complete the Departments Missing Person Report form accurately and completely and have it immediately reviewed by a supervisor.
6. Supervisor notification must be acknowledged and reflected in the report.
7. The person making the report must sign a medical/dental record authorization form and provide the most recent photograph of the missing person. Also, if the person is missing with suspicious circumstances or foul play, collect a personal item from which DNA can be obtained, i.e. toothbrush, hairbrush, eyeglasses etc. This item should be booked into evidence.
8. In every circumstance the Deputy submitting a Missing Persons Report will fax an advanced copy to the Homicide Detail at [REDACTED]

III. MISSING PERSON FOLLOW-UP INVESTIGATION

The investigative assistant or investigator assigned to a missing adult investigation:

- A. Shall review and assess the Missing Person's report and log report promptly.
- B. Shall make a determination if the missing adult is at risk or missing under suspicious circumstances.
- C. Should re-contact the reporting person and /or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- D. Should consider contacting other agencies involved in the case to determine if any additional information is available.
- E. Shall verify and update CLETS, NCIC, MUPS and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located.
- F. Should continue to make reasonable efforts and utilize all available resources to locate the missing person and document these efforts at least every 45 days.
- G. If the person is missing after 30 days, inform family of their right to submit missing persons DNA to the Department of Justice Missing Persons DNA Program.
- H. If person is missing after 45 days, obtain a dental x-ray from dentist. Send a copy of the report, a photograph and the dental x-rays to the California Department of Justice Missing Persons Unit.

IV. WHEN A MISSING ADULT IS FOUND

- A. When a person reported missing has been located; a Follow –Up Report will be completed as a priority report. The Deputy shall then contact teletype and:
 1. Remove the subject/vehicle from NCIC.
 2. Initiate a cancellation notification on the Orange County only teletype.
 3. Initiate a direct teletype to the law enforcement agency that took the initial Missing Person's Report.
- B. The Deputy will also mark the report copies to:
 1. DOJ Missing Person's Unit.

MISSING PERSON INVESTIGATIONS

2. The law enforcement agency that took the initial report.
 3. The law enforcement agencies having jurisdiction over the missing person's residence and where the person was last seen.
- C. When the person is found as the Deputy is taking the report or shortly after, the Deputy will still complete the Missing person's Report as a priority report and document that the person was/has been located.

OCS D

V. CASE CLOSURE

- A. The investigation Detail Supervisor may authorize the closure of a missing person case after considering the following:
1. Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
 2. Once the missing person has been found, the assigned Investigative Assistant or Investigator will ensure that all computerized entries have been removed and all appropriate agencies have been notified.
 2. The Case Cleared Report form shall be utilized by the assigned Investigative Assistant or Investigator to document the clearance of the case.

Missing person reports shall be forwarded to the agency where the MP lives. That city will be the lead investigative agency even if the MP was reported to OCS D Deputies.

OFFICER INVOLVED SHOOTINGS

I. INTRODUCTION

The Orange County Chiefs and Sheriffs Association (OCCSA) has established uniform guidelines for the investigation of officer involved shootings resulting in death or injury. The Sheriff's Department conforms to the parameters set forth in the OCCSA Operational & Procedural Protocol, Number 105. These investigative responsibilities are also described in OCSD Policy 310.

OCSD

II. PROCEDURE

A. Officer Involved Shootings within Sheriff Jurisdiction

1. Sheriff Personnel: The Orange County District Attorney's Office will respond to the scene of any officer involved shooting resulting in death or injury. The OCDA will conduct an independent investigation and seek legal review of the incident for the exclusive purpose of determining if there is criminal culpability on the part of any law enforcement officer(s) involved in the shooting incident.
On officer involved shootings involving non-hits, the Orange County District Attorney's Office will be notified but may decline to respond. In these instances, the Homicide detail will assume primary responsibility over the shooting incident.
2. Outside Agency: The Homicide Detail will respond to the scene of any shooting in sheriff jurisdiction involving a law enforcement officer from another agency. The Homicide Detail will conduct an independent investigation and seek legal review of the incident for the exclusive purpose of determining if there is criminal culpability on the part of any person(s) involved in the shooting incident. The "Other Agency/Agency involved in the OIS" may request a different uninvolved agency such as the DA's Office to conduct the OIS investigation (per the *Orange County Chiefs of Police and Sheriff's Association Operational and Procedural Protocol* (OCCPSA) effective 1-3-90).
3. Criminal Investigation: The Sheriff's Department will be the "primary agency" responsible for investigating any underlying crimes that may have occurred in OCSD jurisdiction, unless voluntarily relinquished in whole or in part to the agency involved in the OIS. The criminal investigation will be handled by the appropriate detail based upon the overall circumstances, location and type of crime committed. The homicide sergeant will confer with the supervisor of the investigative detail to determine who is best suited to handle the criminal investigation.
4. Internal/Administrative Investigation: Each agency will be responsible for its own internal/administrative investigation of the conduct of its officers.

B. Officer Involved Shooting, involving OCSD personnel, outside of OCSD jurisdiction

1. The agency having original jurisdiction over the location of the shooting should have primary authority over the investigation. While cooperation among involved agencies is critical, control of the investigation should remain with the agency with the jurisdiction over the location, unless voluntarily relinquished in whole or in part.

OFFICER INVOLVED SHOOTINGS

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- The Sheriff's Department will be responsible for conducting its own internal investigation to evaluate their officer's conduct with respect to department policy.
- C. Less-lethal munitions (40 mm or .12 Gauge Super Sock "bean bag")
 - 1. In accordance with OCSD Policy 300.6.1-Use of Force, the Homicide detail will assume primary responsibility over less lethal deployments on all incidents resulting in serious bodily injury or hospitalization. Hospitalization is defined as receiving some form of medical treatment at a medical facility, other than an x-ray or being cleared for booking.
 - D. Department Internal/Administrative Investigation
 - 1. The Orange County Sheriff's Department will be responsible for conducting its own internal investigation to evaluate its deputy(s) conduct and/or use of force with respect to department policy.
 - E. Media Release and Information Request
 - 1. Unless otherwise agreed, the agency with jurisdiction will be responsible for all press releases regarding Officer Involved Shootings.

III. NOTIFICATION

- A. Notifications
 - 1. Requests for the response of the Homicide Detail to an Officer Involved Shooting will be made through the Homicide Detail Sergeant, or, in their absence, the Criminal Investigation Bureau Lieutenant. This request will be made through the Department Commander.
 - 2. When notification is made, the Homicide Detail Sergeant or Criminal Investigation Lieutenant will generally receive information about:
 - a. The location of the occurrence
 - b. The scene sergeant's name and call-back number
 - c. The deputy's name and unit number assigned to the call
 - d. The nature of the shooting and any special circumstances
 - e. The location of the suspect and the nature of his/her death or apparent injuries
 - f. Public Safety Statement made by deputy to supervisor
 - 3. On all Officer Involved Shooting with hits, the Homicide Sergeant will immediately notify the District Attorney's office to investigate the shooting per protocol. Based upon a determination made by the Homicide Sergeant and Supervising District Attorney Investigator, homicide and district attorney investigators will respond, as required, to the scene and/or other specified locations to investigate the shooting. The Homicide Sergeant will also notify the Crime Lab, Coroner's office (If applicable) and all other resources available as needed.

IV. FOLLOW-UP INVESTIGATION

- A. On Officer Involved Shootings with hits, the District Attorney's Office, with assistance from the Orange County Sheriff's Homicide Detail, will handle all follow-up investigation. The case will be reviewed by a Deputy District Attorney for any criminal

OFFICER INVOLVED SHOOTINGS

culpability on part of any person(s) involved in the shooting incident. The Sheriff's Department will get a copy of the case file upon conclusion of the investigation for administrative review.

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- B. On Officer Involved Shooting with non-hits, the Orange County Sheriff's Department Homicide Detail will handle all follow-up investigation. The final case file will be presented to the District Attorney's Office to review for any criminal charges against the suspect. The case will also be reviewed by the District Attorney's Office to review the shooting for any criminal culpability on part of any person(s) involved in the shooting incident.

ORANGE COUNTY CHILD EXPLOITATION TASK FORCE

I. INTRODUCTION

The Orange County Child Exploitation Task Force is headquartered in the city of Santa Ana. One Investigator from the Special Victims Detail is assigned to this task force. The remainder of the task force consists of personnel from the Immigration and Customs Enforcement (ICE), the U.S. Postal Service, the U.S. Secret Service, and the Orange County District Attorney's Office. The task force's primary focus is to identify, locate, and arrest child predators.

OCSA

II. MISSION STATEMENT

The task force investigates all violations of federal law and state law as they relate to sex crimes with an emphasis on crimes against children and to prosecute those violations both in Federal Court and State Court, utilizing that venue which best addresses the task force's objectives. Those investigations include, but are not limited to, violations of child sex crimes, child pornography, child abduction, and other child exploitation crimes.

III. SCOPE

The task force investigates large-scale producers and distributors of child pornography, as well as individuals who travel throughout the state and country for the purpose of engaging in sex with minors. The task force employs the latest technology to collect evidence and track the activities of individuals and organized groups who sexually exploit children through the use of websites, chat rooms, newsgroups, and peer-to-peer trading. The task force provides assistance to other departments where they deem necessary. The task force coordinates major investigations and conducts clandestine operations throughout the country to identify and apprehend sexual predators. Because child exploitation is a matter of global importance, the task force works closely with law enforcement agencies worldwide.

SONAR UNIT POLICY AND PROCEDURES

OCSD

I. POLICY

The Orange County Sheriff's Department recognizes the need to protect the public from those individuals who have committed an illegal sex act and who have been identified as sexual registrants (290's). The Orange County Sheriff has adopted a rigorous enforcement stance toward sex offenders within our jurisdiction. It is the policy of the Sheriff to exercise the ability afforded through "Megan's Law" legislation, to notify residents of registered sex offenders living and working in their communities as necessary to protect the public. On July 1, 1997, the Sheriff established the Sexual Offender Notification and Registration Unit (SONAR) to enforce the policy. This Unit is also responsible for maintaining records and tracking convicted sex offenders in the Sheriff's jurisdiction and prosecuting those who do not comply with California Penal Code 290 laws.

II. PROCEDURES

A. General

The SONAR Investigators will work cooperatively with police departments, other sheriff's departments, parole agencies, district attorney's offices, and other law enforcement agencies in order to gather intelligence and monitor the registrants in the Sheriff's jurisdiction.

The SONAR Unit will maintain up-to-date computerized information on each registrant indicating current address, vehicle information, date of birth and current registration status. An up-to-date file folder will be maintained for each registrant, which will include, but not limited to, the following: sex registration information, criminal history (CII), a copy of the original crime report, which resulted in the registrant's conviction, court records of the conviction, and a copy of the investigators' personal interview with the registrant.

A SONAR Investigator will interview each registrant at their residence if possible to confirm criminal history information, employment location, vehicle information, and to determine the offender's proximity to schools and other areas where children congregate. This information will assist investigators in determining the probability of re-offending.

B. Sex Offender Tracking

The California Department of Corrections sends a Department of Justice Sex Registration Notification, form SS 8047, to the Sheriff's Records Bureau. This information provides notification of the impending release of a convicted sex offender who may reside in the county upon release from custody. The Records Bureau will forward this notification to the SONAR Unit where it will be filed by the month of release. This information will be used to contact and track those offenders who reside in the Sheriff's jurisdiction after their release from custody.

The SONAR Unit will notify other law enforcement agencies when a sex offender moves out of the Sheriff's jurisdiction and into their jurisdiction. The offender's file will be removed from the active file and maintained in the inactive file in the event he/she returns to the Sheriff's jurisdiction. The SONAR Unit will maintain a file of deceased sex offenders and will notify the Department of Justice (DOJ) of this status utilizing the SS-

SONAR UNIT POLICY AND PROCEDURES

8102 form (Registration Change of Address/Annual Update). This form will also be utilized when it is determined the offender has moved out of the Sheriff's jurisdiction, or is in-custody. A copy of the information, which indicates an offender is deceased, has moved to another state, or is in custody, will be attached to the DOJ notification if possible.

OCSD

C. Sex Offender Prosecution

The SONAR Unit is responsible for the prosecution of all sex registrants residing in the Sheriff's jurisdiction who do not comply with the California PC 290 laws.

D. Community Notification

Preparation of cases for public disclosure of sex registrant information will be initiated by the SONAR Unit, and submitted to the Special Victims Sergeant. The Sheriff's approval is required prior to public release of a flyer containing a sex registrant's information. After the Sheriff makes the decision to publicly disclose information regarding an offender's status, the disclosure document must include a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders (CPC 290.45).

The SONAR investigators are responsible for preparing the community notification plan, which will be submitted, to the Special Victims Sergeant for approval. The SONAR Unit will be responsible for conducting the notification to members of the community in the "at-risk zone" as identified in the notification plan. The investigators are responsible for preparing and maintaining the documentation for each case involving public disclosure of a sex offender. The report shall include the reason for the disclosure and to whom the disclosure was made. The SONAR Unit will maintain a copy of this report and the information will be inputted into the offender's Supervised Release File.

I. INTRODUCTION

- A. The Special Victims Detail investigates crimes related to rape, sexual assaults, indecent exposure and the sexual abuse of children.
- B. When a sexual assault occurs, the victim(s) will undergo an emotional experience. The traumatic condition can be mentally and physically exhausting. Investigators must understand the overwhelming experience the victim(s) endured. Investigators must be compassionate, empathetic and understanding.
- C. The crime of indecent exposure might lack the elements of physically assaulting someone, but can be emotionally traumatizing. The victim might never be able to emotionally accept the maltreatment that was placed upon them.

II. CASE ASSIGNMENT PROCEDURE

Cases will be assigned to an investigator by the Special Victims Sergeant.

- A. The Special Victims office specialist will log all cases in the department's Field Base Reporting System (FBR) utilizing a copy of the report provided by the Special Victims Sergeant.
- B. The Special Victims Sergeant will review all reports for completeness and assess the solvability of each case. A decision will be rendered based upon known or probable suspect information.
Additional follow-up will initiate by the assigned investigator as solvability of the cases dictates.
- C. If no new information is developed, the case will remain open for a period of time equal to the statute of limitations.

III. INVESTIGATIVE PROCEDURE

- A. Follow-up investigation.
 - 1. Victim Contact
 - a. Due to the seriousness of most sex crime cases, the investigator will contact the victim and arrange for a follow-up interview. The investigator will take into account the totality of the circumstances surrounding the case.
 - b. The victim will be interviewed as soon as practical.
 - c. When a suspect is named, or identified during the investigation, a photographic line-up (no less than six photographs) should be shown to the victim (see section on photographic line-up). If the suspect is in-custody, an in-person line-up rather than a photo line-up should be done.
If there are no leads as to the identity of the suspect, the investigator shall prepare a suspect Identi-Kit composite (see section on use of Identi-Kit) or artist rendition if practical.
 - 2. Suspect contact
 - a. Felony crimes
 - (1) Apprehension will be made by probable cause or an arrest warrant.
 - (2) After obtaining sufficient information about the crime, the suspect will be interviewed.

- b. Misdemeanor crimes
 - (1) Apprehension will be made by utilizing a warrant or citizen's arrest.
 - (2) After obtaining sufficient information about the crime, the suspect will be interviewed (suspect may voluntarily be interviewed prior to arrest or apprehension).
- 3. Teletype notifications
 - a. Teletypes are an asset in sexual crimes and should be utilized when sufficient information is available.
 - b. Investigators should read all sex crimes teletypes received from other agencies.
- 4. Physical evidence
 - a. Medical examination of victim.
 - (1) To be performed whenever necessary to detect injuries.
 - (2) To be performed for the collection and preservation of evidence in or on the body of the victim.
 - b. Clothing
 - (1) All clothing involved in the sexual assault should be collected.
 - (2) Collection should be made of all items which could have been contaminated during the course of the sexual assault; for example: bedding, blankets, sheets, cars, etc.
 - c. Suspect evidence
 - (1) There should be a medical examination conducted to discern any injuries sustained by the suspect during or after the course of the sexual assault (photographed as well). Full body (clothed & nude) photos shall be obtained.
 - (2) A forensic examination of the suspect should be performed to obtain the following:
 - (a) Blood withdrawal (by laboratory technician), three (3) vials (one for typing and two for drug/alcohol screening).
 - (b) Saliva samples (for felony arrestees only)
 - (c) Pubic hair combings
 - (d) Pubic hair standards
 - (e) Chest hair standards
 - (f) Auxiliary hair standards (armpits)
 - (g) Head hair standards
 - (h) Mustache standards
 - (i) Penile wash
 - (j) Fingernail scrapings
 - d. Investigators shall obtain written consent or a search warrant prior to collecting blood evidence and/or conducting a forensic exam of a suspect.
- B. Case Clearances
 - 1. The "Case Cleared" report will be submitted as soon as a disposition is known on all matters not otherwise deemed "inactive."
 - 2. The "Case Cleared" report will conform to the standards detailed in the Sheriff's Department Procedure Manuel, Section 108.

IV. CALL OUT PROCEDURES

- A. The Special Victims Sergeant is notified according to patrol procedures.
- B. The Special Victims Sergeant will determine if an investigator will respond.
- C. The Department Commander can insist that an investigator respond.

CASE SCREENING FOR INVESTIGATION

OCS D

I. INTRODUCTION

- A. The case screening procedure is designed to promote maximum use of time and resources on all cases with “workable leads”. The screening procedure ensures all information in the reports is confirmed, additional information is obtained and added to the report, and demonstrates concern and responsiveness to the citizens and community.
 - 1. This procedure is designed to utilize assigned personnel and resources for maximum efficiency in conducting criminal investigations.
 - 2. Each active case is also evaluated to determine the relative effectiveness of the time spent investigating the incident in question.
- B. A priority level will be given to all cases.
 - 1. A priority is placed on the investigation of all criminal offenses according to the suspect or potential suspect information available.
 - 2. All cases are given a priority one designation if there is a named suspect, a priority two designation if there is no named suspect but there are workable leads, or a priority three designation if the suspect cannot be identified and there are no workable leads.

II. REPORT DISTRIBUTION

Distribution is based on type of crime and area responsibility. The routing of reports is the responsibility of the respective detail sergeants or their designee.

III. PRIORITY FACTORS

- A. There are nine questions related to solvability factors that must be identified when a case is given a priority designation:
 - 1. Was a suspect arrested?
Sometimes an arrest is made, but because an immediate follow-up and interrogation is not conducted, the case could be in jeopardy. For this reason, whenever an arrest is made and follow work is required, the detail sergeant (or designee) will automatically designate the report as a priority one case and assign it to an investigator for immediate action.
 - 2. Can a suspect be identified?
The detail sergeant (or designee) will scrutinize the report to ascertain if there is a possibility of locating any addresses, telephone numbers or acquaintances of the suspect.
 - 3. Is there a major injury or loss?
In cases involving major injury or loss, the report is directly routed for investigative follow up, even if there are no known suspects or workable leads.
 - 4. Were there any witnesses to the crime?
In determining if this factor will be significant, the detail sergeant (or designee) will ascertain if there was a witness who can be identified and if this witness can relate the facts about the incident, including a description of the perpetrator if possible.
 - 5. Can the suspect be described?

CASE SCREENING FOR INVESTIGATION

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- The detail sergeant (or designee) will ascertain if:
- a. A suspect was described.
 - b. Are there victims and witnesses who can confirm the description?
6. Can a suspect vehicle be identified?
Vehicle identification is an important solvability factor and a priority two designation will be placed on all cases containing license plate information.
7. Is there significant physical evidence present?
If the report indicates physical evidence is present, it must be determined if there is enough evidence to dictate a priority one or two designation.
8. Is the stolen property identifiable?
The following information will contribute towards determining the priority level:
- a. Are stolen items marked by serial numbers, initials, or other special markings?
 - b. Is the stolen property a rare item (one of a kind) or a work of art?
 - c. Can the victim positively identify the missing item from several other items that are the same?
 - d. Is there documentation regarding peculiarities of the stolen item or items?
9. Is there a significant M.O. present?
- a. Can the suspect be identified through the method of operation?

IV. PRIORITY DESIGNATION

- A. Depending on probable solvability, each case will be assigned one of three designations:
Priority one – any case that has a named suspect
Priority two – any case where the suspect is unnamed, but there are workable leads
Priority three – cases that have no available suspect information or workable leads
- B. These classification factors will apply:
1. Priority one or two – will be assigned to cases that contain one or a combination of the following solvability factors:
 - a. Was a suspect arrested?
 - b. If not arrested, can a suspect be identified?
 - c. Can a suspect be located?
 - d. Is there a major injury or loss?
 - e. Was there a witness to the crime?
 - f. Can the suspect be described?
 - g. Can a suspect vehicle be identified?
 - h. Is significant physical evidence present?
 - i. Is the stolen property identifiable?
 - j. Is there a significant M.O.?
 2. Priority three – will be assigned to cases that contain no workable leads.
- C. There will be instances when a report will contain no initial workable leads and still be given a priority two designation because of other factors that enhance the solvability of the crime.
1. This decision will rest heavily upon the seriousness of the crime and type of suspects involved.

CASE SCREENING FOR INVESTIGATION

OCS D

2. Other factors that may apply are:
 - a. Communication with the victim(s).
 - b. Communication with deputies.
 - c. Communication with other agencies.
- D. Non-criminal cases may also be assigned a priority classification when it is determined investigative contacts or follow-ups are necessary.

V. CASE ASSIGNMENTS

- A. It is the responsibility of the detail sergeant, or his/her designee, to set the priority level for each case.
- B. The Field Base Reporting system will maintain a detailed log of all cases that are investigated by the Criminal Investigations Bureau. The detail Sergeant will refer to the Field Base Reporting system for statistical numbers and details of all cases they have investigated.

VI. CITIZEN CONTACT

It is important to remember, that victims of crimes are usually traumatized by the ordeal and the subsequent investigation may be viewed as an intrusion. The interest and efforts shown by the investigator to dispel some of the negative aspects of the ordeal will many times produce sound support for law enforcement. Victims and witnesses provide an information source for the investigator, and victims are much more aware of neighborhood activities after a crime. Maintaining contact reinforces support for our efforts and often provides added case information.

Every citizen who has filed a criminal report will be contacted by the assigned investigator.

1. Priority one – cases require contact within 2 working days of case assignment.
2. Priority two – cases require contact within 5 working days of case assignment.
3. Priority three – cases will not require a follow-up unless, as a result of additional information that provides workable leads, the case is re-designated a priority one or two case. Contact by letter is routinely made on all priority three cases soliciting any citizen information and giving the citizen the assigned investigator's name and phone number.
4. Several methods may be used to fulfill contact requirements:
 - a. In-person – In-person contact should be attempted on all priority one cases when practical.
 - b. Contact by telephone – Phone contact is acceptable on priority one and two cases.
 - c. Contact by letter or e-mail – is used for priority three cases and for cases in which an appointment must be arranged for an in-person contact. Sometimes victims/witnesses do not have phones and cannot be contacted by other means; in this case letters or e-mails are acceptable to advise the victim/witness to contact the investigator at a phone number furnished.

VII. CASE PROGRESS AND REVIEW

CASE SCREENING FOR INVESTIGATION

- A. Each investigator will be responsible for submitting a follow-up to their detail sergeant on all cases given a priority one and two designation.
- B. The follow-up will contain:
 - 1. Current status of the case
 - 2. Arrests or complaints filed
 - 3. Case clearances
 - 4. Possible re-designation information
- C. Priority three cases will not require a follow-up unless, as a result of additional information received or developed, the case is re-designated as a priority one or two case.
- D. It is the responsibility of the detail sergeant to track the progress of each assigned priority one case.

OCS

COMMUNICATIONS AND SAFETY EQUIPMENT USE

I. CONCEPT AND ISSUES

OCSD

A. Purpose

The purpose of this policy is to provide procedures for the field use of communications and safety equipment issued to Criminal Investigations Bureau personnel. Officer safety is of paramount concern during field operations regarding bureau investigations.

B. Scope of Policy

This policy pertains to all Criminal Investigations Bureau personnel.

C. Accountability

The Criminal Investigations Bureau Lieutenant and unit sergeants are responsible for ensuring Criminal Investigations Bureau personnel are aware of this policy.

II. POLICY

All Criminal Investigations Bureau personnel are issued communications and safety equipment including cellular telephones, car-mounted radios and/or portable radios, department issued protective personal body armor, firearms, badges and identification cards, handcuffs, OC spray, batons, and identifying outerwear, e.g. raid jackets, marked vest covers, etc. to readily identify themselves as peace officers to the public.

A. Vehicle Radios

1. The information concerning the description and operation of vehicle radios is contained in the Sheriff's Training Bulletin, Vol. 2, Bulletin 28.
2. Departmental issued radios, car-mounted or portable, is the primary communications devices used during tactical field operations (e.g., suspect/witness contacts, surveillances, search warrants, etc.) and shall be used during tactical operations.
3. Any Emergency broadcasts (vehicle or foot pursuits, officer-involved shootings, etc.) shall be made using a department radio over the appropriate channel. While cell phones can assist in communications when there is poor reception for departmental radios, for security reasons, the departmental radio is the main communications device.
4. During tactical operations, field personnel shall have a radio at their immediate disposal tuned to the designated frequency for that operation. Exceptions to this would be for undercover personnel whose cover might be compromised if carrying a radio. However, supporting field personnel should be equipped with departmental radios to update surveillance personnel of the activities and provide emergency radio traffic if needed.
5. Requests for additional portable radios or portable radio repairs will be directed to the Transportation Bureau lieutenant via your detail sergeant.

B. Call Signs

Each investigation detail is designated, for radio communication purposes, by numbers. The numbers are assigned as follows:

COMMUNICATIONS AND SAFETY EQUIPMENT USE

OCSD

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- C. Cellular Telephones
Cellular telephones are issued to investigators/deputies for routine communications. As stated above, communications for tactical operations will be the departmental radio.
- D. Communication Integrity
Investigators must constantly be aware of radio communication being monitored. Telephone conversations are subject to monitoring and watch for persons eavesdropping on your conversations.
- E. Protective Personal Body Armor, Firearms, Less-Lethal Weapons, Handcuffs, and Identification Items

COMMUNICATIONS AND SAFETY EQUIPMENT USE

1. While conducting any field operations, personnel shall have at their immediate disposal, their department safety and communication equipment and identification items. These include body armor, firearm, handcuffs, badge identification, outerwear signifying law enforcement personnel (raid jacket or vest cover with law enforcement identification). Personnel should also have one authorized less-lethal weapon (OC spray, impact weapon, or TASER).
 2. Field operations include surveillance. Situations can change to where immediate police action is required. Because of this, it is important that surveillance personnel and other operations personnel have their equipment at hand to respond in a quick manner.
 3. Whenever conducting field operations involving arrests, suspect contacts, search warrants, etc., all personnel will wear clearly identifiable markings with the word, "Sheriff" on the front and back. Green entry vest covers, raid jackets and black nylon tactical entry vests meet these criteria.
 4. Criminal Investigations Bureau personnel shall wear appropriate tactical gear deemed necessary for the operation, including, but not limited to, entry/tactical vests, raid jackets, etc.
- D. Maintenance of Equipment
- It is the responsibility of Criminal Investigations Bureau personnel to ensure all issued equipment is maintained in good, safe and functional condition.

OCS D

I. GENERAL

- A. It is in the best interests of the Orange County Sheriff's Department as a whole to maintain close cooperation and communication between Sheriff's Criminal Investigation and Operations Divisions personnel who are assigned to South County areas and, particularly, to contract cities.
- B. It is the Department's intent to provide services requested within a structure and interface that is cohesive, cooperative, responsive, and informative to the cities and yet allows us to maintain our organizational integrity and identity.

II. ORGANIZATIONAL CONSIDERATIONS

- A. Criminal Investigation and Operations Division personnel will cooperate fully in the provision of contract city services, with an eye toward
 - 1. Addressing citizen concerns
 - 2. Maintaining and enhancing levels of service
 - 3. Responding to particular needs of the various cities

III. ADVISEMENT AND INFORMATION REQUIREMENTS

- A. In order to effectively perform their duties, city lieutenants must be immediately aware of the law enforcement activity within their jurisdictions. Their own staff is primarily responsible for informing them of these matters.
- B. Criminal Investigation Division sergeants will ensure, by telephone contact if necessary, those city lieutenants are aware of ongoing major cases in their cities. Such cases include, but are not necessarily limited to, the following:
 - 1. Homicides
 - 2. Major sex crimes
 - 3. Child deaths or serious injuries
 - 4. Gang involvement
 - 5. Significant cases involving schools or school employees
 - 6. Municipal employee involvement
 - 7. Aggravated circumstances in otherwise routine cases
 - 8. Any other newsworthy or "high visibility" case. Criminal Investigation Division sergeants will ensure that city commanders, through their chain of command, are apprised of unusual activities or situations relating to their cities. Such things include, but are not necessarily limited to, the following:
 - a. Arrests of suspects in other areas who are involved in city crimes
 - b. General crime trends
 - c. Specific crime warnings
 - d. Surveillance and sting operations
 - e. Unusual investigative activities
- C. Upon request, the Criminal Investigation Division shall provide to police service chiefs, copies of monthly statistics relating to their cities prepared by Criminal Investigation Division units.

PURPOSE

This order establishes policy and procedural guidelines to Investigators and the Cold Hit Administrator. The procedures set forth in this order are related to the collection, submission, investigation and tracking of DNA evidence and will provide a guide to personnel working investigative assignments.

BACKGROUND

To effectively utilize DNA evidence, various investigative personnel must understand their role and the roles of others. This protocol outlines the expectations of investigative personnel working throughout the Sheriff's Department as well as the Cold Hit Administrator. The guidelines set forth in this protocol represent the most current procedures involved in the fast changing environment of DNA evidence. Nothing in this document prevents a manager from amending this policy as technology changes or as the needs of other involved agencies change.

I. INVESTIGATIONS

- A. The investigator is the primary focal point of information. Once the investigator has received relevant information regarding cases involving DNA, he/she disseminates the information to concerned entities and follows through on the case to a logical conclusion.
- B. Investigators or Investigative Assistants (IA) review initial crime and forensic reports to determine if and which swabs should be submitted to the Orange County Crime Lab for analysis.
 1. Prior to submission, the investigator or IA should ensure victim/witness standards are available and relevant investigative questions were answered by the victim/witness.
- C. DNA "Hits"
 1. Every DNA "hit" will be assigned to an investigator or IA for follow-up.
 2. Generally, the investigation will include re-contacting the victim/witness, obtaining a confirmation swab (if filing is requested) and interviewing the suspect.
 3. The connection to the named "hit" and the crime scene will be investigated and documented on a follow-up report.
 4. Hit to Victim or Non-Suspect
 - a. The assigned investigator shall complete a supplemental report on how it was established that the named person in the hit is not involved as a suspect in the crime.
 - b. The investigator shall notify the OC Crime Lab to have the DNA profile removed.
 5. Hit to a Likely Suspect but Not Prosecutable
 - a. For various reasons, an investigator may conclude a DNA hit is that of a likely suspect, but the case is not prosecutable. For example, the DNA was recovered at a public location, the case is beyond the Statute of Limitations or the victim cannot be located.

Under these circumstances, the investigator will complete a supplemental report to include reasons for the case closure. A Deputy District Attorney will review these reports.

D. Profiles and John Doe Warrants

1. If an investigator becomes aware of a DNA case-to-case “hit” or a crime scene DNA profile has been obtained but there is no associated named suspect, it is likely the suspect has not yet been arrested and entered into CODIS.
2. In many cases, the subject will eventually be arrested and he/she will be required to submit DNA. Because the time delay is not known, investigators should prepare reports to enable future investigators to follow up on the case with minimal investigation.
3. In cases where DNA suspect profiles have been obtained, but there is not yet an associated name, investigators should evaluate the case and confer with the Deputy District Attorney of the DNA unit to determine if a “John Doe” warrant is appropriate.
4. If a John Doe warrant is issued, the investigator shall place a “hold” on evidence pending the subject’s arrest.

II. COLD HIT ADMINISTRATOR

- A. The Cold Hit Administrator is responsible to make appropriate notifications regarding DNA hits.

The Cold Hit Administrator is the primary department contact for the Orange County Crime Lab, District Attorney’s Office, and TracKRS Unit relative to DNA hits and it is his/her responsibility to notify the appropriate supervisor of a DNA hit related to their unit’s caseload. Supervisors will track the progression of every DNA hit-involved investigation within their respective detail.

1. Upon receipt of a DNA hit notification, the Cold Hit Administrator shall promptly electronically forward the notification to the appropriate investigative detail supervisor.

HATE CRIMES MOTIVATED BY RACE, RELIGION, ETHNICITY, OR SEXUAL ORIENTATION

I. INJURY OR THREAT TO PERSON OR DAMAGE TO PROPERTY BECAUSE OF SPECIFIED BELIEFS OR CHARACTERISTICS (HATE CRIMES, BIAS CRIMES) – CPC 422.6

OCS D

- A. A “hate crime” is an act or a threatened or attempted act by any person or group of persons to cause physical injury, emotional suffering or property damage against the person or property of another individual or group which is or appears to **be motivated**, all or *in part*, by race, religion, ethnicity, or sexual orientation.
- B. These crimes include but are not limited to threatening phone calls, hate mail, physical assaults, vandalism, cross burnings, or destruction of other religious symbols, and firebombing.
 - 1. The hate crime must involve a specific target, such as an individual residence, house of worship, religious or ethnic organization, or business.
 - 2. Bigotry must be the substantial factor for the attack, rather than economics, revenge, etc., as in other kinds of crime.
 - 3. Any assault against a person, in the absence of other apparent motivation, when initiated with racial ethnic, religious, or homophobic epithets, will be considered to be a hate crime.
 - 4. Vandalism to a house of worship, or ethnic, religious, or gay and lesbian organization will be considered a hate crime in the absence of evidence of other motives.
 - 5. Graffiti must be racial, ethnic, religious, or homophobic in nature, such as swastika, KKK, Nazi, or other hate group symbols or slogans, or involve the use of epithets.
 - 6. Obscene or threatening phone calls containing racial, ethnic, religious or homophobic slurs are considered hate crimes.
 - 7. Some incidents may not clearly fit a specific definition, so a common sense approach must be used. If an incident appears to be one of bias involving race, religion, ethnicity, or sexual orientation, it should be investigated as such.
- C. The following are not considered hate crimes if they are not aimed at a specific target:
 - 1. Interracial crimes, such as robbery, assault, or rape, which are motivated by factors other than race, ethnicity, religion or sexual orientation.
 - 2. Intragroup acts, regardless of graffiti; this includes gang graffiti and other gang acts.
 - 3. Name calling and epithets not accompanied by assault, widespread among youth.
 - 4. Graffiti on walls, overpasses, public phone booths, etc.
 - 5. “Punk rock” or gang graffiti, even if accompanied by a swastika.
 - 6. KKK, Nazi, or other hate rallies, leaf letting, or recruiting drives, if they are not directed at specific targets or individuals (for example, KKK hate leaflets left only on black students’ cars on a campus).
- D. Consideration should be given to CPC section 11410, findings and declarations, in determining whether the incident should be handled as a reportable crime.
 - 1. The legislature finds and declares that it is the right of every person regardless of race, color, creed, religion or national origin, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals.

HATE CRIMES MOTIVATED BY RACE, RELIGION, ETHNICITY, OR SEXUAL ORIENTATION

2. It is not the intent of the chapter to interfere with the exercise of rights protected by the Constitution of the United States.
3. The legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.
4. The legislature further finds, however, that the advocacy of unlawful violent acts by groups against other persons or groups under circumstances where death or great bodily injury is likely to result is not constitutionally protected, poses a threat to public order and safety and should be subject to criminal and civil sanctions.

OCS D

II. ENFORCEMENT PROCEDURES

A. Reporting

1. An Initial Crime Report should be completed in all cases when a crime has occurred.
 - a. The Initial Crime Report will reflect the actual crime committed, assault and battery, shooting at dwelling/vehicle, sexual crimes, or vandalism, etc.
 - b. Where information is developed which indicates the crime fits into the hate crime classification, the additional charge of CPC 422.6 will be added.
 - c. Include relevant information concerning race, ethnicity, religion or sexual orientation concerning all persons involved.
2. All other reported incidents not meeting the reportable crime standards, shall be written as a suspicious incident, with assigned case number.

B. Deputies on Scene

1. Determine if the suspects are still on the scene, and immediately take all appropriate investigative and enforcement action.
2. Give priority to the feelings and needs of the victims, reassuring those concerning threats to their safety or the likelihood of a recurrence.
3. Ask victim(s) about possible suspects and encourage them to express their feelings, as this often yields useful information about motives, perpetrators, etc. Ask victim(s) if they are aware of other incidents in the area.
4. Assure the victim(s) that the investigation will be actively pursued to apprehend the suspects.
5. Protect the crime scene and evidence.
6. Advise the field supervisor of incident and circumstances.
7. Contact I.D. office for crime scene investigation.
8. Ensure that all physical remains of the incident are removed as quickly as possible after the scene investigation is completed. Attempt to impress upon building or property owners the need for complete restoration as soon as possible.
9. Before leaving the area, check the surrounding neighborhood for other incidents if the crime was vandalism or graffiti.

C. Scene Management

1. The field supervisor shall respond to the scene of all incidents covered by this order.

HATE CRIMES MOTIVATED BY RACE, RELIGION, ETHNICITY, OR SEXUAL ORIENTATION

2. Ensure that the crime scene is protected.
 3. When appropriate, ensure that investigative personnel are notified through the Department Commander.
 4. Ensure that the scene is properly processed and evidence is gathered.
 5. Personally assure the victim(s) that the investigation will be actively pursued to apprehend the suspect(s).
 6. Notify the Department Commander as soon as possible of the following information:
 - a. Any disturbances, physical violence, or destruction of property that is racially, religiously, or ethnically motivated.
 - b. Type of vandalism and the materials involved.
 - c. Exact time and location of the incident.
 - d. Whether arrests are imminent, or the names, addresses, dates of birth, sex, and race of any persons arrested.
 - e. Any gang affiliation.
 7. Ensure that the crime report contains full data on the material used (cross, literature, paint, etc.), including size, construction, wrappings, messages; plus the method of removal and the disposition of the remains.
 8. Notify Investigation immediately and route a copy of the crime report to Investigation on a priority basis.
 9. Maintain contact with community leaders at the scene concerning the progress of the investigation.
- D. Department Commander Responsibilities
1. Ensure that investigative personnel have been notified, if their presence would serve the best interest of the investigation.
 2. Notify the affected captain and/or the Assistant Sheriff of Operations.
 3. Arrange for an immediate increase of patrols throughout the area of occurrence. If there still exists the potential for further acts of violence, a unit should be specifically assigned to the area of occurrence.
- E. Investigative personnel shall, upon being directed by a commanding officer or the Operations Watch Commander, respond to the scene of all significant incidents covered by this order.
1. Conduct a thorough, on-site investigation to determine what evidence is required to ensure a successful arrest and prosecution of the criminal offender(s).
 2. Ensure that all physical evidence is recorded, photographed, and gathered by designated personnel.
 3. Generate appropriate and necessary supplemental crime reports.
 4. Coordinate the efforts of this inquiry with other assigned police personnel in a cooperative and professional manner.
 5. Make a follow-up visit to assure the victim(s) that we are doing everything possible to apprehend the suspect(s).

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HATE CRIMES MOTIVATED BY RACE, RELIGION, ETHNICITY, OR SEXUAL ORIENTATION

6. Suggest the formation of a Neighborhood Watch Program if none exists in the area. If such a program exists, ask the victim's permission to notify the leader of the area program. Give the victim information about government and religious organizations that provide support for victims of hate crimes, such as the Orange County Human Relations Commission.
7. Maintain liaison with the Department's Special Investigations Unit for intelligence information exchange.
8. Consult appropriate federal, state, and/or local law enforcement agencies for assistance.
9. Ensure that victims and other concerned parties are informed of a case clearance.
10. Maintain liaison with federal, state, and local agencies for intelligence information exchange. When appropriate, share relevant information with department personnel so they are aware of potential problems in the community and can perform in a pro-active manner.

OCSD

III. VICTIM ASSISTANCE

Victims of racial, ethnic, religious, or sexual orientation shall be offered the assistance of our Victim Assistance Program.

- A. Victim Assistance personnel will respond to the scene if necessary or talk to the victim(s) on the phone.
- B. Victim Assistance personnel will coordinate contact with the Orange County Human Relations Commission.

INVESTIGATIVE RESPONSE TO MAJOR ASSAULTS

I. INVESTIGATIVE RESPONSE TO MAJOR ASSAULTS

OCSD

A. Background

The investigative response to major assaults and attempted homicides has the potential for disjointed investigations depending on changes in the victim's status. When a seriously injured victim dies, or improves, the change in investigative responsibility can affect the continuity of the case.

B. Procedure for Response

In all cases where a life-threatening assault or an attempted homicide has occurred, a homicide investigator will be assigned as the second person in the investigation. The homicide investigator will assist the case agent from the primary investigative detail until the victim's prognosis can be established. The homicide investigator will assist the case agent with current legal and technical issues that may be specific to the prosecution of homicides. If the victim subsequently dies, the transition of the case to homicide investigators will be more efficient.

C. Responsibilities

1. The Department Commander should be aware of the status of any major assault occurring during his/her shift. The field supervisor will inform the Department Commander of any situation where the condition of an assault victim is such that his/her life is in danger. The Department Commander will make the appropriate notifications based on the information above.
2. The case agent will keep his/her supervisor informed of any change in the victim's status that could affect the assignment of the investigation.
3. Criminal Investigation Division Captain will direct which unit will pursue the investigation after the victim's medical condition is clear.

I. DISPOSITION

- A. In determining the disposition of a minor taken into custody under W&I 300, 601, or 602, the deputy should take action which least restricts the minor's freedom of movement provided such action is compatible with the best interests of the minor and the community.
- B. In both 601 and 602 cases, and when feasible, the minor should be released to his parents, responsible relative, guardian, or released on a citation. Many 602 offenses, PC 245, 261, etc., do not allow this type of alternative. The deputy must call the intake officer at Juvenile Hall to determine if the juvenile meets the criteria for booking.

II. WELFARE AND INSTITUTIONS CODE 300 – PERSONS SUBJECT TO JURISDICTION OF JUVENILE COURT

Any minor who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

- A. The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted non-accidentally upon the minor by the minor's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated infliction of injuries on the minor or the minor's siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age appropriate spanking to the buttocks where there is no evidence of serious physical injury.
- B. The minor has or there is substantial risk that the minor will suffer serious physical harm as a result of inadequate supervision by the parent or guardian. This includes protection of the minor from the conduct of any custodian with whom the minor has been left. The willful or negligent failure of the parent or guardian to provide the minor with adequate food, clothing, shelter, or medical treatment or by the inability of the parent or guardian to provide regular care to the minor due to the parent's or guardian's mental illness, developmental disability, or substance abuse. The lack of emergency shelter for the family is not included.
- C. The minor is suffering serious emotional damage or is likely to do so, evidenced by severe anxiety, depression, withdrawal or aggressive behavior toward self or others, as the result of the conduct of the parent to guardian or who has no parent or guardian capable of providing appropriate care.
- D. The minor is under age 5 and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known the person was abusing the child. Serious physical abuse means any of the following: physical trauma that, if left untreated, would cause permanent physical disfigurement or disability, or death, or any single act of sexual abuse, or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

- E. The minor's parent or guardian has been convicted of causing the death of another child through abuse or neglect.
- F. The minor has been left without any provision for support, or the minor's parent has been incarcerated or institutionalized and cannot arrange for the care of the minor, or a relative or other adult custodian with whom the child resides is unwilling or unable to provide care or support for the child, the whereabouts of the parent is unknown, and reasonable efforts to locate the parent have been unsuccessful.
- G. The minor has been subjected to acts of cruelty by the parent or guardian or by a member of his or her household, or the parent or guardian has failed to adequately protect the minor from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the minor was in danger of being subjected to an act or acts of cruelty.
- H. The minor's sibling has been abused or neglected as defined in A, B, C, D, or H and there is substantial risk that the minor will be abused or neglected as defined.

III. WELFARE AND INSTITUTIONS CODE 305 – ANY PEACE OFFICER MAY, WITHOUT A WARRANT, TAKE INTO TEMPORARY CUSTODY A MINOR

- A. When the officer has reasonable cause for believing that the minor is a person described in Section 300, and in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In cases in which the child is left unattended, the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officers shall notify a social worker in the county welfare department to assume custody of the child.
- B. Who is in a hospital and release of the minor to a parent poses an immediate danger to the child's health or safety.
- C. Who is a dependent child of the juvenile court, or concerning who an order has been made under Section 319, when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement ordered by the juvenile court.
- D. Who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

IV. WELFARE AND INSTITUTIONS CODE 601 – PERSONS SUBJECT TO JURISDICTION OF COURT AS WARD FOR REFUSAL TO OBEY ORDERS OF PARENTS, VIOLATION OF CURFEW, OR TRUANCY

- A. *Incorrigible* – any person under the age of 18 years, who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, or custodian, or who is beyond the control of such person, or who is under the age of 18 years when he violated any ordinance of any city or county of this state establishing

curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

- B. Truants – deputies who have a reasonable cause to believe a minor is truant or absent may arrest the minor and return him/her to school or release the minor to a parent or guardian.
 - 1. A complete narrative of the arrest and disposition is required. Copies go to the school the minor is attending. The address of the school must be included.
 - 2. Education Code 48264: Authority for peace officer to arrest, during school hours, any minor subject to full time compulsory education or compulsory continuation education found away from home and who is absent from school without reasonable excuse.
 - 3. Education Code 48265: Disposition of arrestee, requires officer to deliver forthwith arrested person to parent or guardian or school from which minor is absent.
 - 4. Education Code 45266: The arrest and disposition must be reported to the school district and the parents must be notified.
 - 5. Education Code 48410 & 48260: Who is truant? Compulsory full time school attendance is required for all children ages 6 to 16. Minimum of continuation education (regular part time) is required for all persons ages 16 to 18. If children 16 to 18 are attending school full time, they must be in school full time.
 - 6. Advisement of Miranda Rights is mandatory in all cases. (W&I 625)

V. WELFARE AND INSTITUTIONS CODE 602 – PERSONS SUBJECT TO JURISDICTION OF JUVENILE COURT AND TO ADJUDICATION AS WARD FOR VIOLATION OF LAW OR ORDINANCE DEFINING CRIME

Any person who is under the age of 18 years when he violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court. (Deering 1994)

VI. WELFARE AND INSTITUTIONS CODE 625 – A PEACE OFFICER’S TAKING MINOR INTO TEMPORARY CUSTODY WITHOUT WARRANT; WHEN PERMITTED

- A. Anyone who is under the age of 18 years when such officer has reasonable cause for believing that such minor is a person described in (W&I 601 or 602).
- B. Anyone who is a ward of the juvenile court or concerning whom an order has been made under (W&I 636 or 702), when such officer has reasonable cause for believing that person has violated an order of the juvenile court or has escaped from any commitment ordered by the juvenile court, or
- C. Anyone who is under the age of 18 years and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

In any case where a minor is taken into temporary custody on the ground that there is reasonable cause for believing that such minor is a person described in (W&I 601 or 602), or that he has violated an order of the juvenile court or escaped from any

commitment ordered by the juvenile court, the officer shall advise such minor that anything he says can be used against him and shall advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.

- D. Prior to a custodial interrogation, and before the waiver of any Miranda rights, a person 15 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived (W&I 625.6).

VII. CRIMINAL CITATIONS ISSUED IN LIEU OF BOOKING

- A. Refer to Field Operations Manual
- B. Diagram on Juvenile Procedures XVI

VIII. DETAINED IN JUVENILE HALL

- A. If the juvenile has been lodged in juvenile hall, a copy of the report, approved by a supervisor, must be left at Juvenile Hall with the Application for Petition form at the time of booking. The concluding sentence must state the name of the person to whom the report was given.
- B. In every instance, when a juvenile is booked at Juvenile Hall, the petition will contain all of the elements of the crime, probable cause for arrest, and all pertinent information, such as parent's telephone number, victim's telephone number, and any other information that will aid Orange County Probation in making a determination as to the disposition of the juvenile.

IX. JUVENILE WARRANT ARREST

- A. Comply with provisions of CVC 40303.5, if applicable.
- B. DR number is required in all cases.
- C. If person is now 18 or older, Orange County Juvenile Hall must notify prior to booking at O.C. Jail.

X. RUNAWAY

- A. When a minor is reported to be a runaway and not missing, a Sheriff's Missing Person's Report (titled runaway) will be submitted without delay, and without regard to jurisdiction. The reporting deputy will immediately notify Support Services Teletype and enter the juvenile in the computer as a runaway.
 - 1. The deputy taking the report shall make an assessment of the reasonable steps to locate the juvenile runaway.
 - 2. The deputy should check the surrounding area in an attempt to locate the runaway. All persons and possible destinations checked by the deputy will be included in the report.
 - 3. When handling assignments, a runaway juvenile shall take priority over calls relating to crimes involving property.

- B. The person making a report of a runaway juvenile shall sign a form provided by the deputy taking the report authorizing the release of medical/dental records of the juvenile reported missing and authorizing the release of a recent photo.
- C. Orangewood – Other shelter homes for W&I 300 placements
 - 1. When a minor is reported to be a runaway, a Missing Persons Report (titled runaway) will be submitted without delay, and without regard to jurisdiction. The reporting deputy will immediately notify Support Services Teletype and enter the juvenile in the computer as a runaway.
 - 2. When handling assignments, a runaway juvenile shall take priority over calls relating to crimes involving property.
 - 3. Since runaway juveniles from Orangewood are wards of the court, a form authorizing the release of medical/dental records is not required, nor is a photograph.

XI. CURFEW VIOLATIONS

- A. (W&I 256.5) allows a police officer to cite curfew violators into Orange County Juvenile Traffic Court if there is a city or county ordinance in effect prohibiting curfew violations.
- B. Orange County Ordinance 3-6-3 makes it illegal for any minor to be outside between the hours of 10:00 PM and 6:00 AM. This ordinance is applicable seven days a week and the ordinance has been adopted by the contract cities. Exceptions to this ordinance are:
 - 1. Minor is accompanied by an adult having care and custody of the juvenile.
 - 2. An emergency.
 - 3. The juvenile is on legitimate business directed by a person having the responsibility of the care and custody of the juvenile.
 - 4. The juvenile is returning home from a legitimate function or affair.
- C. Enforcing curfew violations
Enforcement of curfew violations can be a useful and effective tool for the field deputy. This is particularly true in areas where growing numbers of juveniles congregate late at night. The deputy is now able to cite and release the juveniles in the field.
- D. Deputies do not have to make contact with the juvenile's parents prior to issuing the citations. Enforcement of curfew laws have shown to be highly effective in several areas where gang members and other juveniles are known to hang around the streets late at night.
- E. Procedure for citing juveniles for curfew violation
 - 1. It is the policy of the Orange County Sheriff's Department that action taken against a minor are those that are least restrictive to the minor's freedom. Citations for curfew should be used in cases where a problem exists and other methods for removing the juveniles have proved to be ineffective.
 - 2. Follow the current juvenile citation procedure.
 - 3. DR number is required.
 - 4. Appearance is mandatory and at least one parent must accompany the juvenile to court.

5. The juvenile will be released in the field after the citation has been issued. No parent contact or notification is required when issuing this citation.

XII. ESCAPE

When any person in the custody of the Juvenile Probation Department escapes or attempts an escape, a report for W&I 871 will be submitted. An Initial Crime Report will be submitted for each escapee. A NIC number through teletype and a GB number through Control One are required (e.g. Juvenile Hall, County Juvenile Home, Ranch or Camp).

XIII. MISSING CHILDREN

A. Policy

1. Missing children will be regarded with urgency. A missing child is considered as one of the following:
 - a. Any child under the age of 12 who missing from parental custody or control under unexplained circumstances.
 - b. Any missing person under the age of 18 who is mentally handicapped.
2. It is the responsibility of the Sheriff's Operations Division to direct the initial investigation of the matter.
3. A missing juvenile is any person not described in Section 1 or 2 above, age 12-17, whose absence from home, school, place of employment or other location is reported by another. A report will be taken on a Missing Persons Report form without delay whenever a person reports a missing juvenile, without regard to jurisdiction.
 - a. The deputy taking the report will obtain a NIC number from teletype immediately. If the child is under 12 years of age or "at risk" this must be done within 4 hours.
 - b. If a vehicle is involved, the license number and description must be entered in SVCS as "vehicle associated with a missing person."
 - c. The reporting deputy must, without delay, notify the law enforcement agency where the juvenile lives and the agency where the juvenile was last seen.
 - d. A copy of the report will be directed to the above agencies, if applicable.

B. Procedures for missing children

1. Deputies receiving a missing child call normally will be given a description of the subject, including physical and clothing while enroute to the scene.
2. Deputies responding to the scene of a missing child will immediately obtain the necessary information for, and initiate, a Red Channel General Broadcast, if the desk has not done so.
3. The Operations Watch Commander and patrol sergeant will immediately be advised of the matter.
4. When handling assignments, a missing juvenile shall take priority over calls relating to crimes involving property.

5. The person making a report of a missing juvenile shall sign a form provided by the deputy taking the report authorizing release of medical/dental records of the juvenile reported missing and authorizing the release of a recent photo.
- C. Preliminary search
1. The assigned deputy shall conduct a preliminary search of the general area, utilizing relatives and neighbors to assist when such persons are available, making certain that at least one adult family member remains at the scene. Obtain a current picture of the child(ren) to assist search teams to recognize the subject(s).
 2. If the child is under 12 years of age or considered “at risk,” investigation will be immediately notified as well as the field supervisor and Operations Watch Commander.
 - a. “At risk” (formerly suspicious circumstances) includes, but is not limited to, circumstances where evidence or indications exist that the missing person (adult or child):
 - (1) is the victim of a crime or foul play
 - (2) is in need of medical attention
 - (3) has no pattern of running away or disappearing
 - (4) is the victim of a parental abduction/kidnapping
 - (5) is mentally impaired
 - b. These circumstances are only examples and are not intended to be an exhaustive all-encompassing list. Law enforcement personnel may use discretion when determining the presence of risk based on the officers’ experience, expertise, and the facts and circumstances of each case.
 3. Areas of immediate concern are, but not limited to:
 - a. house (when missing from home)
 - b. neighbor’s homes
 - c. friend’s homes
 - d. nearby school(s)
 - e. nearby park(s)
 - f. nearby attractive nuisance(s)
 4. If the child has not been located after the preliminary search has been completed, the deputy shall request the field sergeant to respond to the scene.
 5. The patrol sergeant shall maintain periodic communications with the Operations Watch Commander, keeping the latter apprised of the investigation.
 6. Organized search
 7. The patrol sergeant or deputy in command of the search shall organize and direct additional deputies who respond to the scene for commencement of an organized search.
 8. A deputy shall be designated to initiate a log and record various assignments of assisting deputies, including:
 - a. times
 - b. areas assigned
 - c. disposition of assignments

- d. resources requested and utilized
- D. Additional resources

The Operations Watch Commander shall decide if and when additional resources shall be summoned for the search. As time passes, the search becomes more critical. There are numerous resources to consider, some of which are:

1. additional patrol deputies
2. search and rescue unit deputies
3. Explorer scouts
4. investigators
5. off-duty regular and reserve personnel
6. military (this requires specific circumstances)
7. bloodhounds
8. aircraft
9. assistance from outside agencies

XIV. CHILD STEALING/VIOLATION OF CUSTODY DECREE CPC 277, 278 AND 278.5

- A. The crime report should include all the following, along with the Missing Person's Report for the abducted child.
 1. A detailed statement of interview with the complainant at his/her residence, with emphasis on the environment in which the child was living prior to the taking. Any attempts to locate the missing child(ren) should be noted.
 2. Any witness to the child's taking other than the complaining witness should be noted and that person interviewed should be contained in the Missing Person's Report.
 3. Certified copies of all court orders pertaining to the care and proof of service of those orders, if available, at the time the report is taken.
 4. Photographs of the child(ren) and defendant, if possible.
 5. A complete personal history of both the defendant and complainant should be included in the missing persons report, if at all possible.
 - a. Any aliases used by defendant.
 - b. The defendant's occupation or trade.
 - c. The defendant's current or last known employer.
 - d. The defendant's social security number.
 - e. Any scars, tattoos, or other identifying marks.
 - f. The defendant's driver's license number, description of his vehicle, and license number of that vehicle, if available.
 - g. The defendant's arrest record, including a mug and rap sheet, if available.
 - h. Child molest background of parties (charges, arrests, convictions).
 - i. All names and addresses of known defendant's relatives.
 - j. The Social Security Number of the complaining witness.
 - k. A complete physical description of the complaining witness.
 - l. List all the minor children taken by the defendant, including names and a date of birth, and specify which of those children are affected by the complaint.

- m. A complete marital history on the defendant and the complaining witness, including the date of the marriage, place of the marriage, date and place of separation, date of divorce including interlocutory and final decree and place where filed.
 - n. If an out-of-county divorce, determine if the divorce order was ever registered in Orange County.
 - o. Since the date of the original divorce order, it should be determined if there have been any additional court orders concerning custody/visitation. If there have been additional court orders, the date and location where they were obtained should be listed.
 - p. If there have been previous violations of the custody/visitation orders, the date of the violation, place of violation, name of children involved, and nature of the violation should be listed.
 - q. Date of the last contact with the defendant by the complaining witness.
 - r. The names, addresses, and telephone numbers of both the attorney of the complaining witness and the defendant, if available.
 - s. If complaining witness has ever filed a contempt action against the defendant, it should be noted and the details of that action should be explained.
 - t. If either party has filed non-support charges against the other, list dates and locations.
- B. Taking child into protective custody – CPC 279a
- 1. A peace officer investigating a report of a violation of CPC 277, 278, or 278.5 may take a minor child into protective custody if it reasonably appears to the officer that any person unlawfully will flee the jurisdictional territory with the minor child.
 - a. Even if in custody of natural parent.
 - b. Jurisdictional territory is where:
 - (1) the victimized person (parent or guardian) resides, or where the agency deprived of custody is located at the time of taking;
 - (2) the minor child was taken, detained, or concealed; or
 - (3) the minor child is found
 - 2. Prior to taking the child into custody, the Operations Watch Commander and patrol sergeant shall be notified of the circumstances.

EYEWITNESS IDENTIFICATION (LINE-UPS)

OCSA

I. EYEWITNESS IDENTIFICATION (LINE-UPS)

A. New legislations in the form of Penal Code §859.7 becomes effective January 1, 2020 and is meant to limit eyewitness misidentification by establishing statewide use of best practices.

1. The main difference from our past practice will be the use of blind or blinded administration
 - a. “Blind administration” means the administrator of an eyewitness identification procedure does not know the identity of the suspect.
 - b. “Blinded administration” means the administrator of an eyewitness identification procedure may know who the suspect is, but does not know where the suspect, or his or her photo, as applicable, has been placed or positioned in the identification procedure through the use of any of the following:
 1. An automated computer program that prevents the administrator from seeing which photos the eyewitness is viewing until after the identification procedure is completed.
 2. The folder shuffle method, which refers to a system for conducting a photo lineup by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.
 3. Any other procedure that achieves neutral administration and prevents the lineup administrator from knowing where the suspect or his or her photo, as applicable, has been placed or positioned in the identification procedure.
2. Penal Code §859.7 defines “eyewitnesses” as a “person whose identification of another person may be relevant in criminal investigation.”
3. Penal Code §859.7 does not apply to field show up procedures.

B. This manual and related forms have been updated for early compliance with this law, however, you should still read the new statute to become fully familiar with the Legislature’s intent and the legal requirements.

C. Suspect Identification Overview

1. To the extent possible, the guidelines and procedures presented in this section must be followed.
2. Lineups, both photographic and in-person, and field show-ups are extremely useful police tools that have resulted in numerous arrests and convictions.
3. Investigators should remember that if proper procedure is not followed testimony could be rendered inadmissible and the case reversed without the possibility of a retrial or further prosecution.

II. THE FIELD SHOW-UP

A. Circumstances

1. Investigators will, on occasion, respond to a crime in progress.
2. If an individual matching the description of the suspect is detained at or near the crime scene, and close in time to the incident, the situation may call for a field show-up of the suspect(s) to the victim(s)/witness(es). A field show-up permits the witness to

EYEWITNESS IDENTIFICATION (LINE-UPS)

make a determination while the image of the perpetrator is still fresh in his or her mind, and may lead to the expeditious release of innocent suspects.

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3. Whether an investigator is on the scene directing the activity, or reviewing the facts of a field show-up in an initial crime report, certain factors must be present to make the field show-up admissible in court. Following the in-field show-up procedure will significantly enhance the admissibility of the identification in court.

B. General Rules

1. A deputy may have a victim identify a suspect in the field when the suspect is apprehended in close proximity in time and place to the occurrence of the crime.
2. If multiple perpetrators are involved, a Field Show-Up should be conducted with one suspect at a time.
3. The suspect has no Sixth Amendment right to counsel since he/she has not yet been formally charged.
4. There are no hard and fast rules as to how close the proximity of time and place of a field show-up must be to the crime or the degree of seriousness of the crime.
5. Keep in mind:
 - a. A legitimate need for immediate identification must be present. For example: If the suspect has been at large for some time, the need for immediate identification has passed even if he/she is arrested at the original crime scene.
 - b. The courts have indicated that field show-ups of petty crime suspects who may raise less apprehension in the minds of the public, and possibly tie up lesser numbers of police personnel, will be more closely scrutinized.
 - c. The courts will also scrutinize each case for any attempt by officers to circumvent the requirements of a formal lineup by conducting an unneeded field show-up.

C. Field Show-up Procedure

1. While any confrontation between a suspect and a witness is to some degree inherently suggestive (since the witness may assume the police would not have arrested the suspect unless they thought they had the right person), any suggestive comments or conduct by police officers may be a violation of due process - in this case, the right to be fairly identified.
2. Guidelines:
 - a. The victim's/witnesses' description of the suspect(s) will be recorded in detail before the field show-up. This procedure increases the likelihood that the identification evidence will not be excluded at the trial should the court find the field show-up defective. It also aids the prosecutor in examining the witness regarding his identification at the trial.
 - b. If there are several witnesses, each will view the suspect separately and be requested not to discuss their identification with the other witnesses.
 - c. The victims/witnesses will be admonished.
 - d. The suspect may be asked to repeat non-incriminatory words, such as words used in the crime under investigation (e.g. "Stand and deliver," "Your money or your life," etc.)

EYEWITNESS IDENTIFICATION (LINE-UPS)

- e. Incriminating evidence obtained from the suspect, such as stolen property or weapons, must not be mentioned or shown to the victim(s)/witness(es) until after the identification is made.

III. PHOTOGRAPHIC LINE-UPS

A. Background

1. Photographic line-ups are a legitimate investigative tool. *Simmons v. U.S.*, 390 U.S. 377, 384 (1968).
2. Investigations must, however, refrain from any type of suggestion or hints during the presentation which would prejudice victims or witnesses in the identification of the suspect(s).

B. Procedure for Line-up Assembly

1. Prior to conducting a photographic line-up, and as close in time to the incident as possible, the eyewitness shall provide a description of the suspect.
2. Once the identity of the suspect has been tentatively established, obtain a photograph of the suspect.
 - a. Police mug shot/booking photograph
 - b. DMV driver's license photograph
 - c. School yearbook photograph, snapshot, etc.
3. As with an in-person line-up, a photographic line-up must depict a minimum of 6 subjects. It will be necessary for the investigator to obtain 5 other photographs of individuals of the same general appearance as the suspect. Some of the obvious characteristics that should be approximated are:
 - a. Race
 - b. Gender
 - c. Age
 - d. Hair style
 - e. Hair color
 - f. Facial hair
 - g. Features
 - h. Complexion
4. Some photographs bearing notations, attachments, or depicting unusual physical characteristics which cannot be duplicated, will be modified or not used. For example:
 - a. Photographs bearing names, dates or suggestive matter such as rap sheets or notations which would suggest law enforcement agencies have some special interest in a particular individual, will be modified by either removing or blocking out the suggestive material. This is usually the booking or identification number located at the base or a police mug shot photograph.
 - b. A photograph of the suspect depicting unusual physical characteristics will be modified or not used, because of the difficulty of finding photographs of persons with similar characteristics.

EYEWITNESS IDENTIFICATION (LINE-UPS)

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- c. Only one photograph of the suspect will be included in each group of 6 photographs unless there are several photographs of other persons, such as on the page of a school yearbook.
 - d. Photographs should be displayed as soon after the crime as possible. The suspect's photograph should be arranged so it will *not* be either the first or the sixth photograph.
5. Only one suspected perpetrator will be included in any photographic line-up.
- C. Procedures for Photographic Line-up Display
1. The investigator conducting the photographic line-up will use blind administration or blinded administration during the identification procedure. The investigator will state in writing the reason that the line-up was not conducted using blind administration, if applicable.
 2. An electronic recording shall be made that includes both audio and visual representations of the identification procedures. Whether it is feasible to make a recording with both audio and visual representations shall be determined on a case-by-case basis. When it is not feasible to make a recording with both audio and visual representations, audio recording may be used. When the audio recording without video recording is used, the investigator shall state in writing the reason that video recording was not used.
 3. Advising eyewitnesses
 - a. Prior to showing a photographic line-up, investigators will admonish the eyewitness by reading to him or her the instructions on the Photographic Line-Up Report. The eyewitness will be instructed of the following prior to being shown the photographic line-up:
 - i. The perpetrator may or may not be among the persons in the photographic line-up;
 - ii. The eyewitness should not feel compelled to make an identification; and
 - iii. An identification or failure to make an identification will not end the investigation.
 - b. Each eyewitness will view the photos separately.
 4. If the eyewitness identifies a person he or she believes to be the perpetrator, all of the following will apply:
 - a. The investigator will immediately inquire as to the eyewitness' confidence level in the accuracy of the identification and record in writing, verbatim, what the eyewitness says.
 - b. Information regarding the identified person will not be given to the eyewitness prior to obtaining the eyewitness' statement of confidence level and documenting the exact words of the eyewitness.
 - c. The investigator will not validate or invalidate the eyewitness' identification.
 5. Disposition of the photographs
 - a. Once the line-up has been shown, the photographs will be handled as any other item of evidence and booked into the Property/Evidence Division.
 - b. Whether the suspect has been identified or not, the line-up will be handled as an item of evidence.

EYEWITNESS IDENTIFICATION (LINE-UPS)

D. Cal-Photo with DMV Lineup

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1. Cal-Photo is a centralized index of image and personal data record information associated with booking photos and registered sexual offenders from criminal justice agencies throughout California. Cal-Photo also provides access to California DMV photos. Photo Lineups can be created using either mug shots or DMV photos.

- **Training:** This guide was developed to assist new users. There is also a Cal-Photo User Guide available within Cal-Photo

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2.

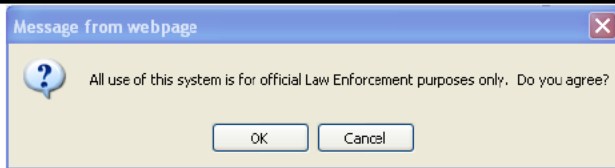
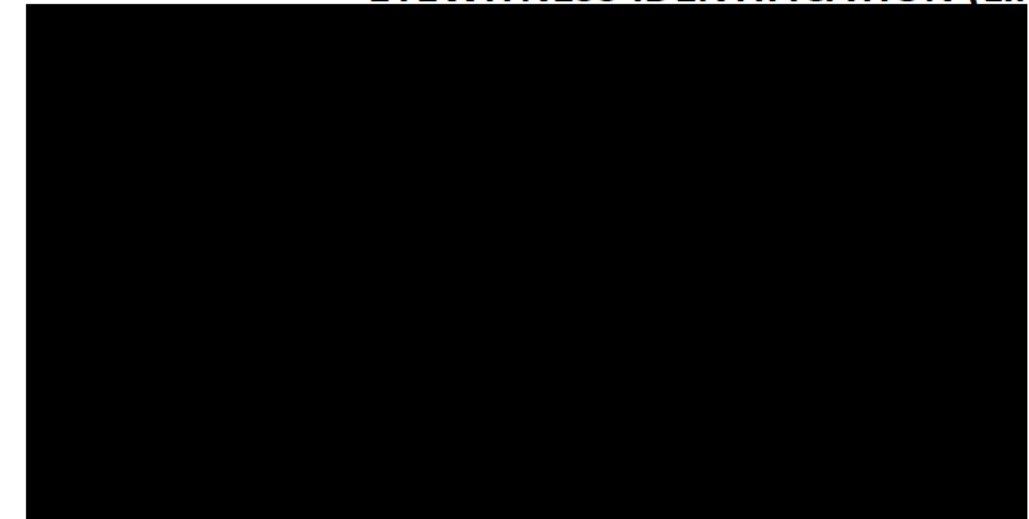
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EYEWITNESS IDENTIFICATION (LINE-UPS)

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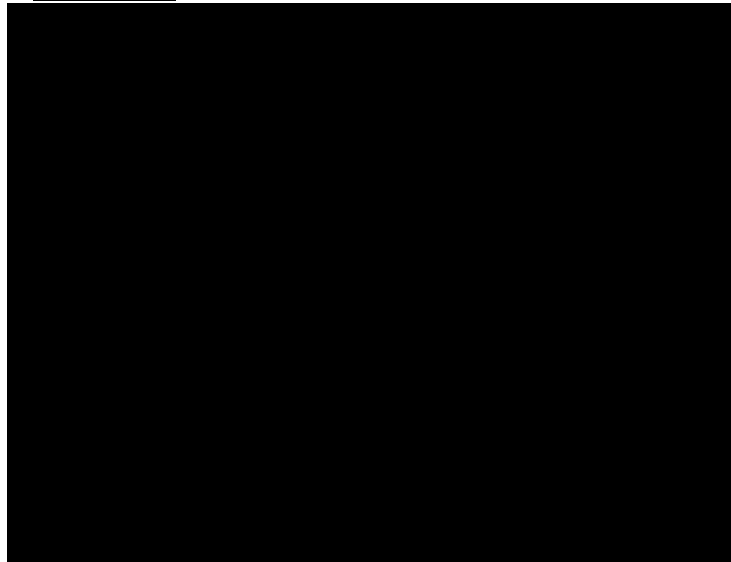
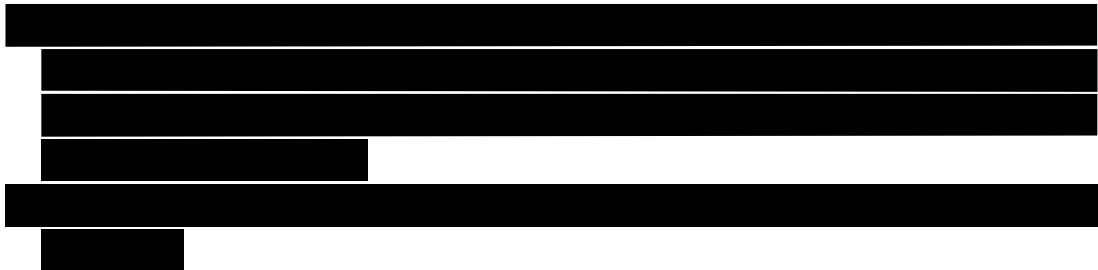


EYEWITNESS IDENTIFICATION (LINE-UPS)



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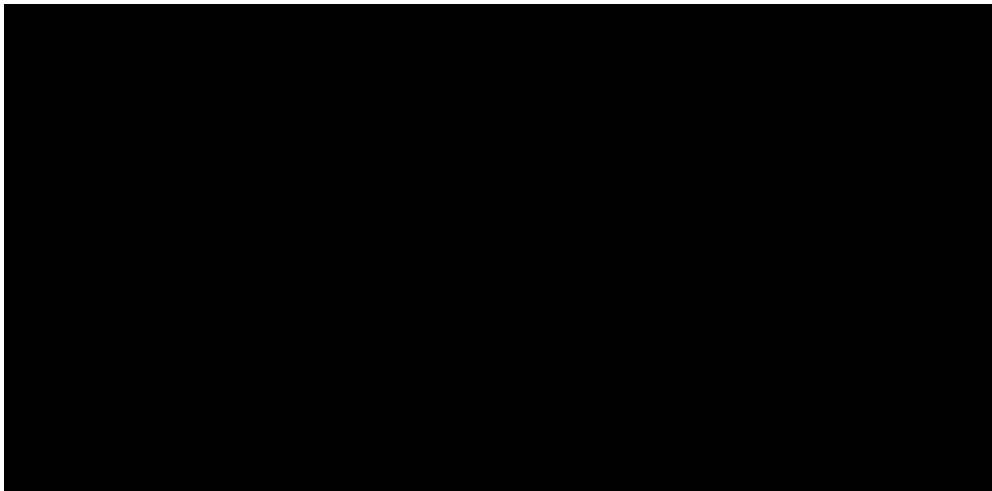


EYEWITNESS IDENTIFICATION (LINE-UPS)

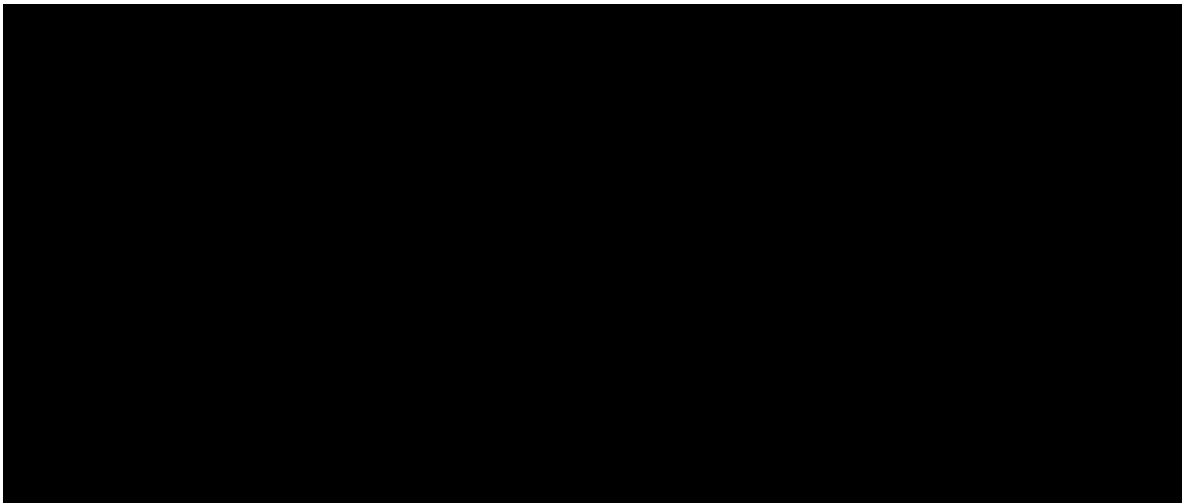


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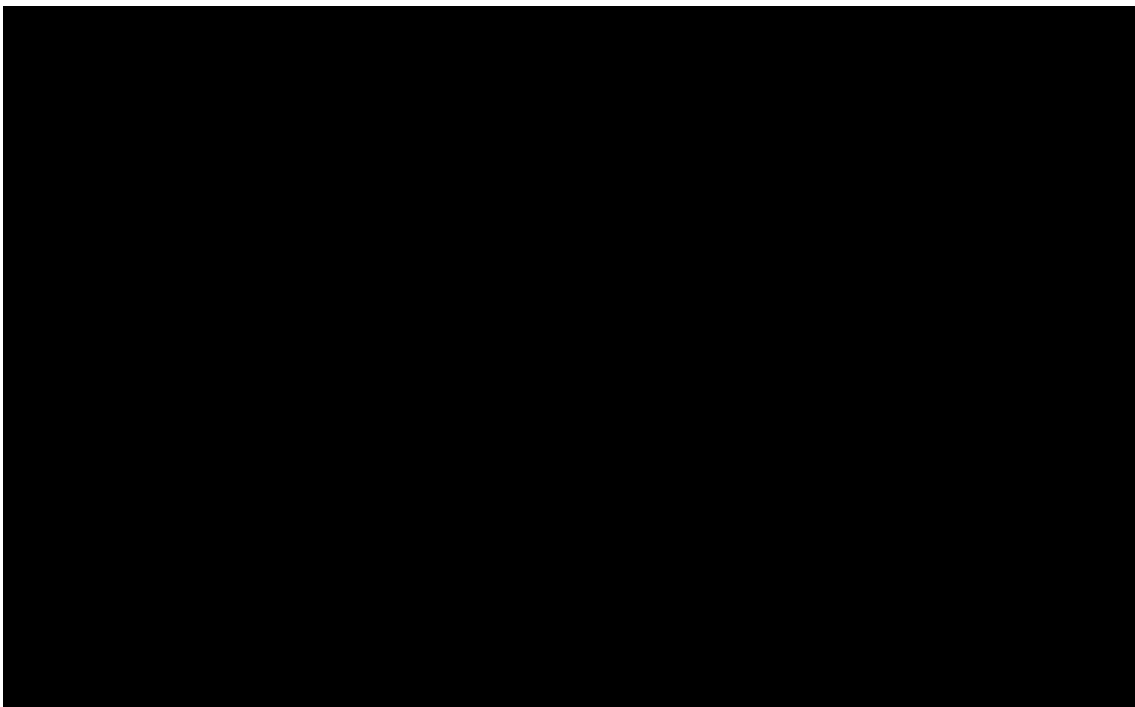
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EYEWITNESS IDENTIFICATION (LINE-UPS)



Add Suspect to Lineup:



(Other Function Buttons on Above Screen):



EYEWITNESS IDENTIFICATION (LINE-UPS)

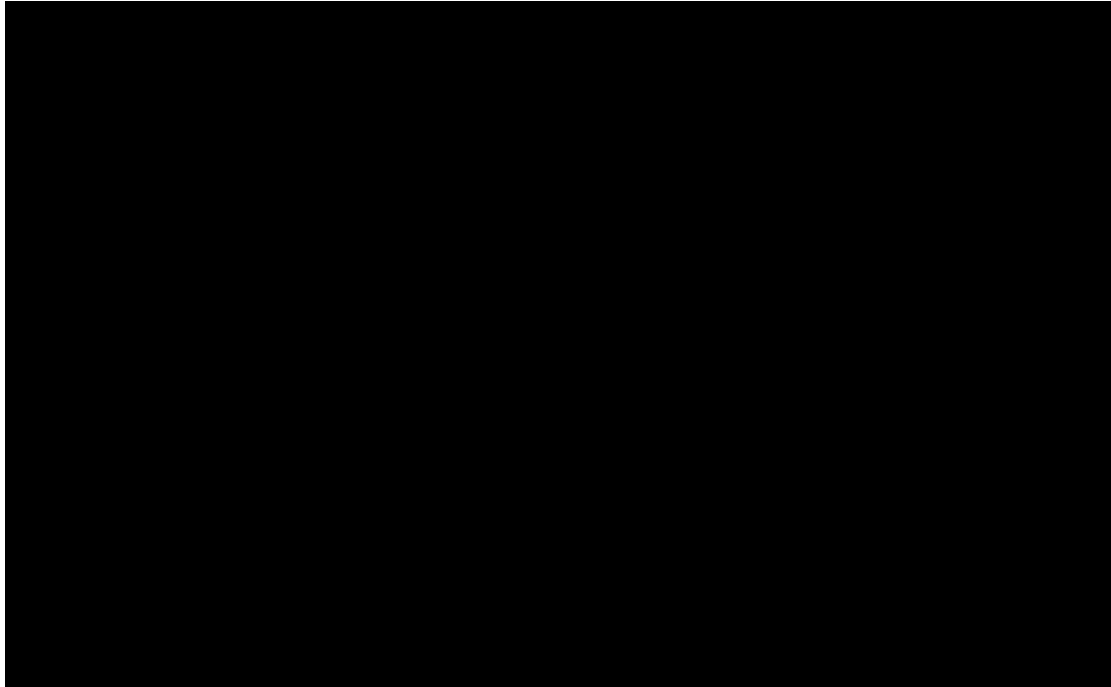
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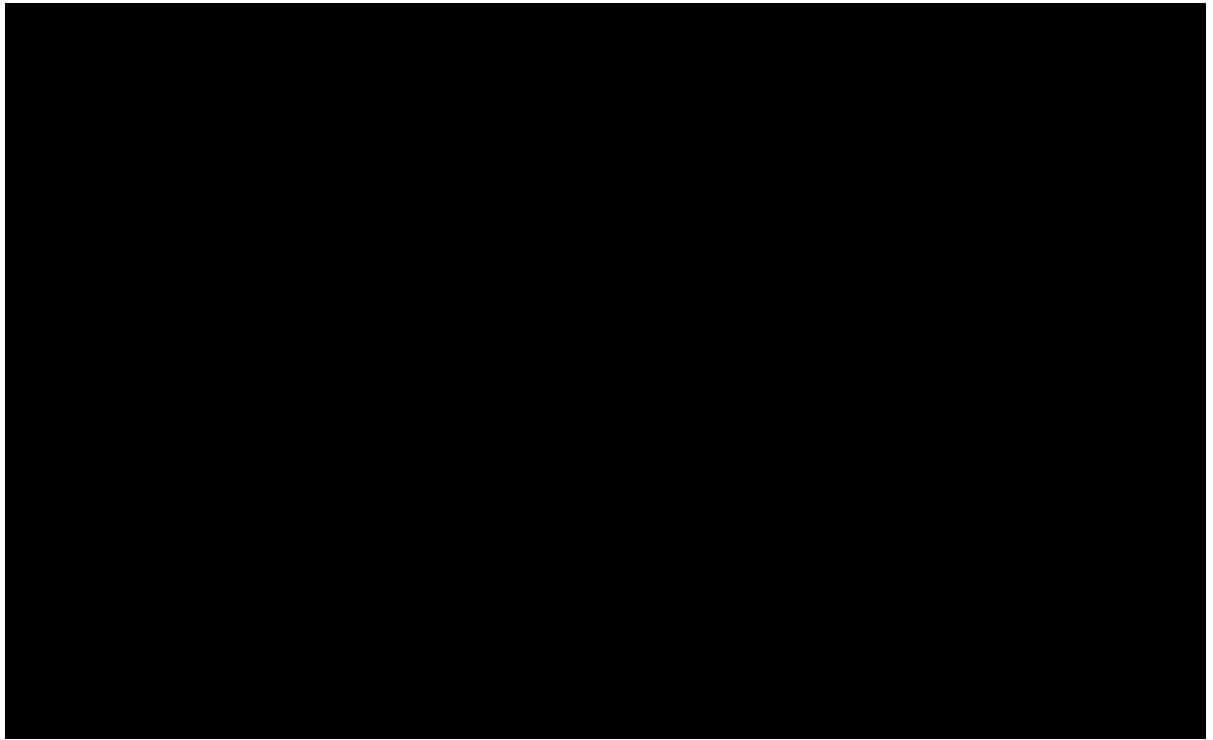
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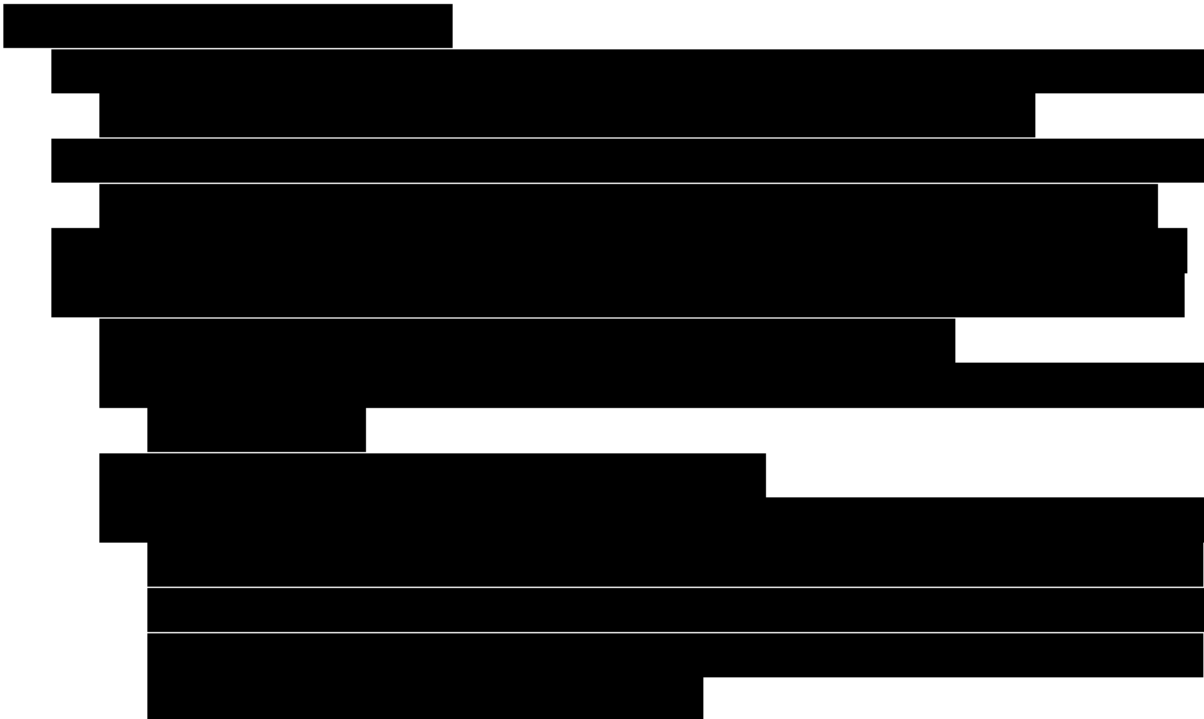
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EYEWITNESS IDENTIFICATION (LINE-UPS)

OCS D



HELP



EYEWITNESS IDENTIFICATION (LINE-UPS)

IV. In Person Line-Ups

A. Legal Aspects

1. The Suspect and Defense Counsel

- a. An investigator who plans to use a suspect in a physical line-up shall inform the suspect of his/her right to counsel. The suspect will be advised:
 1. The investigator intends to place him in a line-up at which time several people will be present.
 2. The suspect has a right to have an attorney present at the line-up (even if no charges have been filed yet).
 - a. If the suspect is unrepresented and cannot afford a lawyer, the investigator must notify the Public Defender's Office. Counsel must be obtained if the suspect requests it.
 - b. Counsel must be given adequate notice prior to the lineup. (At least 24 hours prior to line-up.)
 - c. If counsel does not appear at the agreed time, the line-up may proceed. It should be noted, however, that the court could rule that counsel was given insufficient notice. Investigators should therefore document the date and time of their conversations with defense attorneys.
 - d. Keep in mind that a defense counsel has no right or authority to interfere with the conduct of the line-up. (He/she is a silent observer only.) If an attorney obstructs, interferes with, or disrupts the proceedings, the homicide investigator shall warn him/her to refrain from such conduct or face removal from the premises.
- b. A suspect has no legal right to refuse to participate in a line-up. If the suspect refuses, he/she should be informed that the refusal can and will be used against him or her.
- c. A suspect may be asked to speak, walk, turn, assume a stance or a gesture, or don clothing. A refusal to do any of these should be followed by a statement that such a refusal will be used as evidence against the suspect. A suspect's constitutional right to remain silent does not include a right to refuse to speak for identification.

2. Eyewitnesses

- a. Prior to conducting the line-up and as close in time to the incident as possible, the eyewitness shall provide the description of the perpetrator of the offense.
- b. From a legal standpoint, care must be taken to properly instruct the eyewitnesses who are present.

EYEWITNESS IDENTIFICATION (LINE-UPS)

- c. Provide the eyewitness with the instructions that are read to the eyewitnesses at the line-up.
 - d. Should be brought in one at a time and prevented from speaking to one another while Line-ups are being conducted.
- B. Setting up the Line-up
- 1. The Custody Intelligence Unit (CIU) establishes and conducts line-ups for the Sheriff's Department.
 - 2. Investigators wishing to set up a line-up must contact the Custody Intelligence Unit
 - 3. Others used as fillers for the in-person line-up should generally fit the eyewitness' description of the perpetrator and not unduly stand out.
- C. Pre-line-up Duties
- 1. Contact CIU well enough in advance. (Two weeks is preferred)
 - a. CIU staff will check the availability of the area investigator before scheduling the line-up.
 - b. Once a date and time is established, CIU staff will send the requesting investigator the Jail Line-Up Form.
 - c. When the Jail Line-Up Form is complete, CIU staff will fax a packet of information to the Operations sergeant for the facility where the Line-up will be conducted, ID supervisor, and inmate records. If the inmate is housed at another facility from where the line-up is to be conducted then the packet will also be faxed to that facility and Transportation.
 - 1. The packet consists of:
 - a. The completed line-up form
 - b. The inmate's booking information
 - c. A court order if the line-up was court ordered
 - 2. Line-ups are conducted Tuesday or Wednesday between 1300 and 1330 hours due to manpower limitations.
 - 3. Any equipment or props needed (watch caps, pantyhose, etc.) are the responsibility of the case investigator to secure them.
 - 4. The case investigator will tell the CIU investigator if there is anything special to be done at the line-up, such as having the suspect say or do certain things.
 - 5. The line-up should not be scheduled on a day the suspect has to appear in court.
 - 6. Investigators will make every effort to alleviate any transportation problems the victims/witnesses might have.
 - 7. Investigators will be responsible for providing interpreters for any foreign language victims/witnesses.
 - 8. Investigators will, when feasible and appropriate, arrange to meet all witnesses at a common location prior to the lineup. This will:

OCS

EYEWITNESS IDENTIFICATION (LINE-UPS)

OCSD

- a. Alleviate having stragglers
 - b. Provide security to and from the lineup area
 - c. Create rapport with the witness
- D. Line-up Duties
1. The CIU Investigator conducting the line-up will use blind administration or blinded administration during the line-up. The CIU Investigator will state in writing the reason that the line-up was not conducted using blind administration if applicable.
 2. An electronic recording shall be made that includes both audio and visual representations of the line-up. Whether it is feasible to make a recording with both audio and visual representations shall be determined on a case-by-case basis. When it is not feasible to make a recording with both audio and visual representations, audio recording may be used. When the audio recording without video recording is used, the investigator shall state in writing the reason that video recording was not used.
 3. On the scheduled day of the line-up, the CIU investigator will call ID and the Jail Operations sergeant for the facility where the line-up is to be conducted to confirm they are aware of the line-up.
 4. The CIU investigator will bring the ledger book and have all parties sign.
 5. Even though the CIU investigator conducts the line-up, the case investigator will participate by:
 - a. Recording the names and booking numbers of jail inmates used in the line-up.
 - b. Recording the names of deputy district attorneys, defense attorneys, and any law enforcement personnel or witnesses present.
 - c. Confirming each eyewitness has received Witness Instructions. The eyewitness will be instructed of the following prior to being shown the line-up:
 - i. The perpetrator may or may not be among the persons in the line-up;
 - ii. The eyewitness should not feel compelled to make an identification; and
 - iii. An identification or failure to make an identification will not end the investigation.
 6. Nothing shall be said to the eyewitness that might influence the eyewitness' identification.
 7. If the eyewitness identifies a person he or she believes to be the perpetrator, all of the following will apply:
 - a. The investigator will immediately inquire as to the eyewitness' confidence level in the accuracy of the identification and record in writing, verbatim, what the eyewitness says.
 - b. Information concerning the identified person will not be given to the eyewitness prior to obtaining the eyewitness; statement of confidence level and documenting the exact words of the eyewitness.

EYEWITNESS IDENTIFICATION (LINE-UPS)

- c. The investigator will not validate or invalidate the eyewitness' identification.
- E. Post-line-up Duties

OCSD

The case investigator will:

1. Take custody of the Witness Line-up Slips from the north investigator.
2. Allow the defense attorney to examine the line-up slips as requested. (The defense attorney is entitled to this by case law.)
3. Provide security for and the transportation needs of victims/witnesses.
4. Give the Witness Line-up Slips to the deputy district attorney for examination.
5. Interview the witness regarding the line-up, noting any additional information that comes out that is not included in the Line-up Slip Form.
6. Book the slips into evidence.
7. Prepare a follow up report of all line-up proceedings for the court case.
8. Order a copy of the line-up photo for the court case.

COPIES TO:

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

PRIORITY: YES
 NO

DON BARNES, SHERIFF-CORONER

PHOTOGRAPHIC LINE-UP REPORT

OFFENSE	LOCATION OF OCCURRENCE	
VICTIM	DATE OF OCCURRENCE	GRID

PHOTOGRAPHIC LINE-UP:

On _____ (Date/Time), at _____ (location),
_____ (victim/witness's name) was read the following admonition, and
then allowed to view the photographic line-up.

ADMONITION OF VICTIMS AND WITNESSES:

It is requested that you look through a group of _____ photographs. You are under no obligation to pick out any photographs and should not feel compelled to make an identification. The perpetrator(s) may or may not be among the persons in this photographic line-up. It is just as important to eliminate an innocent person from suspicion, as it is to identify the person who committed the crime. Take into consideration that photographs may not depict what an individual looked like at the time of the offense. Therefore, special effort should be made to identify the suspect by physical characteristics. Please look at the photographs and to the best of your ability, see if you can identify any of the photographs as the suspect who committed the crime. An identification or failure to make an identification will not end the investigation. Please do not discuss this case or whether or not you identified someone with any other possible witness.

I fully understand the admonition presented to me by Deputy _____, regarding the photographic line-up.

YES NO

(Signature of Witness)

IDENTIFICATION:

I cannot make any identification.

I can identify photograph _____ as the suspect. My confidence level is _____ %

STATEMENT OF WITNESS/VICTIM:

SIGNATURE OF WITNESS: _____ DATE: _____

WITNESSED BY DEPUTY: _____ DATE/TIME: _____

PHOTOGRAPH # _____ IS THAT OF: _____

INVESTIGATING OFFICERS	REPORT BY:	DATE OF REPORT	APPROVED
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PHOTOGRAPHIC LINEUP PROCEDURE PURSUANT TO PENAL CODE § 859.7

Even though proper Photographic Lineups have been approved, a lineup which is impermissibly suggestive is still impermissible. To prevent lineup identification exclusion at trial due to being unduly suggestive, follow these guidelines:

1. Obtain witness description(s) of the perpetrator(s) as close in time to the incident as possible.
2. The photographic line-up must consist of at least six (6) photographs matching the general eyewitness description.
3. Everyone in the display should be of the same sex, race, approximate age and general features. The suspect's photograph should resemble their appearance at the time of the offense and not unduly stand out.
4. Use photographs of the same coloring and approximate size, depicting the same approximate shots of the faces such as all close-ups or not close-up.
5. Arrange the six photographs in two rows of three photographs or see item 12.
6. Label each photograph with a number from one (#1) through six (#6). Do not put any other information on the lineup.
7. Record the identity of each person shown in the lineup and do not give this information to the witness (see item 22).
8. Use a different lineup for each suspect; do not put two suspects in the same display.
9. If you have two or more witnesses, separate them before viewing the lineup, so they will be giving their independent opinion of the identification.
10. Audio and video record the entire eyewitness identification process. Audio alone may be used if video is not available but you must explain the reasons for the lack of video in your report PC § 859.7(a)(11).
11. Have someone who does not know who the suspect is present the lineup to comply with "Blind Administration" PC § 859.7(c)(1). If unable then either see item 12 or document the reason(s) in your report PC § 859.7(a)(3).
12. "Blinded Administration" PC § 859.7(c)(2) allows you to show the lineup if item 11 is not an option. Use a procedure that achieves neutral administration and prevents you from knowing where the suspect's photo has been positioned. One example is to place the photos individually in randomly numbered folders then shuffling them and presenting them so you do not know which photos the witness is looking at until after the procedure is completed.
13. Read the Admonition Statement to the witness and have them sign the Admonition part of the report.
14. Display the photographic line-up to the witness. Do not give opinions as to who the perpetrator is or is not.
15. Document the witness's exact words; such as "That's him," "I think it's him," "I'm sure that's the guy."
16. Ask the witness his or her confidence level in the accuracy of the identification.
17. Complete the identification, confidence level, and statement of witness/victims sections of this report form then have the witness review it for accuracy before they sign and date it. The witness can add a statement if they wish.
18. Do not validate or invalidate the eyewitness' identification.
19. If the witness can make an identification be sure the photograph number of the suspect is entered on the report.
20. The deputy who witnessed the signature shall record the date and time of it.
21. Interview the witness on whether the suspect's appearance has changed.
22. Information about the identified person should not be given to the eyewitness. If information must be provided, it shall be done only after identification is made and you have documented the witnesses' confidence level and exact words.
23. The officer shall complete the rest of the photographic line-up report.
24. Book the original photographic line-up and lineup report as evidence. Attach copies of both to your report.

ORANGE COUNTY SHERIFF'S DEPARTMENT
LINE-UP REQUEST FORM PURSUANT TO PENAL CODE § 859.7

REQUESTING AGENCY CASE # _____ OCSD DR# _____

Requesting Agency: _____	Person Requesting: _____	Phone: _____
Subject: _____	DOB: _____	Booking#: _____
Offense: _____	Date of Line-Up: _____	Time of Line-Up: _____
D.A.: _____	Phone: _____	Notification Date/Time: _____
Defense Attorney: _____	Phone: _____	Notification Date/Time: _____

	YES	NO	
Subject in custody	<input type="checkbox"/>	<input type="checkbox"/>	If NO, must self-book no later than 4 hours prior, Court Order needed for self-book
Complaint filed	<input type="checkbox"/>	<input type="checkbox"/>	
Other cases pending	<input type="checkbox"/>	<input type="checkbox"/>	
Requester will see that counsel & witnesses are notified	<input type="checkbox"/>	<input type="checkbox"/>	
Court ordered	<input type="checkbox"/>	<input type="checkbox"/>	Court Order must be served at Sheriff's HQ

of witnesses: _____ (Note: Witnesses must be separated throughout the identification process.)

Remarks/props: _____

Eyewitness' description of suspect (include each witness' description if different):

Copies to:

If housed at other facility:

Classification Sergeant: Please ensure this is assigned to a Deputy on the day of the line-up. If the suspect is going or has gone to court, please notify the Custody Intelligence Unit _____

NOTE: Deputy should pull line-up. Deputy selecting the inmates to be viewed in the line-up should personally view the suspect (NOT THE MOD CARD PHOTO) then select the 12 possible participants for the line-up, and see that passes are delivered to the mods in plenty of time for the line-up. The passes should specify that the inmates be at Main Control at least 30 minutes prior to the scheduled time. At least 12 candidates should be selected. They need not be identical to the suspect, but should generally fit the description of the suspect provided by the eyewitness and roughly similar to the suspect in height, weight, shape, facial hair and complexion. No individual should unduly stand out.

Request received: _____ Date/Time: _____ / hours

ORANGE COUNTY SHERIFF-CORONER DEPARTMENT

Date: _____ Lineup# _____

Name _____

Home Address _____

Business Address _____

I can identify Suspect(s) # _____ # _____ # _____

I am unable to make an identification _____

Your Comments: _____

Signature of Witness _____

Detective _____

Case# _____

ORANGE COUNTY SHERIFF-CORONER DEPARTMENT

WITNESS INSTRUCTIONS FOR LINEUP

1. You are about to participate in a lineup conducted by the Orange County Sheriff's Department.
2. In a moment there will be 6 people brought into this glassed area who will be dressed alike and similar in appearance.
3. The fact that these people are in jail does not necessarily mean the suspect in your particular case is in the lineup. He may or may not be. You are under no obligation to pick anyone out.
4. Please do not communicate with each other in any way or nod or shake your head after the lineup has started until we have picked up your slips.
5. There may be district attorneys who may wish to speak to you regarding your case. If so, they will identify themselves.
6. There may be attorneys present for various prisoners. They may wish to speak to you regarding your case. You may or may not discuss the case with them, as you choose.
7. Each person will be wearing a number. If you see someone in the lineup that you feel is the suspect in your case, write the number he/she is wearing on the slip you have been given in the space where it says, I can identify # _____.
8. If you are unable to identify anyone, check the space that says, "I am unable to make an identification."
9. It is possible for these people to change their appearance by shaving or cutting their hair or, if sufficient time has gone by, to grow their hair longer or grow facial hair. If you see someone in the lineup you feel is the suspect in your case and he/she has altered his/her appearance since you saw him/her, please indicate what changes have been made under, "your comments."
10. I will have the people in the lineup turn so you can see them from all 4 sides. After that, if there are any special requests hold your hand up and please *do not* refer to a number. If we do have a request, all members of the lineup will do the same thing. No member of the lineup will be singled out. If you see someone in the lineup you feel may possibly be the suspect in your case, but you are not 100% sure, put this information in the section marked, "your comments."
11. If you wish to take a closer look at the members of the line, make this request to me. When you do, start by stopping in front of #1 and then proceed down the line by spending approximately the same amount of time in front of each member of the line.

COPIES:

CASE NO.

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

PRIORITY: YES
 NO

DON BARNES, SHERIFF-CORONER

IN FIELD SHOW-UP REPORT

OFFENSE	LOCATION OF OCCURRENCE	
VICTIM	DATE OF OCCURRENCE	GRID

ADMONITION OF VICTIMS AND WITNESSES:

It is requested that you look at an individual who has been temporarily detained by the Police. This person may or may not have committed the crime. It is just as important to eliminate an innocent person from suspicion, as it is to identify the person who committed the crime. You are under no obligation to identify this person. The fact that the person has been detained, may be handcuffed, seated in a Police car, or surrounded by Police Officers should not influence your decision. While viewing this individual, be aware of the possibility that the person being detained may have altered his/her appearance by using a disguise or by changing clothing since the time of the reported crime. The possibility should be considered in your final identification or elimination of the individual being detained. An identification or failure to make an identification will not end this investigation. Please do not discuss the case with other witnesses or indicate in any way that you have or have not identified someone.

I fully understand the admonition presented to me by Deputy _____, regarding the In Field Show-Up.

Yes No

(Signature of Witness)

IDENTIFICATION:

<input type="checkbox"/>	I cannot identify this individual as the suspect.
<input type="checkbox"/>	I can identify this individual as the suspect.

ADDITIONAL COMMENTS OF VICTIM / WITNESSES:

SIGNATURE OF WITNESS: _____ DATE: _____

WITNESSED BY OFFICER: _____ DATE / TIME: _____

LOCATION OF IN FIELD SHOW-UP: _____

DATE & TIME OF IN FIELD SHOW-UP: _____

NAME AND DATE OF BIRTH OF PERSON VIEWED: _____

INVESTIGATING OFFICERS	REPORTED BY	DATE OF REPORT	APPROVED
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IN-FIELD SHOW-UP PROCEDURE

Even though proper In-Field Show-ups have been approved, a show-up, which is impermissibly suggestive, is still impermissible. To prevent show-up identification exclusion at trial due to being unduly suggestive, follow these guidelines.

1. Take a detailed description of the suspect from the witness before the witness sees the detained suspect.
2. Read the Admonition Statement to the witness and have them sign the Admonition part of the report.
3. Transport the witness to the detained suspect's location.
4. Do not tell the witness any incriminating facts about the circumstances of the detention, such as – “We caught him running away”, “He had your purse in his car”, etc.
5. Do not offer any personal opinions about whether the detainee is, or is not, the perpetrator. Do not refer to the detained person as a “suspect.”
6. If possible, it is encourage to have a deputy unrelated to the investigation transport the witness and conduct the in-field show-up.
7. If possible, have the show-up recorded with audio and video.
8. If safety permits, reduce the inherent suggestiveness by displaying the detainee outside the police car or without handcuffs.
9. If you have two or more witnesses, separate them before the show-up viewing, so they will be giving their independent opinion on the identification.
10. Display the detainee to the witness. Multiple subjects should be shown one at a time.
11. If possible, document the witness' exact words, such as, “That's him”, “I think it's him”, “I'm sure that's the guy.”
12. Have the witness complete the identification and additional comments sections and sign and date the report.
13. Do not validate or invalidate the eyewitnesses' identification. Information about the identified person should not be given to the eyewitness. If information must be provided, it shall be done only after identification is made and the exact words of the eyewitness have been documented.
14. The officer who witnessed the signature shall record the date and time of it.
15. Interview the witness about whether the suspect changed his clothing to disguise his appearance.
16. After the show-up is completed, display the weapon, vehicle or any stolen property to the witness for identification and record the witness' comments. Do not make any comments about physical evidence located.
17. The deputy shall complete the rest of the In-Field Show-Up report.
18. After the In-Field Show-Up, transport the witness back to his original location.
19. Be specific about your articulable suspicion to have detained the suspect for the show-up. Instead of saying, “He fit the description”, say, “He was a white male in his twenties with dark hair, wearing blue coveralls, as described in the dispatch or broadcast, and he was approximately ½ mile away from the scene and within fifteen minutes of the crime.
20. Book the original In-Field Show-Up report as evidence, and attach copies of it to your report.

COPIES TO:

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

PRIORITY: YES
 NO

DON BARNES, SHERIFF-CORONER

IN PERSON LINE-UP REPORT

WITNESS NAME	HOME ADDRESS	
WORK ADDRESS	TELEPHONE NUMBER	EMAIL

IN PERSON LINE-UP:

On _____ (Date/Time), at _____ (location),
_____ (victim/witness's name) was read the following admonition, and
then allowed to view the line-up.

ADMONITION OF VICTIMS AND WITNESSES:

It is requested that you look at a group of _____ people. You are under no obligation to pick out any subjects and should not feel compelled to make an identification. The perpetrator(s) may or may not be among the persons in this line-up. It is just as important to eliminate an innocent person from suspicion, as it is to identify the person who committed the crime. Take into consideration that people can change their apparel, facial hair and other aspects of their appearance and may not look the same way now as at the time of the offense. Therefore, special effort should be made to identify the suspect by physical characteristics. Please look at the subjects in the line-up and to the best of your ability, see if you can identify any of them as the suspect who committed the crime. If you notice any changes in appearance please note them in statement section below. An identification or failure to make an identification will not end the investigation. Please do not discuss this case or whether or not you identified someone with any other possible witness.

I fully understand the admonition presented to me by Deputy _____, regarding the line-up.

YES NO

(Signature of Witness)

IDENTIFICATION:

I cannot make any identification.

I can identify subject # _____ as the suspect. My confidence level is _____ %

STATEMENT OF WITNESS:

continued on the back

SIGNATURE OF WITNESS: _____ DATE: _____

WITNESSED BY DEPUTY: _____ DATE/TIME: _____

SUBJECT # _____ IS: _____

INVESTIGATING OFFICERS	REPORT BY:	DATE OF REPORT	APPROVED
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IN PERSON LINE-UP PROCEDURE PURSUANT TO PENAL CODE § 859.7

1. You are about to participate in a line-up conducted by the Orange County Sheriff's Department.
2. In a moment there will be 6 people brought into this glassed area who will be dressed alike and similar in appearance.
3. The perpetrator may or may not be among the persons in the line-up. You are under no obligation to pick anyone out, and should not feel compelled to make an identification. An identification or failure to make an identification will not end the investigation.
4. There may be district attorneys who may wish to speak to you regarding your case. If so, they will identify themselves. You may or may not discuss the case with them, as you choose.
5. There may be attorneys present for various individuals involved in the line-up. They may wish to speak to you regarding your case. You may or may not discuss the case with them, as you choose.
6. Each person will be wearing a number. If you see someone in the line-up that you feel is the suspect in your case, write the number they are wearing on the front of this form where it says, "I can identify subject #" and check the box. Next to this is a place to indicate your degree of certainty in the form of a percentage number where it says, "My confidence level is ____%."
7. If you are unable to identify anyone, check the box in front of the space that says, "I cannot make an identification" on the front of this form. It is just as important to eliminate an innocent person from suspicion, as it is to identify the person who committed the crime.
8. It is possible for these people to change their appearance by shaving or cutting their hair or, if sufficient time has gone by, to grow their hair longer or grow facial hair. If you see someone in the line-up you feel is the suspect in your case and they have altered their appearance since you saw them, please indicate what changes have been made under, "STATEMENT OF WITNESS."
9. I will have the people in the line-up turn so you can see them from all 4 sides. After that, if there are any special requests hold your hand up and please *do not* refer to a number. If we do have a request, all members of the line-up will do the same thing. No member of the line-up will be singled out. If you see someone in the line-up you feel may possibly be the suspect in your case, but you are not 100% sure, put this information in the section marked, "STATEMENT OF WITNESS."
10. If you wish to take a closer look at the members of the line, make this request to me. When you do, start by stopping in front of #1 and then proceed down the line by spending approximately the same amount of time in front of each member of the line.
11. I am assisting in administering the line-up. I do not have knowledge of the suspect(s) identity.
12. The deputy administering the line-up will ensure the entire eyewitness identification process is audio and video recorded.

STATEMENT OF WITNESS (CONTINUED FROM FIRST PAGE):

I. GUIDELINES

A. Weapons Offenses

1. Serialized firearm: Check the Automated Firearm System to determine the history of the weapon including the registered owner.
2. Check the serial number against the stolen property files.
3. If the weapon is a type other than a firearm, examine the weapon for physical evidence such as blood, hair, fibers, and/or glass fragments. This practice is dictated by any unsolved assaults and/or vandalism occurring in the area the weapon is seized and about the time of the seizure.
4. If the suspect is being charged with CPC 29800 (possession of a firearm by a felon or narcotics addict) obtain appropriate documentation and include it in a complaint package.
 - a. Certified copies of the suspect's felony conviction or registration under H&S 11590.

B. Overview

Since weapons offenses are usually "in-custody" crimes, review the suspect's criminal history.

A thorough screening procedure is necessary for the disposition of weapons offenses.

II. ADDITIONAL GUIDELINES

A. Disorderly Conduct and Other Offenses

1. Title 15 of the Penal Code deals with miscellaneous offenses. An investigator assigned to an investigation detail will more often than not be responsible for following up on these cases. Chapter 2 of Title 15 deals in part with disorderly conduct offenses. Two of these are worth noting: CPC 647(h) (prowling) and CPC 647(i) (peeping).

Prowlers and peeping toms are important because these violations can develop into offenses that are more serious.

- a. Today's prowler or peeping tom is tomorrow's burglar and/or rapist.
- b. With "in-custody" prowling crimes, take care to research the suspect's criminal history for priors, including other types of crimes i.e., H&S violations.

2. Comparison of M.O. and clothing description with your unsolved cases is imperative.

B. Overview

1. Investigators working in an investigation detail have to be flexible. Although the main focus of an investigator's caseload will consist of burglaries and theft, the other offenses mentioned in this section are a large part of the daily workload.
2. The continuous application of case screening and solvability factors should give the investigator enough guidelines to conduct a realistic follow-up to his or her cases.

I. GUIDELINES

A. It is not unusual during the course of an investigation for an investigator to enter into another law enforcement agency's jurisdiction, including out of county, to conduct follow-up investigations. An investigator should consider:

1. Itinerary planning

Span of control and officer safety requires an investigator to notify his/her immediate supervisor whenever an investigation is likely to enter another jurisdiction.

2. Notifications

In the event that an investigation from the Orange County Sheriff's Department leads to another jurisdiction, the involved officer will make proper notification to the agency of jurisdiction and invite the agency of jurisdiction to participate with the investigation.

Local jurisdiction will usually be able to provide the investigator with information about the particular geographical area.

They also may have information on the person(s) who needs to be contacted.

In most cases, the local jurisdiction will provide requested uniformed personnel for easy law enforcement identification and back-up.

I. INTRODUCTION

- A. The right of the people to be well informed is vital to the effective functioning of a democracy. The first consideration in drafting the “Bill of Rights” was the essential element of a free press. Police activity has a profound effect on the public and, therefore, creates public interest and concern. Likewise, public support and public cooperation have a significant impact on the successful accomplishments of any police mission. The media should be told all that could be told which will not impinge on a person’s right to a fair trial, impede the investigation, imperil a human life, or seriously endanger the security of the people. Members of the press relay information to the public. Law enforcement, within legal limits, has an obligation to assist them in this task.
- B. In order for an individual to exercise his constitutional rights, he must be aware of current events and the state of government. A free press serves the public by supplying needed information, by stimulating thought, and providing a medium of expression.

II. ROLE OF THE DEPARTMENT

- A. The Orange County Sheriff’s Department actively seeks to establish a cooperative relationship with the media to assist them in obtaining information on matters of public interest. However, certain information may be withheld from the media in order to protect the constitutional rights of an accused, to avoid interfering with a department investigation, or because it is legally privileged.
- B. The Press Information Officer’s (PIO) primary function is to develop and maintain mutual respect between the news media and the Sheriff’s Department. The PIO will work with the media in solving problems of mutual concern.
- C. Release of information
 1. The media will be kept informed of department activity that by its nature stimulates public interest. The PIO will be available to assist in dissemination of information or coordination of such information.
 2. Information to be released will be determined by the facts of each situation. Generally, a description of the circumstances that are not legally privileged, which will not prejudice the rights of the suspect(s) or interfere with an investigation, will be made public. The investigating authority or other responsible authority will make such determination.
 3. The following *can* be made public immediately after arrest and booking:
 - a. The defendant’s name, age, residence, occupation, status and similar background information.
 - b. The number and text, or substance, of statutes violated by defendant.
 - c. Identity of investigating and/or arresting agencies, along with the length of investigation.
 - d. The circumstances immediately surrounding the arrest, including the time and place of arrest, any resistance or pursuit of the suspect(s), and possibly, possession or use of weapons at the time of arrest.
 4. The following information *may* also be given:
 - a. If the suspect is not yet in custody, information to warn the public and to assist in obtaining his arrest.

- b. The name, age, and city of residence of the victim, *unless* in the opinion of the investigating officer the public interest would not be served by such disclosure at the present time due to the stage of or the nature of the case or factors involving safety or welfare of the victim.
- 5. *Do not* give the following information:
 - a. The prior criminal record or statements as to the character or reputation of the defendant; particularly avoid reference to suspected organized crime connections.
 - b. The existence or contents of any purported confession, admission or statement given by the defendant or his refusal or failure to make such a statement.
 - c. The performance or results of any tests or examination or refusal to take such a test or examination; particularly related to the polygraph.
 - d. The name, addresses, identity, testimony or credibility or any prospective witness or informant to the crime.
 - e. Any opinion of the defendant's guilt, innocence, or matters relating to the merits of the case.
- D. News media passes and access
 - 1. The Department does not issue news media passes. This practice was discontinued. Passes that are presented from the Orange County Sheriff's Department should be documented and the information provided to the PIO.
 - 2.
 - 4. Closed areas
 - a. Power to close areas during emergency (PC 409.5): According to state law, duly authorized representatives of any news service, newspaper, or radio-television station or network may enter any area closed because of menace to public health or safety. Authorization for entry is based on possession of a permanent or temporary news media pass. The decision to assume the risk of danger remains with the individual newsperson involved.
 - b. It is **not** the responsibility of department members to provide for the safety of those media representatives who voluntarily choose to subject themselves to danger.
 - c. While a news person *may* be allowed in the area of a police incident or crime scene, **he does not have a right or statutory authority to be there** when the area is secured to preserve evidence or when his presence would jeopardize police operations. Although a news media representative's primary objective is to report news, they neither are impliedly nor expressly exempt from any municipal, state or federal statutes.
 - d. News persons may photograph or report anything they observed when legally present at a scene. Whenever such coverage would interfere with an investigation, or place a victim, suspect or others in jeopardy, the withholding of such information or photographs is dependent upon a *cooperative press, not upon censorship* by the department. The Sheriff's Department may not censor or

interfere with news media personnel as long as their performance remains within the confines of the law.

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E. Feature articles

1.

When inquiries are received from the media, the Public Affairs office will be advised so that a decision can be made as to whether a response will be made and by whom it will be made.

2. If a decision is made to respond to a media request, the PIO or other designated employee may direct that a department news release be completed and forwarded to the PIO for review and release in a timely manner.

The PIO or other designated persons will release information to the press.

F. News clippings and video tapes

1. The PIO may collect news clippings and video tapes of press conferences and news broadcasts when they pertain to the operation of the Sheriff's Department or related law enforcement functions. Such clippings and tapes would be collected for review to ascertain the accuracy and correctness of reporting.

2. News clipping and video tapes will not be held longer than six months at which they will be purged from the file or video library in the PIO office.

PUBLIC AWARENESS POLICY

I. GUIDELINES

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A. Crime Prevention

1. Crime Prevention Specialist are located throughout the contract cities and unincorporated patrol areas of the department. Their function is to provide information to the public regarding crime prevention and related matters.
2. Individuals who contact investigators requesting this type of information should be referred to the crime prevention specialist in their area.

B. Assigned Speaking Engagements

1. On occasion, personnel in the Criminal Investigations Division will be asked to accept a speaking assignment.
2. All such assignments will first be approved by their Investigations Bureau Lieutenant.

I. SOURCES WITHIN THE SHERIFF'S DEPARTMENT

A. Support Services Division

1. Information available
 - a. Master Name Index (Records)
 - b. Serial Number Property File Index (Property Room)
 - c. Property In Custody File (Property Room)
 - d. Juvenile Contact Files (CJI) (any CRT terminal)
 - e. Teletype Files (Records)
 - f. Teletype Messages (Records)
 - g. NCIC and CDOJ Automated Files (any CRT terminal)
 - h. DR (Division of Records) Files (any CRT terminal)
 - i. Jail Records (jail files)
 - j. Statistical Records (M.O. – Crime File)
 - k. Field Interview File
 - l. Fingerprint File (Records)
 - m. Local Arrest Records (LAR) (Records)
 - n. Complete Office Correspondence File
2. Information Capabilities
 - a. The Master Name Index
 - (1) Names of: suspects, victims, informants, inmates booked into the jail, applicants, probationers, registered sex offenders and registered narcotics offenders
 - (2) In addition to the person's name on the index card, the card will also have, if applicable to that person:
 - (a) Orange County Number
 - (b) Physical description
 - (c) CII number
 - (d) FBI number
 - (e) DR number (reports filed)
 - (f) Arrests (by Orange County Jail Booking Number)
 - (g) Registration/license/permit information
 - (3) Investigators should note the Master Name Index is just that, an index. Information obtained should be cross-referenced to the other assets of the Support Services Records Bureau.
 - b. Serial Number Property File Index
 - (1) All property is entered in the State and Federal Automated Property File Indexes if it qualifies.
 - (2) All guns reported stolen, recovered or found, under observation, or taken for safekeeping will be in the Property Index if a DR report has been made on them. Guns registered with the Department and guns listed on gun permits are indexed and filed.
 - c. Property In-Custody File

SOURCES OF INFORMATION

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- (1) The record of all property in the Sheriff's custody such as found/recovered, evidence and property held for safekeeping.
 - (2) The file will also contain the description of the property, the name and/or address of the owner or suspect, DR, location #, Property Control Number (P.C.N.) or Lab Record Number.
- d. Juvenile Contact File (CJI)
- (1) This is an automated file containing all information received on juveniles from all county law enforcement agencies.
 - (2) The file discloses the name of the juvenile, address, description, case number, offense and action taken.
- e. Teletype Files
- (1) Contain a record of general broadcasts/all-points bulletin. (APB)
 - (2) Sent to investigations every 24 hours.
- f. NCIC and CJIS Automated Files
- (1) Available through Support Services Teletype.
 - (2) Consult the section in this manual on Automated Systems for detailed description.
- g. DR (Division of Records) Files
- (1) Contains reports turned in and filed in numerical sequence. Will have all attached paperwork (correspondence, teletype, property release forms, etc.) generated under that DR number.
 - (2) Report files are scanned at specific intervals.
 - (3) Field Interview File
- h. Orange County Jail Records
- File in the Jail Records section and will contain booking information, court dates, other charges, holds, etc.
- i. Jail Classification
- j. Support Service Statistical Records (M.O. – Crime File)
- k. Field Interview File
- Filed alphabetically after received from Operation Division and then held for two years.
- l. Fingerprint File
- (1) Contains a complete record of fingerprints or persons booked at the Orange County Jail.
 - (2) Will also contain fingerprints of juveniles arrested and released, court ordered bookings, applicants and employees.
 - (3) Fingerprint cards filed according to Orange County Number.
 - (4) Palm print cards are taken on persons booked for burglary, grand theft, GTA, narcotic offenses and robbery.
- m. Local Arrest Record File (LAR)
- (1) Contains arrest record information on persons booked into the Orange County Jail, persons booked because of court-ordered bookings, juvenile offenders who have been fingerprinted, photographed, and issued an Orange

County Number because of an arrest or detention and persons who have registered to CPC 290 or H&S 11590.

- (2) Arrest record information includes prior and current local arrests, dates of birth and complete physical descriptions, driver's license and social security numbers, current and/or prior addresses and next of kin information, mug shot photographs, FBI and CII numbers.
- (3) The Local Arrest Record (LAR) File is a numerical filing system. Any person who has a record in this file will be assigned a six-digit number that is referred to as an Orange County Number.

B. Automated Information

1. The Teletype Section of the Support Services Division provides an information retrieval system that tie into state and national police networks. The automated information and communication systems are explained in depth in this manual in the section on Automated Systems.
2. Even though the Teletype Section of the Support Services Division can provide investigators with needed computerized information, investigators should be familiar with the capabilities of ELETE or any other available automated system.
 - a. Investigative assistants are available to assist in the retrieval of automated information and the transmission of teletype messages and broadcasts.
3. Investigators needing information from the Support Services Division shall direct their requests either in person or by calling extension [REDACTED].

II. SOURCES OUTSIDE OF THE SHERIFF'S DEPARTMENT

A. Federal Agencies

1. Federal Bureau of Investigation
 - a. Rap sheets
 - b. Crime information
 - c. Suspects wanted nationally
2. Immigration and Naturalization Service
 - a. Current location of registered aliens
 - b. Status of known aliens
3. Federal Probation and Parole
 - a. Location of parolee/probationer
 - b. Offender's probation/parole officer
 - c. Parole/probation status
 - (1) Search and seizure
 - (2) Home inspections
4. United States Post Office
 - a. Current addresses
 - b. Forwarding addresses
 - c. Names of those receiving mail
 - d. Local carriers
 - e. Post office boxes

- (1) Business name
- (2) Home address
- (3) Names of renters and those authorized access
- (4) Business address
5. United States Treasury Department
 - a. Counterfeiting information through the United States Secret Service Bureau
 - b. Firearms, explosives and related information through BATF
 - c. Information on smuggling operations through United States Customs Bureau
 - d. Information and assistance on fraud and drug investigations through IRS
6. Drug Enforcement Administration
 - a. Intelligence files
 - b. Training information
7. Military Facility
 - a. Base locator information
 - b. Worldwide locator information
 - c. Investigative services
 - (1) CID – U.S. Army
 - (2) NIS – U.S. Navy and Marine Corps
 - (3) OSI – U.S. Air Force
 - (4) Military police
8. Department of Agriculture
 - a. Food stamp fraud
 - b. Theft
9. Federal Bureau of Prisons
 - a. Inmate location
 - b. Changes pending
10. Federal Aviation Administration
 - a. Pilot license information
 - b. Aircraft registration information
 - c. Aircraft/accident/disappearance/information
11. U.S. Coast Guard (Department of Transportation)
 - a. U.S. Merchant Marine personnel information
 - b. Shipping information
 - c. Liaison with U.S. Customs and Federal Drug Enforcement Agency for narcotics investigations
- B. State Agencies
 1. Alcoholic Beverage Control Board (ABC)
 - a. Liquor license information
 - b. Enforcement assistance
 2. California Horse Racing Board
 - a. Information of anyone working on racetrack property
 - b. Lists of all vendors and their employees
 3. Consumer Affairs

- State license information
 - a. Barbers
 - b. Beauticians
 - c. Nurses
 - d. Funeral directors
 - e. Automotive mechanics
- 4. Business complaints
 - a. Names of parties involved
 - b. Nature of complaints
- 5. Department of Corporations
 - a. Corporate structure information
 - b. Corporate fraud
- 6. Department of Corrections
 - a. Location of parolees and parole officer information
 - b. Location of inmates in custody
- 7. Department of Fish and Game
 - a. Hunting and fishing license information
 - b. Information on commercial fishing operations
- 8. Department of Insurance
 - a. Insurance investigation
 - b. Information on insurance frauds
- 9. Department of Justice (State)
 - a. Bureau of Narcotic Enforcement
 - b. Bureau of Organized Crime and Criminal Intelligence
 - (1) Fencing and pawn unit
 - (2) Stolen business machines (IBM) unit
 - c. Bureau of Criminal Statistics and Special Services
 - d. Criminal Identification and Information Bureau
 - (1) Criminal history information
 - (2) Fingerprint cards
 - (3) Mug photographs
 - (4) Fingerprint cartooning
- 10. Department of Motor Vehicles
 - a. Division of Driver's Licenses
 - (1) Photo and application
 - (2) Driver's license information/driving record
 - b. Motor Vehicle Systems (MVS)
 - (1) Vehicle registration information
 - (2) Stolen vehicle information
 - (3) Vehicle history
 - (4) Investigators and criminal investigation information
 - (5) Junk yards
- 11. California Youth Authority

- a. Parolee and parole officer information
- b. Location of inmates remanded to the California Youth Authority
- 12. California Highway Patrol
 - a. Vehicle theft information
 - b. Intra-state cargo theft information
 - c. Accident investigation
- 13. California State Police
 - a. Will provide information about students
 - b. Those enrolled at state college and universities located in their jurisdiction
- 14. State Attorney General
 - a. Legal information
 - b. Training
 - c. Research
- 15. Bureau of Vital Statistics
 - a. Birth records
 - b. Death records
- C. County Agencies
 - 1. Sheriff-Coroner Department
 - a. The Support Services Division
 - b. The Fugitive-Warrant Detail
 - c. Special Operations Intelligence Information
 - d. The Juvenile Index
 - e. The Coroner's Office
 - 2. County Probation
 - a. Information on adult and juvenile probationers
 - b. The name of the assigned probation officer
 - 3. Superior and Municipal Courts
 - a. Criminal
 - b. Case files
 - c. Search warrants
 - d. Citations
 - e. Conditions of probation
 - f. Civil
 - g. Lawsuits
 - h. Probate
 - i. Divorce
 - j. Restraining orders
 - 4. District Attorney's Office
 - a. Information on current case decision
 - b. Intelligence information
 - c. Assistance with filing cases and obtaining search warrants
 - 5. County Clerk-Recorder
 - a. Marriage licenses

- b. Property deeds
- c. Fictitious name file
 - (1) Person's name
 - (2) Business
 - (3) Address
- 6. County Assessor
 - a. Secured property information
 - b. Real estate, etc.
 - c. Unsecured property information
 - (1) Boats
 - (2) Airplanes
- 7. Registrar of Voters
 - a. Information on all registered voters in the county
 - b. Addresses and telephone numbers
- 8. County Fire Department
 - a. Arson information and investigation
 - b. Fire inspectors
 - c. Maps
- 9. Schools and School Districts
 - a. Student and teacher information
 - (1) Attendance
 - (2) Home address and telephone number
 - (3) Transfer of records
 - b. Parents' address (home and business)
 - (1) Emergency numbers
 - (2) Friends of relatives
- D. Public Utilities
 - 1. Telephone Companies
 - a. Can provide unlisted telephone numbers and addresses only with a search warrant
 - b. Procedure for requesting it must be complied with
 - 2. Electric Company
 - a. Can provide subscriber's name and address
 - b. Procedure for obtaining it is described in the section on requests for unpublished public utility information
 - 3. Gas Company
 - a. Can provide subscriber's name and address
 - b. Procedure for obtaining it is described in the section on requests for unpublished public utility information
- E. Private Entities
 - 1. Bail Bondsman
 - a. Can assist with fugitive investigations
 - b. Can provide information on persons who make bond

- c. Banks and credit card companies
- d. Will assist in forgery investigations
- e. Will provide bank record information when proper requests are initiated
 - (1) Search warrant
 - (2) Subpoenas Duces Tecum
2. Insurance Companies
 - a. Can provide information about crime victims and their insurance
 - b. Can provide information about loss claims
3. Corporations with security agents
 - a. Can provide information on employees
 - b. Background, acquaintances, experience, attitude about job
4. Private Security Companies
 - a. Can provide information on business serviced
 - b. Observations, information that has developed
5. Meetings and Associations
 - a. Local
 - (1) Robbery
 - (2) Fraud
 - (3) Burglary
 - (4) Check
 - (5) Auto theft
 - (6) Intelligence
 - (7) Metals investigation
 - (8) Internal affairs

III. FINDING INFORMATION

A. Guidelines

Chief Special Agents Association, Inc. Directory

1. This directory is sponsored by the Chief Special Agents Association, Inc. of Southern California and is updated every three years.
2. The directory lists all police agencies (local, state and federal), various boards and commissions described previously in this section. These directories are provided by the Sheriff's Department to each investigation detail. Investigators wishing their own copy may write to:



B. Summary

1. While this section is comprehensive, investigators should always be ready to expand their contacts for sources of information.
2. A professional, sincere demeanor coupled with the ability to talk to people are qualities that produce continued good will and support for future needs.

I. SERVICES OUTSIDE THE DEPARTMENT

A. Interpreters

1. The county maintains an active roster of individuals who are fluent in different foreign languages.
 - a. The list is maintained through the Central Superior Orange County Court. Inquiries are made through [REDACTED]
 - b. Sheriff's Professional Standards Division also has an active roster of Department personnel who speak a foreign language.
2. Consult with the roster held by the Professional Standards Division prior to contacting the Superior Court.

B. Reserve Bureau

1. Technical Services Reserve Unit provides imaging and information services for the Orange County Sheriff/Coroner's Department. These services include:
 - a. Illustration
Members of the unit include technical and commercial illustrators familiar with line (ink and pencil), wash, photo-retouch, and mechanical techniques for the preparation of drawings, posters, illustrations, designs, etc.
Output includes charts, graphs, layouts, paste-up, hand lettering, isometric-trimetric-eyeball-perspective illustrations, cartooning and free-hand drawing.
 - b. Photography
Photography services include on-the-spot coverage of field events and activities, as well as object photography and photocopying.
The unit has a full complement of up to date photographic equipment to provide full professional services.
 - c. Printing
The unit provides quality black & white and color printing including folding, binding and stapling.
 - d. Video Production
The Sheriff's Reserve Video Unit provides videography, editing and postproduction services for the Department.
The unit will also provide these services for scripted productions.
 - e. Engineering
Mechanical and electronic engineers are available for consultation.
 - f. Computer Services
Computer services include data base compilation and computer graphics.
Contact Sheriff's Reserve Coordinator at [REDACTED] to use any of these services.
2. Aero Squadron Reserve Unit
 - a. This unit consists of over 30 pilots, each with a personal aircraft available. Their capabilities include:
 - (1) Aerial reconnaissance missions
 - (2) Surveillance missions
 - (3) Photograph missions

- (4) Search missions
- 3. Search and Rescue Unit
 - a. Unit strength is over 65 P.O.S.T. certified and sworn level II and level I reserve deputies. Available 24 hours a day, 365 day of the year. The unit will respond to mutual aid requests for assistance in search/rescue/or disaster situations. The unit also has extensive experience in evidence search methodology. SRRU has been servicing Orange County and other surrounding counties for over twenty-five years.
 - b. Capabilities:

SRRU is trained in search techniques, search probability theory, man tracking, escapee recovery, bloodhound assisted search techniques, victim recovery, traffic control, evidence search, coroner support, first aid/CPR, cliff rescue, and disaster response techniques (earthquake, fire, flood, air crash, riot, demonstrator containment, etc.).

Unit equipment includes emergency response vehicles, 4 bloodhounds, infra-red night vision scope, sound enhancing tool, TPL-310 acoustic/seismic victim locator, litters, first aid kits, vehicle/building entry tools, air bags/cribbing, climbing gear, metal detection device, power generators, and hand tools.
 - c. This unit is field-ready at all times and is capable of:
 - (1) Crime scene/area searches
 - (2) Searches for missing persons
 - (3) Searches for body parts through the use of cadaver dogs
 - d. The Operations Watch Commander is the first contact point to request Sheriff's Search and Rescue personnel.
- C. Forensic Science Services Division
 - 1. Forensic Science Services Division is divided into four bureaus:
 - a. Criminalistics Laboratory
 - b. CSI Bureau
 - c. Toxicology Laboratory
 - d. Automated Fingerprints Systems Bureau
 - 2. Crime Lab
 - a. The Crime Lab conducts scientific analysis of physical evidence to assist the investigator with cases under investigation. The chemical analysis of substances is the primary duty of the criminalist. Substances analyzed include but are not limited to:
 - (1) Narcotics/drugs
 - (2) Blood
 - (3) Biological fluids
 - (4) Fibers
 - (5) DNA
 - (6) Glass, paint, soil
 - (7) Explosive residue
 - (8) Flammable substances

- (9) Questioned document
- b. A criminalist will respond to major crime scenes to assist in scene investigation. Cases include but are not limited to:
 - (1) Homicides
 - (2) Questioned deaths
 - (3) Officer involved shootings
 - (4) In-custody death
 - (5) Clandestine laboratoriesInvestigators requesting a criminalist for fieldwork should contact the laboratory during regular business hours or the Operations Watch Commander when the laboratory is closed.
- 3. CSI Bureau
Forensic specialists are responsible for photographing and gathering physical evidence at the crime scene. In addition, forensic specialists examine and compare the physical evidence to aid in the criminal investigation.
Evidence examined includes but is not limited to:
 - a. Tool marks
 - b. Impressions
 - (1) Tires
 - (2) Footgear
 - c. Firearms
 - d. Fingerprints (laser)
- 4. Automated Fingerprint Bureau – CAL – ID
 - a. The CAL-ID Automated Fingerprint Identification Bureau identifies criminals (AFIS) through technical fingerprint searches and verification-only requests and helps solve crimes (ALPS) through automated fingerprint searches of crime scene prints.
The Orange County Automated Fingerprint Identification System is part of the California Identification Program (CAL-ID). CAL-ID is the name given to a statewide, unified approach to suspect identification in California and connecting western states including the United States Postal Service and Immigration and Naturalization.
 - b. In Orange County, the Sheriff's Department maintains a local, county-wide automated fingerprint database of over 700,000 cards representing arrestees, juveniles, cite and release, sex offenders and applicants.
Other automated fingerprint databases may only include felony offenders and other retainable offense cards. Generally, eighty percent of all inquiries that "hit" because of an automated fingerprint search will have "hit" to the local automated fingerprint database, as it is more representative of the community in which the crime occurred.
 - c. The Orange County automated fingerprint database is accessible through Fingerprint Input Terminals located in the Sheriff's Department, Santa Ana, Garden Grove, Anaheim, Irvine and Huntington Beach Police Departments. The

terminals outside of the Sheriff's Department are used by the surrounding city agencies for their automated fingerprint searches.

In addition to the automated fingerprint search, Orange County also has online access to images of the fingers stored in its and other automated fingerprint databases.

- d. The success of the Automated Fingerprint Identification Bureau is directly proportional to the quality and quantity of the fingerprint cards registered. Even though fingerprint cards are routinely submitted following booking, it is important that the investigator confirm, that suspect(s) developed through criminal case investigation, are registered to the automated fingerprint database. To do this, contact the fingerprint technician who will need the suspect(s) name, date of birth and Orange County Number (OCN). If no card exists, the fingerprint technician will need a fully rolled fingerprint card along with a name, date of birth and Departmental Records (DR) number.
- e. CAL-ID technicians routinely perform technical fingerprint card searches of booking prints; verify supplemental bookings through fingerprint image verification, and conduct "walk-in" or cold-search fingerprint requests on John or Jane Does. Technical searches are routinely conducted against the local, Orange County database and other automated databases upon request.
- f. CAL-ID latent print specialists evaluate all latent fingerprints collected by the Sheriff Identification Bureau from crime scenes or processed physical evidence. CAL-ID quality latents are entered and searched against the local State automated fingerprint databases. Other automated fingerprint database search(s) are upon request. The latent print specialist compares the suggested file print candidates. If identification is made, the identification report will be forwarded to the appropriate investigative division.

Latent prints which were searched but not identified, are registered to the automated unsolved latent print database file. These files are routinely searched by the system for possible match against newly registered fingerprint cards. A CAL-ID latent print specialist will compare these prints to new fingerprint card file candidates. If identification is made, the report will be forwarded to the appropriate investigative division. Presently, there are over 23,000 latents registered to this file.

Automated latent print search results are influenced by search print and file print quality. A poor quality search print may not be "matched" by the system to the file print stored in memory and vice versa.

If investigation has a named subject whose prints they want compared, whether or not that person is in the CAL-ID System, investigators should request a manual fingerprint comparison by filling out a "Request for Fingerprint Examination"



5. The Toxicology Bureau is separated into three functions: alcohol, ante mortem toxicology and post mortem or coroner's toxicology. These laboratories have decidedly different functions.
 - a. Blood Alcohol: The laboratory staff analyzes cases (DUI) and interprets these findings in court. The staff also is responsible for the breath alcohol program for the Sheriff's Department and twenty-four cities. This includes monitoring the instruments to ensure accuracy and training the officers and technicians who operate these instruments. The staff also interprets breath alcohol findings in court.
 - b. Ante Mortem Toxicology: The function of this laboratory is to analyze blood and/or urine for the presence of drugs in driving-under-the-influence of drugs (DUID) cases, and to analyze blood and/or urine from addicts in 11550 cases.
 - c. Coroner's Toxicology: The function of this laboratory is to analyze blood and other tissues in sudden and unexplained deaths to assist the coroner in the determination of the case of death.

I. INTRODUCTION

- A. Telephone crimes are enumerated and explained in California Penal Code Section 653(m).
- B. Whether of a lewd or annoying nature these crimes are often emotionally charged and should be processed in such a manner as to avoid added anxiety for the victim.

II. INVESTIGATIVE PROCEDURE

- A. Follow-up Investigation
 1. Where a crime report indicates the victim has received numerous phone calls of a lewd or annoying nature, the Sheriff's Department form letter provides instructions for the victim to contact the telephone company business office.
 - a. The telephone company will provide additional instructions for "logging" the lewd/annoying calls.
 - b. If necessary a "trap" will be placed *by the telephone company* on the victim's telephone line to identify the number(s) (subscriber) from which the calls are being made.
 - (1) If a "trap" is successful, the telephone company will direct the victim to contact this department or will contact us directly.
 - (2) A "trap" will only give subscriber information and even where successful, will dictate further investigative functions.
 2. Following receipt of the subscriber information from the telephone company, the investigator will initiate activities to determine:
 - a. Most "probable" suspect at the "subscriber" location.
 - b. Provide victim with subscriber and probable suspect data to determine if suspect is known and/or if victim is still desirous of prosecution.
 - c. Providing that identification and prosecution criteria can be met, an interview with the suspect, at this time, will facilitate the complaint process.
 3. Prepare a Follow-up Report detailing all relevant data (i.e. "trap" information, victim's telephone log, suspect interview, etc.) and submit all materials to the Orange County District Attorney's Office for complaint issuance (see section on Complaints and Warrant).
 4. Provide the information developed on the suspect to other agencies outside the jurisdiction of the Sheriff's Department if it has been determined that the suspect may have operated in other jurisdictions.
- B. Case Clearance
 1. A Case Cleared Report will be submitted in a timely fashion on all cases not otherwise deemed "inactive".

I. INTRODUCTION

The Orange County Sheriff's Department Rules and Regulations contain procedures for use of department vehicles; accountability for and maintenance of the vehicles rest with the driver.

II. USE OF VEHICLES

- A. County vehicles will be used for official county business.
Use of a county vehicle as conveyance to and from work or other personal use is not sanctioned unless prior approval has been obtained from the Division Commander.
- B. Vehicle "Sign-Out" on county vehicles regularly assigned to the Criminal Investigation Division will be conducted at each detail or bureau responsible for the vehicles, or at the Transportation Bureau.
 - 1. All members will utilize only those vehicles specifically assigned to their work location.
 - 2. A member may borrow another detail's vehicle providing prior approval is obtained from the supervisor of the work area to which the vehicle is assigned.

III. PRIVATE VEHICLES

- A. The Sheriff may authorize members to drive privately owned vehicles on county business. (Board of Supervisors' Resolution No. 66-907, Sec. V)
 - 1. Mileage reimbursement will conform to current county schedules.
 - 2. The incapacity of the personal vehicle of a private mileage permittee is not justification for the use of a county vehicle to and from work.
- B. The department member will obtain prior approval of their immediate supervisor before utilizing their own vehicle.

IV. VEHICLE ACCIDENT PROCEDURE

An employee operating a county vehicle that is involved in an accident will conform his or her activity to the specific wording and direction of the current Sheriff's Department Training Bulletin.

V. TRANSPORTATION OF ARRESTEE/SUSPECT IN A DEPARTMENT VEHICLE NOT EQUIPPED WITH A CAGE PARTITION

Investigators/Deputies must have the arrestee/suspect handcuffed behind their back, seated in the rear passenger-side seat with the seat belt secured. A second Investigator/Deputy shall be seated in the rear driver-side seat for officer safety. A Hobble may be used as an added security measure if the arrestee/suspect is cooperative, to reduce the likelihood of escape. However, if the arrestee/suspect is combative, under the influence, or has a mental health disorder the arrestee/suspect will be transported in a department vehicle equipped with a cage partition.

VICTIM/WITNESS ASSISTANCE PROGRAMS

OCS D

I. INTRODUCTION

The Legislature recognized that when a crime is committed, the chief concern of law enforcement is the apprehension and conviction of the criminal. However, during the process the victim is frequently forgotten and is often further victimized by the criminal justice system through the trauma and insensitive treatment that they receive in the wake of a crime.

Therefore, the Legislature enacted legislation establishing “Comprehensive Centers” for victims and witnesses to assist them through the initial trauma resulting from the crime and the long-term exposure to the criminal justice system.

The State of California has a fund to compensate needy victims of violent crimes.

II. PENAL CODE SECTION 13835.5

Mandates, that “Comprehensive Services” through the Victim/Witness Assistance Program shall include the following:

- A. Crisis intervention
- B. Emergency assistance (such as food, housing, clothing, money, etc.)
- C. Resource and referral counseling
- D. Processing and filing claims for restitution
- E. Orientation to the criminal justice system
- F. Court assistance
- G. Presentation to and training of law enforcement personnel
- H. To keep victims and witnesses apprised of the progress of their cases
- I. Notification of relatives, friends, and employees of the victim’s condition, if requested by the victim
- J. Hospital assistance
- K. Victims of a crime may request the presence of a victim advocate during any part of the interview process

III. GOVERNMENT CODE SECTION 13962

Mandates that, “It shall be the duty of every local law enforcement agency to inform victims of crimes of the existence of the mandated assistance centers.”

IV. GOVERNMENT CODE SECTION 13954(d)

Mandates that every law enforcement agency in the state shall provide to the Victim Compensation Board (or to victim centers that have contracts with the board) a complete copy of the law enforcement report and any supplemental reports, for the specific purpose of determining the eligibility of a claim.

Law enforcement agencies may withhold the names of witnesses or informants from the board if release of those names would be detrimental to the parties or to an investigation in progress.

VICTIM/WITNESS ASSISTANCE PROGRAMS

V. INVESTIGATIVE RESPONSIBILITY

OCSD

- A. Every investigator should be aware of the immediate and long-term services available through the Victim/Witness Assistance Programs (C.S.P.) and relay this information to victims and witnesses.
- B. In violent crimes (such as murder, rape, etc.) the investigator is frequently called immediately to the scene. The investigator should be aware of the availability of the Community Services Programs (C.S.P.) Victim Assistance Programs:
- Victim/Witness Assistance Program (714) 834-4350
Support Services for Victims of Crime
 - Victim Advocate in OCSD Family Protection Unit (714) 647-7498
 - Sexual Assault Victim Services Counseling,
Accompaniment, Advocacy for Victims
of Rape and Sexual Abuse (714) 834-4317
or
(949) 752-1971
 - 24-hour Rape Crisis Hotline (714) 957-2737
or
(949) 831-9110
 - Domestic Violence Assistance Program (714) 935-7956
Temporary Restraining Order Assistance
Resource and Referral Counseling
 - Temporary Restraining Order Info-line (714) 973-0134
 - Human Trafficking Program (949) [REDACTED]
(Emergency Resources)

Investigators should request assistance when appropriate or necessary for the well-being of the victim or other significantly impacted individuals.

- C. In non-violent crimes, the investigator should provide the victim with the phone number of the local Victim/Witness Assistance Center for assistance.
- D. If a suspect is arrested in a violent or non-violent crime case, the victim and witnesses should be referred to the local office of the Victim/Witness Assistance Program for orientation to the Criminal Justice System and what to expect from the Victim/Witness Assistance Program.
- E. CSP Victim Assistance Programs is the primary service provider for crime victims in Orange County and they have branch offices at all Orange County courts.

VIDEO RECORDING OF INCIDENT SCENES

OCS D

I. INTRODUCTION

Criminal Investigation Bureau details may video record search warrant scenes and tactical arrest situations.

- A. Video recording should not be used in a manner which would jeopardize the safety of the officers or citizens at the scene or involved in the incident.
- B. Video should not be a substitute for photography in documenting the incident/situation.
- C. Under normal conditions, video recording may be done without sound to prevent inaccurate information from being documented. However, in some situations, it may be beneficial to document conversations and/or sounds on video. Video recording is not intended to be used as the primary tool for documenting evidence.
- D. Affiants should expressly explain their intention to use video in their search warrant affidavits.
- E. The primary purposes of video recording these situations is to reduce potential risk management claim/civil law suit
- F. Remember that all documentation of an incident or situation is discoverable by the defense.
- G. All police video recordings made while executing a search warrant, which are noted in the search warrant, are not public information under Government code 6254. These recordings are the property of the court that issued the search warrant. (Oziel vs. Superior Court 223 Cal App. 3d 1284)

II. SEARCH WARRANT SCENES

- A. Once a search warrant scene has been secured for officer safety, it may be documented on video in its original condition before any evidence is moved, altered, or collected. This may include the exterior of structures and any outbuildings or vehicles on the property.
- B. Any damage done during the execution of the search warrant will be documented and reported to superiors immediately.
- C. Before leaving the search warrant scene, the entire scene may be documented again.
- D. After copies are made of the original video recordings, the originals will be booked into the Sheriff's Support Services Property Bureau as evidence and copies maintained for discovery purposes.

III. OTHER

Video recording search or arrest areas to document damage to property may have certain limitations and exceptions.

- A. Areas such as storage lockers, banks, vehicle storage yards that have a low degree of probability where damage may occur may be exempt.
- B. Assisting outside agencies who are serving search warrants within our jurisdiction.

I. INTRODUCTION

- A. The effective utilization of the automated computer systems available to law enforcement is paramount to a successful investigation.
- B. This section contains information about various computer systems.
- C. The systems described are presented in cursory form, more as a matter of “information” than a “how to” manual.

II. COURT ROSTER CODE NUMBERS

- A. Court code numbers are systematically assigned to denote the county and level of court (superior, municipal, etc.)
 - 1. The first two positions of the code number identify the county.
 - 2. The third position identifies the level of court according to the following schedule:
 - a. Superior courts
 - b. Juvenile courts
 - c. Municipal courts
 - d. Justice courts
 - e. Federal district courts

Example: Stockton Municipal Court Code 39460 – first two positions denote San Joaquin County. The third position denotes municipal court.
- B. Contact Sheriff’s Support Services Division - Teletype to find information on correct updated codes for all jurisdictions in California.

AUTOMATED BOAT SYSTEM (ABS)

I. CLETS

California Law Enforcement Telecommunications System (CLETS) defines a boat as a vessel for transport by water, constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion.

OCS D

II. INQUIRIES

Inquiries can be made through teletype or the dispatchers directly into ABS via the CLETS.

III. ENTRIES/UPDATES

- Teletype has the capability to update or to enter boats that are:
- Stolen
- Stored
- Reported lost
- Repossessed

IV. CRITERIA FOR ENTRY IN BOAT FILE

- A. Any unrecovered stolen boat which has a registration or document number *affixed* and a permanently attached hull serial number may be entered into the file if a theft report has been made. The only exception is a boat stolen prior to its registration or documentation may be entered into the file provided a hull serial number is permanently secured to the boat.
- B. Loaned, rented or leased boats not returned may be entered by an authorized agency if an official police theft report is made or a filed complaint results in the issuance of a warrant charging embezzlement, theft, etc.

AUTOMATED CHECK SYSTEM

The Automated Check System (ACS) is designed to provide a central check/fraudulent document file for the Orange County Criminal Justice Region. Orange County law enforcement agencies provide the input data. Currently, the data is entered into the system by the Sheriff's Department.

OCSD

The purpose of the ACS is to collect and store check or credit card case related data and to retrieve the information by personal or business name, identification numbers used to pass the check, bank account numbers, credit card numbers, and case number.

This system is an investigative tool only. The presence of a name and/or i.d. number in the system is intended to provide "pointers" to specific cases on file with local law enforcement agencies, and those agencies should be contacted for verification and information.

The Automated Firearm System (AFS) is a computerized central file of serialized firearms information which provides law enforcement and criminal justice agencies with a rapid online method of entering firearms data and identifying firearms.

AFS is divided into two segments containing the types of records shown below:

I. LAW ENFORCEMENT RECORDS

- Evidence
- Found
- Institutional weapon registration
- Lost
- Stolen
- Under observation (of special interest to the entering agency but not in their possession)
- Retained for official use
- Destroyed

II. HISTORICAL RECORDS

- Application to carry concealed weapon (CCW) (entered into AFS by DOJ only)
- Buy
- Consignment
- Dealer's record of sale (DROS)
- Serial number assigned, serial number restored (done by DOJ and authorized agents)
- License to carry concealed weapon (CCW) (entered into AFS by DOJ only)
- Pawns
- Voluntary registration of concealable handguns
- Sold at auction

Found firearms are those which are abandoned, seized or found and not included in a stolen or lost report. They must remain in the possession of the entering agency while the record is in AFS.

TYPE AND CATEGORY TABLES

TYPES

- Cannon
- Submachine gun
- Rifle/shotgun combination
- Grenade
- Rocket
- Machine gun
- Mortar
- Pistol
- Rifle
- Shotgun
- Tear gas
- Silencer

OCS D

CATEGORIES

- Automatic
- Bolt action
- Carbine
- Derringer
- Double barrel
- Flare gun
- Gas or air
- Flintlock
- Semi-automatic
- Jet propelled
- Blank pistol
- 4 or more barrels
- Machine
- Launcher
- Over & under
- Pump action
- Antique
- Revolver
- Single shot
- Recoilless
- Percussion
- 3 barrels
- Lever action

TYPE AND CATEGORY TABLES

Category for automatic is very often used in error. Automatic (fully automatic) means it fires several bullets with one pull of the trigger; semi-automatic means that one bullet is fired with each pull of the trigger.

OCSD

Inquires can be made through dispatchers or teletype directly into the AFS via the California Law Enforcement Telecommunications System (CLETS).

Teletype has the capability to enter or update records.

CALIFORNIA DEPARTMENT OF MOTOR VEHICLES (DMV) AUTOMATED SYSTEM

I. INQUIRIES

The system has the capability of gathering the information through different inquiries:

- A. Vehicle registration using license plate or VIN number
- B. Vehicles (auto, truck, motorcycle or boat) registration using name
- C. Driver's license number using name
- D. Driver's license information using name and additional search criteria
- E. Driver's license information using driver's license number
- F. Boat registration using vessel number

Inquiries can be made through teletype or dispatchers directly into DMV via the CLETS.

Teletype does not have the capability to enter or update records.

Entries and updates are made by Sacramento DMV.

OCS

CENTRAL JUVENILE INDEX

The purpose of the Central Juvenile Index is to provide a central file of juvenile contacts made by various types of Orange County criminal justice agencies. The data in the CJJ is supplied on a voluntary basis by these agencies. Currently, all CJJ documents are sent to and entered by the Sheriff's Department.

OCSJ

The system is an index of selected contacts which may provide some assistance in dealing with a specific juvenile. Its primary usefulness to law enforcement is that it gives a list of previous contacts a specific juvenile has had with law enforcement agencies.

Data for a juvenile is purged from CJJ in January of the year following his 19th birthday.

In the near future an upgraded, enhanced CJJ will be implemented, allowing for entry of additional information including monikers, specific charges, vehicle information, and gang associations. In addition, inquiries on the new system will be more comprehensive and easier to do. New features will be, inquiry by moniker, a display of all juveniles associated to a case number or vehicle license number, a detailed case number inquiry, and soundex and diminutive/nickname search capabilities.

The new CJJ will also eventually allow entry and update of cases directly from the local law enforcement agency.

COURT SYSTEM OVERVIEW (CITPER/CITVEH)

OCSD

The five Orange County Municipal Courts utilize the Vision Case Management System.

Though the Sheriff's Department has developed the ability for law enforcement to access the court's data, Orange County Sheriff's Department has no control over the content of that data.

CRIMINAL HISTORY SYSTEM (CHS)

The California Department of Justice (DOJ) Automated Criminal History System (ACHS) provides a computerized system whereby authorized criminal justice agencies will have access to criminal history or rap sheet data online.

OCSD

Inquiries can be made through dispatchers or teletype directly into CHS via the CLETS, but only DOJ has the capability to enter or update records.

Not all rap sheets are automated. If a manual number is received, a direct message must be generated to CII Sacramento via DOJ for a manual search. A specific purpose for the request must be stated and case number provided if available. This type of request is usually initiated by the investigators. Manual CII numbers starting with M9 represent "Applicant fingerprint card on file only" and do not need to be requested from Department of Justice.

THE CRIMINAL JUSTICE INFORMATION SYSTEM

OCSD

I. CJIS and How It Works

The Criminal Justice Information System (CJIS) is a computerized file containing records which are of interest to the criminal justice community. CJIS is maintained by the California Department of Justice (DOJ) and it is available to authorized local, state, and federal criminal justice agencies via the California Law Enforcement Telecommunications System (CLETS) network.

A. CJIS contains nine systems:

1. Stolen Vehicle System (SVS)
2. Automated Boat System (ABS)
3. Wanted Persons System (WPS)
4. Criminal History System (CHS)
5. Automated Firearms System (AFS)
6. Automated Property System (APS)
7. Restraining Order System (ROS)
8. Supervised Release File (SRF)
9. Missing/Unidentified Persons (MUPS)

B. CLETS provides inquiry and update access to the CJIS systems 24 hours a day, seven days a week. CJIS has a back-up computer to ensure that the systems are operational at all times.

II. NCIC FILES

The FBI maintains the National Crime Information Center (NCIC), which is the federal counterpart of CJIS. NCIC is available for inquiries and updates from your CLETS terminal. Many of the NCIC files are corollaries of CJIS and are actually accessed after passing through CJIS.

III. STOLEN VEHICLE FILE

This file contains records of stolen or embezzled vehicles, vehicle parts, aircraft, and vehicles used in a felony. The CJIS corollary of this file is the Stolen Vehicle System (SVS).

IV. STOLEN LICENSE PLATE FILE

This file contains records of stolen license plates. The CJIS corollary of this file is the Stolen Vehicle System (SVS).

V. STOLEN BOAT FILE

This file contains records of stolen or embezzled boats and stolen boat parts. The CJIS corollary of this file is the Automated Boat System (ABS).

VI. GUN FILE

This file contains records of stolen and recovered guns not previously reported stolen to NCIC. The CJIS corollary of this file is the Automated Firearms System (AFS).

THE CRIMINAL JUSTICE INFORMATION SYSTEM

VII. WANTED PERSON FILE

This file contains records of persons with outstanding warrants for felonies or serious misdemeanors. In order to qualify for entry into this file, the contributor of the record must be willing to extradite the subject from any other state or define the limits of extradition to include at least one state other than California. The CJIS corollary of this file is Wanted Persons System (WPS).

OCS D

VIII. ARTICLE FILE

This file contains records of stolen miscellaneous property (property other than vehicles, boats, and guns). The CJIS corollary of this file is the Automated Property System (APS).

IX. COMPUTERIZED CRIMINAL HISTORY FILE (CCH)

This file contains the records of criminal offenders. It is updated by the FBI/NCIC from manual records supplied by some states. The California Criminal History System (CHS) is similar, but it is not a corollary of the CCH.

X. MISSING PERSON FILE

This file contains the records of person reported missing. The CJIS corollary to this file is the Missing/Unidentified Persons System (MUPS).

XI. SECURITIES FILE

This file contains records of securities and currency which are stolen, embezzled, counterfeited, or missing. There is no corollary CJIS system.

XII. UNIDENTIFIED PERSON FILE

This file contains records of unidentified deceased persons and parts of dismembered bodies. The CJIS corollary is the Missing/Unidentified Persons System (MUPS).

XIII. UPDATE AND INQUIRY FORMATS

The formats for updating and inquiring the Missing Person, Securities, Unidentified Person and CCH files are contained in the NCIC Operating Manual. The update and inquiry formats for the other six files are included in this manual under the appropriate CJIS corollary system.

XIV. THE RELATIONSHIP OF CJIS AND NCIC FILES

- A. At the time of this entry, you may elect to enter a record into CJIS only or into both CJIS and NCIC. In order for a record to be accepted by NCIC, it must meet NCIC entry criteria. Otherwise, depending on the CJIS system, the record will either be rejected by NCIC or not forwarded from CJIS. Your agency may subsequently remove a record from NCIC but retain it in CJIS by a simple record modification. In order to change a record from CJIS only retention to CJIS and NCIC, the record must be removed from CJIS and re-entered in CJIS and NCIC. An exception is a Wanted Persons System record which may be modified, and not removed, for re-entry into CJIS and NCIC. CLETS terminals cannot

THE CRIMINAL JUSTICE INFORMATION SYSTEM

enter NCIC only records, with the exception of the Missing Person, Securities, and Unidentified Persons files.

- B. CJIS record maintenance criteria prevail in the systems for which there are corollary NCIC files. You cannot use NCIC features which are not available in the CJIS systems. Generally, CJIS offers a much wider range of record types and more precise inquiry search parameters in its systems than NCIC does in its files. Consequently, you may receive more positive and possible matches to CJIS inquiries than to NCIC inquiries. Since the technologies of the two systems and the contributors differ, there may be different results to an inquiry made of both systems.

OCS D

LOCAL ARREST RECORDS SYSTEM

OCSD

The Orange County Sheriff Department's Local Arrest Records System (LARS) is a criminal history tracking system for all individuals booked in the Orange County Jail. In addition, it includes information on court ordered bookings and local registrants for arson, narcotics and sex offenses. Each inmate or registrant is assigned an Orange County Number (OCN), which is the primary tracking method of LARS.

LARS is automatically updated by the Automated Jail System (AJS) with all arrest information for an inmate. When a person booked into the Orange County Jail is positively identified as a first time inmate, he or she will be assigned a new Orange County Number. For inmates who have had an OCN assigned from a past incarceration, the new arrest information is added to an existing OCN record. The LARS name inquiry will display an OCN for any inmate booked since 1985, thereby providing a pointer to manual LARS folders (for arrests from 1985 to 1989), or to the automated LARS system (for arrests from January 1, 1990 to present). An inquiry by OCN will display detailed information for all arrests for a person since January 1, 1990. In addition, the LARS folders for records prior to 1990 are in the process of being electronically imaged to eliminate the need for manual files.

Inquiries into LARS will also indicate whether the person is currently in custody.

As with the AJS system, LARS is a highly disciplined process in which control is extremely critical. An audit trail of all inquiries is maintained for the system, and it will be the responsibility of the local law enforcement agency to emphasize only legitimate use of the system.

Note: Most counties track arrestee by a number (e.g. a LAR# in San Bernardino County would be a SBN or a San Bernardino Number.)

MISSING PERSONS AUTOMATED SYSTEM

I. CENTRAL STATEWIDE FILES

The Department of Justice maintains two central statewide files containing identification data on (1) missing persons and (2) unidentified deceased. The file provides a means by which law enforcement agencies can obtain assistance on a state level in locating missing persons and identifying deceased persons. Inquiries are made through teletype or dispatchers via the CLETS. Teletype has the capability to enter or update records.

Note: Vehicles associated with runaway juveniles should *not* be entered into Stolen Vehicle System (SVS) unless foul play is suspected or the juvenile is missing under suspicious circumstances.

OCSA

II. CRITERIA FOR ENTRY IN FILE

- A. A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger. (Disability)
- B. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger. (Endangered)
- C. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary. (Involuntary)
- D. A person who is missing and declared emancipated as defined by the laws of his state or residence and does not meet any of the entry set forth in 1, 2, or 3 above. (Juvenile)

Note: If an adult does not meet criteria for A, B, or C above, entry into Missing Persons System cannot be made. A general broadcast through Sheriff's Control One must be made.

ORANGE COUNTY AUTOMATED JAIL SYSTEM

OCS D

This Automated Jail System (AJS) tracks an inmate from initial booking through the incarceration until final release. After release, information is available for inquiry through this system for thirty days. After thirty days, summarized arrest information is available through the Local Arrest Records System (LARS).

The system provides interfaces with State DOJ, DMV, and NCIC to assist with inmate identification and criminal history analysis.

Inmates' cashiering transactions are done on the Automated Jail System. The system provides detailed finance and banking transactions.

Provides a link to financial transactions for commissary expenditure.

The Automated Jail System was implemented in February of 1990. This system consists of over 130 transactions, over 100 different reports/notices, and over 100 different reports/notices, and over 50 different files. The system supports approximately 250 printers and over 300 terminals and personal computers.

The administration of jails is a highly disciplined process in which control is extremely critical. To ensure control, all computer operations are initiated exclusively from authorized and monitored devices. The following requirements and constraints dictated the design of the Automated Jail System:

- System Requirements and Objectives:
- Automated booking number assignment
- Expedite inmate paper flow
- Provide quality control of inmate management
- Prevent erroneous releases
- Automated warrant searches
- Eliminate manual rosters and statistics counting
- Inmate head count and capacity control
- Provide online booking information to law enforcement community.
- Historical retention and interface with local arrest records

Orange County law enforcement agencies are able to query the system by either a name or booking number.

ORANGE COUNTY JUSTICE INFORMATION SYSTEMS

The Orange County Justice Information Systems (OCJIS) consist of automated systems. These systems are maintained by the Orange County Sheriff's Department and are accessible exclusively by authorized county criminal justice agencies.

OCSD

The systems are:

- Automated Jail System (AJS)
- Local Arrest Records System (LARS)
- Automated Warrant Service System (AWSS)
- Automated Check System (ACS)
- Court Cases Name and Vehicle Inquiries (CCNVI)
- Central Juvenile Index (CJI)

Additionally, the Sheriff's Department has internal automated systems accessible by the Sheriff's Department personnel only. These include the SEARCH system (for DR's and calls for service), Property Control System, DR Name Index and an Investigative Case Management System.

STOLEN/EMBEZZLED/COUNTERFEIT SECURITIES AUTOMATED SYSTEM

I. DEFINITION OF SECURITIES FOR NCIC PURPOSES

OCS D

“Securities” for the purposes of this file are currency (Federal Reserve Note, Silver Certificate, U.S. Note, Canadian Notes, etc.); those documents or certificates which are generally considered to be evidence of debt (Treasury-issued bills, bonds, and notes; municipal and corporate bonds; debentures; other nonpersonal notes; etc.) or ownership of property (common or preferred stock); documents which represent subscription rights (stock warrants, stock rights); and other types traded in securities exchanges in the United States, except for commodities futures.

In addition, the following items may also be entered in the Securities Automated System: Postal and other types of money orders, traveler’s checks, warehouse receipts, savings certificates, and interest coupons on stocks and bonds.

Items which *do not meet* criteria for entry in the Securities Automated System are as follows: Personal notes, bank drafts, cashier’s checks, bank officer’s checks, certified checks, personal checks, company checks, U.S. Treasury checks and other types of government checks (state and local), lost or stolen credit cards (they go into the Automated Property System), gold or silver coins, ingots and medals, gift certificates and savings and checking account passbooks. Serialized food coupons (stamps and books) and lottery tickets do not meet criteria for entry in the NCIC Securities File.

Inquiries can be made through teletype or dispatch directly into Securities System via the CLETS. Teletype has the capability to enter or update records.

II. CRITERIA FOR ENTRY IN SECURITIES SYSTEM

Serially numbered identifiable securities, which have been stolen, embezzled, counterfeited or are missing, may be entered into the system if a theft report has been made.

STOLEN VEHICLE SYSTEM

The Stolen Vehicle System (SVS) is a computerized repository of vehicle information of interest to law enforcement agencies. The SVS provides law enforcement agencies with a rapid method or reporting and identifying stolen vehicles, stolen and found evidence parts, vehicles used to commit felonies, stolen lost/found/evidence license plates, stored vehicles, lost vehicles, repossessed vehicles and vehicles associated with missing persons. There are also several types of caution codes, i.e., armed & dangerous; hold for major investigation, etc.

OCSD

Vehicles include aircraft, snowmobiles, house cars, trailers, motorized golf carts, minibikes, motorcycles, mopeds, off-road vehicles, embezzled vehicles, construction vehicles, farm vehicles, passenger vehicles, and trucks. Stolen parts include campers and camper shells, engines and transmissions, VIN plates and the serialized components of big rigs.

Inquiries can be made through teletype or the dispatchers directly into the SVS via the California Law Enforcement Telecommunications System (CLETS). Teletype has the capability to enter or update the records.

When the deputy notifies the teletype operator, he/she should be very specific about the condition of the recovered vehicle. The description of condition could be one of a combination of the following, which has been listed on the CHP 180 form: burned, damaged, or stripped.

AUTOMATED PROPERTY SYSTEM

I. APS

A statewide computerized file, containing descriptions of serialized property reported to California law enforcement agencies as stolen, lost, under observation, found, evidence, pawn or buy.

OCSD

A. The item will be entered into one of the 15 groups as follows:

1. Automotive
2. Bicycle
3. Camera
4. Equipment/tools
5. Household appliances
6. Jewelry
7. Credit cards
8. Musical instruments
9. Office equipment
10. Personal accessories
11. Radio/sound devices
12. Sports equipment
13. Television/TV games
14. Viewing equipment
15. Other

B. Inquiries can be made through teletype or dispatcher directly into APS CLETS.

C. Teletype has the capability to enter or update records.

D. Criteria for entry:

Any item in the theft report, regardless of value, having a unique manufactured-assigned serial number and/or an owner-applied number can be entered into APS. If the item is not in the article or brand name index, the teletype operator will contact DOJ for possible updating of the system.

AUTOMATED WARRANT SERVICE SYSTEM

OCSD

Orange County's Automated Warrant Service System (AWSS) was developed to fulfill the need of Orange County law enforcement agencies to have access to criminal warrants 24 hours a day, and to warrants that may be assigned to other agencies. Criminal warrants, traffic warrants, bench warrants and civil warrants are all entered in AWSS. Additionally, the Central Warrant Repository (CWR) will enter warrants from out-of-county law enforcement agencies for persons who have a county address.

Except in special instances, all hard copy warrants issued from the five municipal courts and superior and juvenile courts are sent directly to the CWR and entered into AWSS. The CWR is located at the Orange County Sheriff's Department.

The system is designed to provide enough information to determine whether a subject has a warrant and to arrest the person solely relying on the responses from the system. Inquiries by names, single address, range of addresses, partial and complete vehicle license number, court warrant number, warrant file number, and agency are possible in AWSS.

To ensure maximum service efficiency, AWSS interfaces with the statewide Wanted Persons System. CWR enters, updates, and cancels all WPS entries for all Orange County law enforcement agencies.

The Automated Warrant Service System was implemented in September 1982. It currently maintains about 375,000 active warrants which are accessible to all Orange County law enforcement agencies. Approximately 175,000 warrants are entered each year by the Sheriff's Central Warrant Repository, and about the same number are served each year by the county's law enforcement agencies and courts.

System Requirements and Objectives:

- Provide a single, 24 hour point of inquiry for all warrants issued in Orange County.
- Provide investigative support for county law enforcement agencies.
- Provide the capability of including warrants from out of county sent to Orange County.
- Provide an audit trail for each warrant record entered into the system.
- Provide interfaces with state and local systems to insure maximum service efficiency.

WANTED PERSONS SYSTEM

I. WPS

The Wanted Persons System (WPS) is a computerized repository of subjects for whom a warrant has been issued or a temporary (72 hour) warrant has been entered. Temporary warrants are entered by teletype.

OCSD

II. CRITERIA FOR ENTRY IN FILE

The criteria for entering a suspect into the Wanted Person System, is that the agency must be willing to transport the apprehended subject from anywhere in California; for National Crime Information Center, the agency must be willing to transport the apprehended subject from anywhere in the United States or three surrounding states. Must state in miscellaneous field from which states the agency will extradite.